



Complaints and Appeals Policy and Procedure

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1. About this document

1.1 What is the purpose and objective of this policy and procedure?

This policy and procedure outlines the requirements for dealing with:

- complaints about the services provided by NSWALC Housing and its staff
- appeals against decisions made by NSWALC Housing about housing and tenancy issues.

The objectives are to ensure:

- tenants, other household members and applicants have a clear pathway to make complaints and appeals regarding NSWALC Housing
- we meet our obligations under the *NSW Residential Tenancies Act 2010*
- we continually review and improve our services by regularly reflecting on the nature of complaints and appeals, and their outcomes.

1.2 Exclusions

This policy and procedure does not apply to complaints about breaches of privacy. Complaints about breaches of privacy are dealt with under the Privacy Policy and Procedures.

1.3 Who must comply with this policy and procedure?

This policy and procedure applies to:

- All staff and Board members
- Support partners
- Maintenance and repair contractors
- Tenants and the members of their household
- Applicants for tenancy
- Community members

1.4 Terms and definitions

These definitions apply to terms used in this document.

| Term | Meaning |
|--------|--|
| Appeal | <p>A formal request to review a decision made by NSWALC Housing in relation to housing, when the appellant believes:</p> <ul style="list-style-type: none">• NSWALC Housing policies and procedures were not followed• the decision was not made fairly, or• the decision was made without all information or without the right information. |



| Term | Meaning |
|---|--|
| Appellant | The person lodging an appeal. |
| Applicant | Any person applying to NSWALC Housing for housing assistance, including social housing. |
| Community | The local community and property neighbours, Aboriginal communities, service providers, local and state government, funding bodies and trusts. |
| Complaint | <p>Information provided about a program, product or service that a person thinks needs to be improved or has not been adequately delivered.</p> <p>This may include:</p> <ul style="list-style-type: none">• dissatisfaction with a service that was or was not provided• dissatisfaction with staff performance, treatment, or response to concerns raised• practices that do not reflect NSWALC Housing policies and procedures• dissatisfaction with repairs and maintenance, or the timeframe in which they were delivered. |
| Complainant | The person making a complaint. |
| Feedback | <p>Compliments, suggestions or information about a program, product or service that we did or did not deliver, or a suggestion for improvement.</p> <p>Feedback does not include complaints or appeals.</p> |
| Housing Appeals Committee (HAC) | An independent agency which deals with appeals from people who are unhappy with decisions made by social housing providers, including community housing providers. |
| Other members of the tenant's household | People other than the tenant who live in the property. |
| Repairs and maintenance | <p>Includes all types of work undertaken to ensure that property assets (including common areas and equipment where relevant) are maintained to a satisfactory standard and in good working order.</p> <p>It includes responsive maintenance, emergency repairs, urgent repairs and priority repairs.</p> |
| Staff | <p>Any person working for NSWALC Housing. This includes:</p> <ul style="list-style-type: none">• permanent, temporary and casual employees, including managers and the Executive• members of committees, working groups and advisory bodies• agency staff, consultants and contractors• volunteers• work experience students• intern placements. |
| Support partners | Service providers requested or contracted by NSWALC Housing to provide specialised support services to tenants and other household members. |



| Term | Meaning |
|--------|--|
| Tenant | The person who signed the Residential Tenancy Agreement. |

1.5 Related documents

- Privacy Policy and Procedures
- Tenant Feedback Policy
- Tenant Engagement Policy and Strategy
- Tenant Satisfaction Survey Process
- Responding to Tenants Needs Policy and Procedure

1.6 Authorities and accountabilities

The General Manager is responsible for administration, revision, interpretation and application of this policy.

Housing Officers are responsible for implementing the policy.

The policy shall be reviewed regularly.

1.7 Quality assurance

How NSWALC Housing will ensure this policy and procedure are implemented

- All NSWALC Housing staff receive training in this policy.
- Applicable communications with tenants, other household members and applicants include information about how to make a complaint or lodge an appeal.
- Multiple channels are available for making complaints and lodging appeals, and the channels available are publicised.
- Complaints and appeals are dealt with as required by this policy and procedure, within the required timeframes.
- All complaints and appeals received are logged in our Complaints and Appeals Register.
- The General Manager provides biannual reports to the Board about complaints and appeals.



2. Complaints and appeals policy

2.1 General requirements

2.1.1 Relevant legislation, frameworks and directives

NSWALC Housing will uphold the rights and obligations described in the *Residential Tenancies Act 2010* and *Residential Tenancies Regulation 2010*.

This policy relates to the following compliance requirements:

| Compliance document | Section | Area |
|---|--|-----------------------------|
| National Regulatory System Community Housing | 1.a Determining and managing eligibility, allocation and termination of housing assistance | Tenant and Housing Services |
| | 1.f Managing and addressing complaints and appeals relating to providing housing services | Tenant and Housing Services |
| | 1.g Maintaining satisfaction with the overall quality of housing assistance | Tenant and Housing Services |

2.2 Our commitment on complaints and appeals

NSWALC Housing aims to provide a quality housing service that is culturally sensitive and culturally appropriate for Aboriginal people in NSW. We are dedicated to continual improvement of the services we provide to ensure they best meet the needs of our clients.

Complaints and appeals can assist us to review and improve our service provision, and resolve issues for our clients.

To ensure complaints and appeals are dealt with fairly, impartially and equitably, NSWALC Housing commits to:

- regularly reflecting on the nature of complaints and appeals, and their outcomes, to determine possible improvements to our services
- providing clear, written procedures for making a complaint or lodging an appeal
- maintaining a register of all complaints and appeals that we receive
- ensuring that complainants and appellants are treated fairly and equitably throughout complaints and appeals procedures
- ensuring that complaints and appeals are investigated fairly, impartially and in a timely manner
- endeavouring to resolve all complaints and appeals internally
- dealing with complaints informally when appropriate and possible
- providing information about how to escalate complaints and appeals to the Housing Appeals Committee
- ensuring that privacy and confidentiality are maintained throughout complaints and appeals procedures



- ensuring individuals are not treated differently or disadvantaged in any way as a result of making a complaint or lodging an appeal.

2.3 Investigation, escalation and monitoring

Complaints and appeals shall be referred to the relevant Housing Officer for review and investigation.

If the complainant/appellant is not satisfied with the response from the Housing Officer, they may request the complaint/appeal be escalated to the General Manager. If necessary, the General Manager may refer to the Board for a final position. If the complainant/appellant remains dissatisfied with the response following internal review, they can take their complaint/appeal to the Housing Appeals Committee.

NSWALC Housing management shall monitor complaints and appeals for recurring issues and trends, and to identify problems that can be addressed.

2.4 Access to information

Information about NSWALC Housing's complaints and appeals policy and procedure shall be provided to tenants:

- on the NSWALC Housing website
- at the beginning of a tenancy
- at any time that a tenant expresses verbally or in writing that they wish to complain or lodge an appeal.

2.5 Advocacy and support

Clients can seek advocacy and support to assist them through complaints and appeals procedures. Depending on the nature and location of the complaint, assistance can be requested from the providers listed below.

| Assistance can be requested from | Contact details | Website |
|--|--------------------------|---|
| NSWALC Housing | | |
| Aboriginal Tenants Advice and Advocacy Service | (02) 8117 3700 | www.tenants.org.au/aboriginal-tenants |
| Northern Sydney Area Tenants Service (NSATS) | (02) 8198 8650 | www.nsats.org |
| Greater Sydney Aboriginal Tenants Service | (02) 9698 0873 | www.nswats.com.au |
| Office of Fair Trading | 13 32 20 1800 451 301 | www.fairtrading.nsw.gov.au |
| The NSW Civil and Administrative Tribunal | 1300 006 228 | www.ncat.nsw.gov.au |
| Translating and Interpreting Service | 13 14 50 | www.tisnational.gov.au |
| NDIS Quality and Safeguards Commission | 1800 035 544 | https://www.ndiscommission.gov.au/participants/complaints |



2.6 Privacy and confidentiality

Client privacy and confidentiality shall be upheld throughout the complaints and appeals procedures.

Individuals shall not be treated differently or disadvantaged in any way after making a complaint or lodging an appeal.



3. Complaints procedure

3.1 Making a complaint

3.1.1 Who can complain?

A complaint can be made by:

- someone on their own behalf
- someone who is responsible for the complainant
- someone who is the support person or advocate of the complainant, as long as they have the consent of the complainant. A signed consent form must be provided if the complainant would like NSWALC Housing to liaise directly with a third party.

3.1.2 Informal complaints

NSWALC Housing is open to receiving feedback and complaints about any aspect of service provision at any time. Issues and problems can be discussed with Housing Officers in the first instance, and feedback may be provided by email, using feedback forms, during meetings and social events, or through the biennial Tenant Satisfaction Survey. Refer to the Tenant Feedback Policy for more information.

If a client is unhappy with the service being provided by NSWALC Housing they are encouraged to raise the issue directly with a staff member, or their manager, as an informal complaint.

In many instances, issues can be raised and resolved through informal processes.

If a complainant is not satisfied that their complaint has been addressed at an informal level, they can lodge a formal complaint.

3.1.3 Lodging a formal complaint

NSWALC Housing provides a range of channels for formal complaints to be made.

NSWALC Housing ensures it is easy to make a complaint, and may assist complainants to lodge their complaints, if required.

Complaints can be:

- provided in writing to [postal address]
- emailed to [email address]
- submitted through an online feedback form [web address]
- provided over the phone [phone number]
- lodged using the feedback form at our office
- provided verbally to one of our staff, who can record and lodge the complaint.

Complainants are requested to provide detailed information and any evidence that may support their complaint.

Complainants may withdraw a complaint at any time, and they do not have to provide a reason. It is preferred that a complaint is withdrawn in writing, but it does not have to be.



3.2 Acknowledging a complaint

All complaints are acknowledged by NSWALC Housing by phone, email or letter to the complainant **within 2 working days** of receiving the complaint.

Where the complaint involves the service provided by a support partner, complainants are also encouraged to lodge a complaint directly with the support partner.

3.3 Assessing the complaint

All complaints are:

- logged in the complaints register
- investigated and considered by the Housing Officer for that work area
- responded to in writing and an outcome given **within 21 days** of receiving the complaint. Housing Officers notify the complainant if there is likely to be a delay in resolving their complaint.

When there is insufficient information to consider the complaint, the complainant may be contacted for further information and may be asked to provide evidence to support their allegations

The Housing Officer investigates the complaint, and gathers evidence relating to the matters raised. This may include speaking with external parties such as maintenance and repair contractors, or support partners.

Complainants are informed of the outcome of the complaint and provided with a written explanation of the findings of the investigation.

The possible complaint outcomes are:

| | |
|--------------------|--|
| No further action | The complainant is notified that no further action is required and why this decision has been made. |
| Monitor and review | NSWALC Housing will monitor the issues raised in the complaint, and conduct a review to assess whether the issues are ongoing. |
| Action | A plan to address the issues raised, including changes to be implemented as a result, is provided to the complainant. |

When a complaint involves an external party, such as a maintenance and repair contractor, or support partner, NSWALC Housing may review their agreement with that third party, or develop an action plan in partnership with them to improve the service being offered to tenants.

3.4 Escalating a complaint

3.4.1 Internal review

If a complainant is not satisfied with the response to their complaint, they may request that the complaint is escalated.



Escalated complaints are:

- logged in the complaints register as an escalated complaint
- reviewed by the General Manager . If necessary, the General Manager may refer the complaint to the Board for a final decision
- responded to in writing and an outcome given **within 21 days** of the escalation being requested. The General Manager notifies the complainant if there is likely to be a delay in making a decision.

The response includes details of what to do next if the complainant is still unhappy.

3.4.2 External review

If the complainant is dissatisfied with the response provided by NSWALC Housing following internal escalation, they can escalate their complaint to the independent Housing Appeals Committee.

- Telephone: 1800 629 794
- www.hac.nsw.gov.au

Information about the Housing Appeals Committee is provided to the complainant in the response from NSWALC Housing.

3.5 Managing unreasonable complainant conduct

NSWALC Housing is open to receiving constructive complaints about its services. However, unreasonable complainant conduct is not accepted. This includes:

- unreasonable levels of correspondence by phone or email
- aggressive or verbally abusive behaviour
- threats of harm or violence
- complaints that are false, inflammatory or defamatory, or are not supported by any evidence.

When complaints are considered unreasonable, NSWALC Housing follows the NSW Registrar of Community Housing's *Guidelines for Managing Unreasonable Complainant Conduct*.



4. Appeals process

4.1 Lodging an appeal

When a tenant, other household member or applicant is unhappy with a decision about their housing or tenancy made by NSWALC Housing, they have the right to lodge an appeal to review that decision.

Appeals may be made when NSWALC Housing policies and procedures have not been followed, decisions have not been made fairly, or decisions have been made without all information or without the right information.

Types of decisions that can be reviewed include:

- Rent charges
- Water charges
- Eligibility for social housing
- Entitlement for housing
- Eligibility for priority housing
- Offers of a property transfer
- Succession of a tenancy
- Recognition as a tenant
- Matching and offering a property
- Transfer
- Tenant charges

Initially, appeals are made directly to NSWALC Housing for consideration.

NSWALC Housing will ensure it is easy to make an appeal, and may assist appellants to lodge their appeals, if required.

Appeals can be:

- provided in writing to [postal address]
- emailed to [email address]
- submitted through an online feedback form [web address]
- provided over the phone [phone number]
- lodged using the form at our office.

Appellants are requested to provide detailed information and any evidence that may support their appeal.

Appellants may withdraw an appeal at any time, and they do not have to provide a reason. It is preferred that an appeal is withdrawn in writing, but it does not have to be.

4.2 Acknowledging an appeal

All appeals are acknowledged by NSWALC Housing by phone, email or letter to the tenant within **2 working days** of receiving the appeal.

4.3 Assessing the appeal

All appeals are:

- logged in the Complaints and Appeals Register
- investigated and considered by the Housing Officer for that work area



- responded to in writing and an outcome given **within 21 days** of receiving the appeal. NSWALC Housing will notify the complainant if there is likely to be a delay in us responding to the appeal.

When there is insufficient information to consider the appeal, the appellant may be contacted for further information and may be asked to provide evidence to support their allegations.

The Housing Officer investigates the appeal, and gathers evidence relating to the matter.

The appellant is informed of the outcome of the appeal and provided with a written explanation of the findings of the investigation.

4.4 Escalating the appeal

4.4.1 Internal review

If an appellant is not satisfied with the response to their appeal, they may request that the appeal is escalated.

Escalated appeals are:

- logged in the Complaints and Appeals Register as an escalated appeal
- reviewed by the General Manager. If necessary, the General Manager may refer the appeal to the Board for a final decision
- responded to in writing and an outcome given **within 21 days** of the escalation being requested. The General Manager notifies the appellant if there is likely to be a delay in making a decision.

The response includes details of what to do next if the appellant is still unhappy.

4.4.2 External review

If an appellant is not happy with the NSWALC Housing response to their appeal, they have the right to appeal to the independent Housing Appeals Committee.

Contact details:

- Telephone: 1800 629 974
- Website: <http://www.hac.nsw.gov.au>



5. Monitoring and reporting on complaints and appeals

5.1 Monitoring and reporting

NSWALC Housing monitors:

- the number and nature of complaints and appeals received
- appeals and complaints resolution, and escalation to the General Manager, or the Housing Appeals Committee.

All complaints and appeals are recorded in the Complaints and Appeals Register. In addition, we review the results of the Biennial Tenant Satisfaction Survey for issues that may be considered a complaint.

The General Manager regularly reports to the Board about the number of complaints and appeals, as part of biannual reporting of feedback.

NHL uses information from complaints and appeals to identify ways in which its services and their delivery can be improved. It will also provide information on its complaints and appeals to comply with the reporting requirements of the National Regulatory System for Community Housing (NRSCH).

NHL staff will always use information from complaints and appeals in a way that does not identify the complainant or appellant.



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