



**BIRRIBEE
HOUSING**



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Complaints and Appeals Policy



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1. About this document

This policy outlines the requirements for dealing with:

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

The objectives are to ensure:

- tenants, other household members, and applicants have a clear pathway for making complaints and appeals
- Birribee meet its obligations under the *NSW Residential Tenancies Act 2010* and the *National Regulatory Code for Community Housing*
- Clients of Birribee’s Specialist Homelessness Service (SHS) have a clear pathway for making complaints and appeals as they relate to that program area.
- Birribee meets its obligations under the Australian Service Excellence Standards as it relates to SHS.
- Birribee reviews and improves its services by regularly reflecting on the nature of complaints and appeals, and their outcomes.

This policy applies to:

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

The Chief Executive Officer is responsible for administration, revision, interpretation and application of this policy. Birribee staff are responsible for implementing the policy. The policy shall be reviewed regularly.

1.1 Terms and Definitions

Term	Meaning
Appeal	A request by a tenant, household member, applicant or client for Birribee Housing to review a decision made about housing, tenancy or homelessness services where the person believes the decision was unfair, incorrect, or not made in accordance with policy or procedure.
Appellant	A person who lodges an appeal under this policy.
Complaint	An expression of dissatisfaction made to Birribee Housing about its services, staff, contractors, support partners, or the handling of a matter, where a response or resolution is expected.
Complainant	A person who lodges a complaint under this policy.



Term	Meaning
Escalated complaint	A complaint that has not been resolved to the satisfaction of the complainant and has been referred for further review in accordance with this policy.
Escalated appeal	An appeal that has not been resolved at the initial review stage and has been referred for further internal or external review.
External review	A review of a complaint or appeal by an independent body outside Birribee Housing, such as the Housing Appeals Committee, NSW Registrar of Community Housing, or other relevant authority.
Formal complaint	A complaint that is lodged verbally or in writing and formally recorded in Birribee Housing's Complaints and Appeals Register for investigation and response.
Informal Complaint	A complaint or concern raised directly with staff that may be resolved quickly through discussion or early intervention without formal investigation.
Internal Review	A review of a complaint or appeal conducted within Birribee Housing by a senior officer or the Chief Executive Officer who was not directly involved in the original decision.
Procedural Fairness	The principles that ensure a person is treated fairly during a complaints or appeals process, including the right to be heard, the right to an impartial decision-maker, and the right to be informed of the outcome and reasons for a decision.
Support person/Advocate	A person nominated by a complainant or appellant to provide support or advocacy during the complaints or appeals process, with the consent of the complainant or appellant.
Unreasonable complaint conduct	Behaviour by a complainant that is considered excessive, abusive, threatening, or unreasonably persistent, and which significantly interferes with the effective handling of a complaint, as assessed in line with relevant guidelines.

1.2 Authorities and accountabilities

The Chief Executive Officer is responsible for the administration, revision, interpretation and implementation of this policy and procedure.

Birribee Housing staff are responsible for complying with this policy, supporting clients to access complaints and appeals processes where required, and managing complaints and appeals in accordance with the procedures set out in this document.

Managers and senior officers are responsible for overseeing the fair and timely handling of complaints and appeals, managing escalations, and ensuring outcomes and actions are appropriately documented.

The Board is responsible for providing governance oversight and considering complaints or appeals referred by the Chief Executive Officer where required.



1.3 Related Documents

Records, Information Privacy and Confidentiality Policy

Code of Conduct

Allocations Policy

Eligibility Policy

Water Charging Policy

Rent Policy and Procedure



2. Complaints and appeals policy

Birribee Housing aims to provide quality housing and homelessness services that are culturally sensitive appropriate for Aboriginal peoples in NSW. Complaints and appeals provide an opportunity to resolve issues, improve service delivery, and strengthen accountability

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

- ensuring that complaints and appeals are investigated fairly, impartially and in a timely manner.
- ensuring that complainants and appellants are treated fairly and equitably throughout any complaints and appeals processes.
- ensuring procedural fairness, including the right to be heard, the right to an impartial decision-maker, and the right to be informed of the reasons for decisions
- maintaining a register of all complaints and appeals received.
- dealing with complaints informally when appropriate and possible.
- providing clear advice on how to make a complaint or lodge an appeal.
- providing information about how to escalate complaints and appeals to external appeals bodies including the Housing Appeals Committee and the NSW Registrar of Community Housing.
- ensuring that privacy and confidentiality are maintained throughout complaints and appeals procedures.
- ensuring individuals are not treated differently or disadvantaged in any way because of making a complaint or lodging an appeal.

regularly reviewing complaints and appeals to identify trends, systemic issues and opportunities for service improvement.

2.1 Investigation, escalation and monitoring

Complaints and appeals are initially dealt with by Birribee front line staff. If a complaint or appeal remains unresolved, it shall be referred to a Senior Birribee Officer for review and investigation.

Birribee aims to resolve all complaints and appeals within 28 days. Where a complaint or appeal cannot be resolved within this timeframe, the complainant or appellant will be advised of the delay, the reasons for the delay, and the expected timeframe for resolution. Where a formal response is required, the officer responsible for handling the complaint or appeal will write to the complainant/appellant to advise them of the outcome. The outcome letter will contain reasons for the decision made and the contact information for the responsible officer.

If the complainant/appellant is not satisfied with the response they have received, they can ask for a review by the Birribee Housing CEO. Housing related Complainants and appellants can also escalate their matter to external bodies such as the Housing Appeals Committee or the NSW Registrar of Community Housing (see below).

Birribee Housing will monitor complaints and appeals for recurring issues and trends, and to identify problems that can be addressed. We accept and respond to anonymous complaints, provided we have received enough information to do so.

2.2 Access to information

Information about Birribee Housing's complaints and appeals policy shall be publicly available by:

- Inclusion on the Birribee Housing website, and



- Paper copies accessible in Birribee Offices, and
- Included in critical client/tenant packs such as the commencement of a tenancy

2.3 Advocacy and support

Clients are not required to engage an advocate but may choose to do so at any stage of the complaints and appeals process. Clients can seek advocacy and support to assist them through complaints and appeals procedures. Depending on the nature and location of the complaint or appeal, assistance can be requested from the providers listed below.

Assistance can be requested from	Contact details	Website
Aboriginal Tenants Advice and Advocacy Service	(02) 8117 3700	www.tenants.org.au/aboriginal-tenants
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/

2.4 Complaints

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 Birribee Housing to liaise directly with a third party. Birribee Housing will provide a consent form on request.

2.5 Informal complaints

Birribee Housing is open to receiving feedback about any aspect of service provision at any time. Issues and problems can be discussed with Housing Officers and SHS Caseworkers in the first instance.

If a client is unhappy with the service being provided by Birribee 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 in accordance to this policy.



2.6 Lodging a formal complaint

Birribee 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 PO Box 1425, Parramatta NSW 2124
- emailed to office@birribee.org.au
- provided over the phone 1800 247 742
- lodged at a Birribee 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.

2.7 Acknowledging a complaint

Birribee aims to ensure that all complaints are acknowledged by phone, email or letter to the complainant within 5 working days of receiving the complaint.

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

2.8 Assessing the complaint

All complaints are:

- logged in the complaints register
- investigated and considered by the relevant Officer responsible for that work area
- responded to in writing, where appropriate.

Birribee aims to resolve all complaints within 28 days, but this may not be possible in all instances, particularly where complaints involve complex matters.

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 Officer investigating the complaint 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.

Following investigation, one or more of the following outcomes may occur:



No further action	The complainant is notified that no further action is required and why this decision has been made.
Monitor and review	Birribee 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, Birribee 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.

2.9 Escalating a complaint

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 CEO. Where governance oversight is required, the Chief Executive Officer may refer the complaint to the Board for a final decision.
- responded to in writing.

Birribee aims to resolve all escalated complaints within 28 days of the escalation being requested.

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

External review

If a housing related complainant is dissatisfied with the response provided by Birribee Housing, they may seek to escalate their complaint to external bodies such as the independent Housing Appeals Committee:

- Telephone: 1800 629 794
- <https://www.nsw.gov.au/housing-appeals-committee>

Housing related Complainants may also wish to contact the NSW Registrar of Community Housing in relation to matters that involve a breach of the *National Regulatory Code for Community Housing*:

- In writing: PO Box 2236 Burwood North NSW 2134
- Email: registrar@homes.nsw.gov.au
- Phone: 1800 330 940
- Fax: (02) 8741 2522



Complaints in relation to the SHS program can be raised to the Department of Communities and Justice ([Complaints and Feedback | Communities and Justice](#)). Birribee Housing can assist by providing Complainants with contact details of Birribee's contract manager as to relevant to the service area.

Birribee Housing will cooperate with external review bodies and provide relevant information as required.

2.10 Managing unreasonable complainant conduct

Birribee 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.

Where complainant conduct is assessed as unreasonable by Birribee Housing, the organisation will follow the NSW Registrar of Community Housing's *Guidelines for Managing Unreasonable Complainant Conduct*.

Any action taken to manage unreasonable complainant conduct will be proportionate, documented, and will not limit the complainant's right to internal or external review



2.11 Appeals

When a tenant, household member, applicant or SHS client is dissatisfied with a decision made by Birribee Housing, they have the right to lodge an appeal for review of that decision.

Appeals may be made when Birribee 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
- Eligibility for priority housing
- decisions relating to access to, or prioritisation of, homelessness services
- Water charges
- Offers of a property transfer
- Matching and offering a property
- Eligibility for social housing
- Succession of a tenancy
- eligibility for SHS support or assistance
- Entitlement for housing
- Recognition as a tenant
- allocation, continuation or cessation of SHS support
-

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

Birribee 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 PO Box 1425, Parramatta NSW 2124
- emailed to office@birribee.org.au
- provided over the phone 1800 247 742
- lodged at a Birribee office
- provided verbally to one of our staff, who can record and lodge the appeal.

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.

2.12 Acknowledging an appeal

Birribee aims to ensure that all appeals are acknowledged by phone, email or letter to the appellant within 5 working days of receiving the complaint.

2.13 Assessing an appeal

All appeals are:



- logged in the appeals register
- investigated and considered by the Officer responsible for that work area
- responded to in writing, where appropriate.

Birribee aims to resolve all appeals within 28 days, but this may not be possible in all instances, particularly where appeals involve complex matters.

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 relevant 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.

2.14 Escalating an appeal

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:

If an appellant is not satisfied with the response to their appeal, they may request that the appeal be escalated for internal review

- logged in the appeals register as an escalated appeal
- reviewed by the CEO. If necessary, the CEO may refer the complaint to the Board for a final decision
- responded to in writing.

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

Birribee aims to resolve escalated appeals within 28 days of the escalation being requested. Where this timeframe cannot be met, the appellant will be informed of the reasons for the delay and the expected timeframe for resolution.

2.15 External review

If an appellant is not happy with the Birribee Housing response to their appeal, they have the right to appeal to the independent Housing Appeals Committee, who can be contacted at:

- Telephone: 1800 629 794
- <https://www.nsw.gov.au/housing-appeals-committee>

Birribee Housing will cooperate with external review bodies and provide relevant information as required.



2.16 Monitoring and reporting on complaints and appeals

Birribee Housing monitors:

- the number and nature of complaints and appeals received
- appeals and complaints resolution, and escalation to the Chief Executive Officer, or external bodies.

All complaints and appeals are recorded in the Complaints and Appeals Register.

The Chief Executive Officer regularly reports to the Board about the number of complaints and appeals.

Birribee Housing uses information from complaints and appeals to identify trends, systemic issues and opportunities to improve service delivery. 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) and other accreditation programs including ASES.

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



Document information

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