

# COMPLAINTS, APPEALS AND FEEDBACK POLICY

---

Date Approved by: June 2020

Date for Review: June 2022

Version Control: First Version

## Purpose

Barriekneal Housing & Community Ltd aims to provide their tenants and members with the best possible service. We are a community owned and operated and are here to provide our people with affordable housing suited to the needs of Indigenous individuals and families.

Barriekneal Housing & Community Ltd's Appeals and Complaints Policy outlines how the Company will handle dissatisfaction with our service and our decisions. Its purpose is to:

- Provide applicants, members and tenants the right to complain, appeal or give feedback
- Provide a process for applicants, members, tenants to complain, appeal or give feedback
- Support Barriekneal Housing & Community to review its policies and procedures.

The Complaints, Appeals and Feedback Policy outlines how Barriekneal Housing & Community will implement this policy so there are effective ways to:

- register, investigate, resolve and record complaints, appeals and feedback
- support the rights of applicants, tenants and members and
- encourage input to service delivery and the organisation by applicants, members and tenants

## Definitions

*An appeal* is when a Barriekneal Housing & Community Ltd applicant, member or tenant is dissatisfied with a decision about a Barriekneal Housing & Community Ltd service and asks for a review of the decision.

*A complaint* is when a Barriekneal Housing & Community Ltd applicant, member or tenant informs us that they are dissatisfied with our service, practices or policies.

*Feedback* is when a Barriekneal Housing & Community Ltd applicant, member or tenant provides useful information or advice about a particular service, practice or policy.

## Exclusions

This policy does not include:

- Staff or management disputes and grievances. These are covered in the relevant Award and under Barriekneal Housing & Community Ltd Human Resource Management Policies
- Tenant complaints about another tenant (or someone else outside the organisation) or
- Complaints about Barriekneal Housing Community Ltd or our tenants by people who are not service users (e.g. neighbours, funding body, real estate agents). These complaints will be assessed individually and dealt with under the Dispute Resolution Policy.

## Policy

This policy explains Barriekneal Housing & Community Ltd's decisions that are appealable and the processes for dealing with appeals.

In relation to Complaints, Appeals and Feedback Barriekneal Housing & Community Ltd

- respects the rights of its members, tenants and applicants to appeal decisions that they disagree with or believe to be unfair.
- encourages its members, tenants and the broader community to comment and provide feedback about any or all operations and undertakings of the Company.
- will respond in a timely and appropriate manner
- will deal with complaints, appeals and feedback in a manner which is procedurally fair
- inform applicants, members and tenants about this policy through its various means of communication
- ensures applicants, members and tenants can make complaints, appeals or provide feedback
- without recrimination or fear of intimidation
- has a user friendly procedure

### **Confidentiality**

Client confidentiality will be respected; only those directly involved with the process will be told details. Staff who are the subject of a complaint will be advised of the complaint.

### **Complaints/Appeals File**

A record of the complaint will be kept with the tenant/applicant file. The person concerned has access to this file.

### **Complaints/Appeals Register**

The CEO will be responsible for maintaining the Complaints and Appeals Register and monitoring progress in resolving the Complaint or Appeal.

Complaints Email: [complaints@barriekneal.org.au](mailto:complaints@barriekneal.org.au)

Feedback Email: [feedback@barriekneal.org.au](mailto:feedback@barriekneal.org.au)

General Admin: [admin@barriekneal.org.au](mailto:admin@barriekneal.org.au)

# Procedure

## Appeals

Barriekneal Housing & Community Ltd Appeals procedure involves an internal process. It is the responsibility of all Staff and Board members to be aware of the appeals procedure and advise members, applicants and tenants of this procedure.

Members, applicants and tenants may appeal a decision because they believe the decision:

- was inconsistent with Barriekneal Housing & Community Ltd Policies and Procedures
- did not consider all the relevant information before making the decision
- was influenced by information irrelevant to the matter
- not dealt with fairly

Members, applicants and tenants may appeal the following:

### Applicants

- Waiting List
  - General eligibility
  - Removal from waiting List
  - Backdating of eligibility on waiting list
  - Eligibility of people classified as former unsatisfactory tenants
- Housing Entitlements
  - Size of dwelling
  - Modification or special features of dwelling
  - Locational need
- Priority Housing
  - Eligibility
  - Locational or housing type need
- Minors
  - Eligibility of minor to be granted a tenancy
- Offer Of Property
  - Whether offer is considered reasonable
  - Acceptability of reason for not accepting offer
  - Removal for not accepting an offer
- Succession Of Tenancy
  - Eligibility to be granted succession
  - Housing entitlement if granted succession.

### Tenants

- Repairs and Maintenance
  - Regularity, quantity and quality of repairs and maintenance
- Rental
  - Increase
  - Arrears calculations
- Tenancy
  - Agreements

- Termination of tenancy
- Modification Of Property
  - Need for modification for disability/medical reasons. Not maintenance or upgrade issues.
  - Tenant improvement of property–reimbursement
- Mutual Exchange
  - Eligibility for and approval for exchange
- Absence From Dwelling
  - Permission to be absent and rent calculations
- Tenant Charges
  - Charges at vacation of the dwelling where not covered by a Consumer, Trader, and Tenancy Tribunal (CTTT) decision
- Fixed Term Leases
  - Conditions and renewal eligibility
- Additional Occupants
  - Approval of additional occupants
- Joint Tenancies
  - Eligibility for joint tenancies

**Members**

- Board decisions

**What Are Not Appealable Decisions**

- Decisions not directly related to the person or household
- Matters which are the responsibility of other tribunals eg CTTT
- Housing provider policies
- Matters for which clients cannot make application to housing providers
- Internal administrative and funding matters of the housing provider
- Complaints about the way a service is delivered-see Complaints Policy
- Programs not related to the provision of a service.

## Appeals Process

Barriekneal Housing & Community Ltd Appeals Process involves a first level internal appeals procedure. If the appellant is dissatisfied by the outcome they can appeal to the Housing Appeals Committee, which is the second and independent level of appeal.

<b>Internal Appeal</b>	If an applicant, tenant or member is dissatisfied with a decision made by Barriekneal Housing & Community Ltd, they have the right to request that the decision is reviewed by the Housing Officer.
------------------------	---

	<p>The CEO will review all appeals, and decisions about appeals.</p> <p>Applicants, tenants and members must make their appeals in writing either through a letter or the Appeals Form. Staff should assist clients who have a language or literacy barrier.</p> <p>The Housing Officer will review the decision against the Housing Policy and will consider the merits of the appeal taking into consideration information provided by the appellant. All information will be treated as new. The Housing Officer may call upon the Chairperson or CEO to be involved in the decision.</p> <p>The Housing Officer is required to:</p> <ul style="list-style-type: none"> <li>● Register the appeal</li> <li>● Acknowledge the receipt of the appeal in writing within five days of</li> <li>● receiving the appellant’s written appeal</li> <li>● Consider the matter, including conducting an interview with the appellant</li> <li>● if possible, and consider whether a different decision is warranted. If the</li> <li>● client provides new information this can be taken into account at the first</li> <li>● level appeal</li> <li>● Inform the appellant in writing of the reasons for the decision with clear reference to the policy criteria.</li> </ul> <p>Response Time: Within 21 days of receiving the appeal  Register: Appeal to be registered in Appeals Register and reported in the Housing Report</p>
--	---

<p><b>External Appeal</b></p>	<p>If the appellant is dissatisfied by the outcome of the Internal Appeal they can proceed to make an appeal to the independent Housing Appeals Committee (HAC).</p> <p>Only tenants and applicants can appeal through this process and they should appeal to the HAC within 3 months of the first level appeals process.</p>
-------------------------------	---

## **Appeals to Housing Appeals Committee (HAC)**

When the Housing Appeals Committee (HAC) Secretariat receives the appeal the HAC will request the tenant file from Barriekneal Housing & Community Ltd.

Once the file is received, the HAC sets a date for the hearing or interview and informs the appellant by letter. The Housing Appeals Committee aims to schedule a hearing within 4 weeks of receipt of the file from the Housing Provider. The process is informal and free for appellants.

The HAC reviews whether the Housing Provider's decision conforms to the stated policy and meets the standards of natural justice considering the merits of the case.

### **Can the Housing Appeals Committee Change the Decision?**

The Housing Appeals Committee has recommendatory powers only. The Housing Appeals Committee provides a detailed analysis and makes recommendations to the Housing Provider and it is up to the Housing Provider to make the final decision.

Barriekneal Housing & Community Ltd gives serious consideration to the issues raised by the Committee in its recommendations and mostly, recommendations are accepted.

For further information about the Housing Appeals Committee call 1800-629-794 or at [www.hac.nsw.gov.au](http://www.hac.nsw.gov.au)

## **Complaints and Feedback Procedure**

Members, tenants and applicants have a right to express dissatisfaction or provide feedback about service, standards, practices or policies of the Board and staff of Barriekneal Housing & Community Ltd.

If this occurs, Barriekneal Housing & Community Ltd will:

- register, investigate, resolve and record their complaint
- ensure their right to be heard and not to be penalised for raising a complaint or providing feedback
- enable their views to influence how we deliver our services.

Complaints and Feedback is dealt with through a two level process-

- Level 1 Informal Complaint.
- Level 2 Formal Complaint
  - Stage 1 Management Team
  - Stage 2 Barriekneal Housing & Community Ltd Board

### **Level 1 - Informal Complaint**

The person making the complaint (the complainant) should be directed to the appropriate staff member

The complainant to explain the problem and what they would like to be done about it.

The Staff member is to:

- Inform the complainant of Barriekneal Housing & Community Ltd's Complaints and Appeals policy
- Determine whether the matter is:
  - a complaint or
  - an appeal or
  - a dispute under the Residential Tenancies Actand advise the complainant accordingly.

For Appeals see above

The Staff member should inform the complainant about Barriekneal Housing & Community Ltd's policy in that area.

If the complainant is dissatisfied with the response the Staff member is to inform the complainant that he/she can make a formal complaint in writing or by completing a Complaints Form.

The Staff member should provide assistance to complete the form, if required.

## **Level 2 - Formal complaints**

### Stage 1 - Staff

When a written complaint is received, it is considered by the CEO. If the complaint is about a service provided by the CEO or a Board matter, it is to be referred to the Board (see below).

The CEO will determine whether the matter is a complaint or an appeal or a breach of the Residential Tenancies Act.

The CEO will :

- Record the complaint
- Acknowledge the receipt of the complaint in writing within five working days of receiving the complaint
- Investigate and determine what action Barriekneal Housing & Community will take
- Advise the Complainant in writing, of what action Barriekneal Housing & Community has or will take.

Response Time: Within 21 days of receiving the written complaint

Register: Complaint to be registered in Complaints Register

### Stage 2 - Board

If the complainant is dissatisfied with the CEO's decision, they can refer the complaint to the Barriekneal Housing Board.

The Barriekneal Housing & Community Ltd Board will appoint two board members to review the complaint and make a recommendation to the Board and will:

- Record the complaint
- Acknowledge the receipt of the complaint in writing within five working days of receiving the complaint.
- Investigate and determine what action Barriekneal Housing & Community Ltd will take
- Advise the complainant in writing, of what action Barriekneal Housing & Community Ltd has or will take.

Response Time: within eight weeks of receiving the written complaint.

Register: Complaint will be registered in Complaints/Appeals Register.

## Responsibility

Barriekneal Housing & Community Ltd Board/ is responsible for adopting this policy.

Barriekneal Housing & Community Ltd Board, CEO and all staff members, contractors and volunteers are responsible for the implementation of this policy.

Barriekneal Housing & Community Ltd CEO is responsible for monitoring changes in Privacy legislation and for reviewing this policy as and when the need arises.