

## 1. Purpose

The purpose of this policy is to outline what decisions may be appealed and the process by which Housing Trust will assess appeals by applicants, tenants, and/or stakeholders.

## 2. Policy Statement

Tenants and applicants have a right to appeal decisions made by Housing Trust. An appellant will not in any way be disadvantaged or discriminated against for having lodged an appeal.

## 3. Decisions which may be appealed

Decisions that can be appealed include, but are not limited to:

- Eligibility for housing assistance
- Reasonableness of housing offers
- Transfer applications
- Additional occupant applications
- Rent subsidy calculations, including the date on which changes take effect
- Succession of tenancy applications
- Requests to modify a property

## 4. Decisions which are not appealable

Decisions that are not appealable include:

- The content of our policies
- Matters which are the responsibility of the NSW Civil & Administrative Tribunal (NCAT) and other bodies
- Decisions which are not directly related to the applicant or tenant
- Matters not relating to the provision of housing services (e.g. tenant participation activities)
- Complaints about the way a service is provided

## 5. Appeals Process

The appeals process involves two steps:

- 1<sup>st</sup> Tier Decision Review and if dissatisfied with the outcome an
- Appeal to the independent Housing Appeals Committee (HAC)

### **1<sup>st</sup> Tier Decision Review**

The first stage of the appeals process involves a senior member of staff reviewing the original decision made. This is an internal 'decision review' process.

Appellants are invited to respond to the original decision by providing information as to why an alternative decision should have been made. Reviews are completed within 28 business days.

Where a '1<sup>st</sup> Tier Decision Review' is received, a senior member of staff (who was not the original decision maker) will consider the merit and procedural aspects of the original decision.

New information may be considered.

The outcome of a 1<sup>st</sup> Tier Decision Review may be a determination that:

- The original decision was appropriate and should be confirmed/upheld
- The original decision was appropriate at the time, but new information received means that an alternative decision should now be made
- The original decision was not appropriate and an alternative decision should have been made

## 6. Timeframes for lodging appeals

If an applicant, tenant, or stakeholder is dissatisfied with a decision made by Housing Trust then an appeal may be made within three (3) months of that decision.

An appeal can be by completing the Housing Trust appeal form. Copies of this form will be available at our office or via our website.

## 7. Assessing appeals

Assessment of an appeal will not involve the person who made the original decision. All appeals will be assessed by a more senior person than the original decision maker, usually a member of the management team.

Consideration of appeal will include all information available at the time of the appeal. An interview with the appellant will occur where appropriate but is not always necessary.

All appeals will be completed within 28 business days or sooner and included as part of Housing Trust's operational reporting.

## 8. Independent HAC Appeal

### **Independent HAC Appeal**

If an appellant is not satisfied with the decision of the Housing Trust after '1<sup>st</sup> Tier Review', they have the option of appealing to the Independent Housing Appeals Committee (HAC).

The HAC will conduct a review of the decision in accordance with its own procedures. Housing Trust will cooperate fully and openly with every appeal considered by HAC involving a decision of Housing Trust actions.

As an independent body, HAC has a mandate to make its own recommendations. These recommendations, while persuasive, are not binding on housing providers.

If the Housing Trust does not support or agree with HAC's recommendations in a matter appealed to them, a formal response will be provided to both HAC and the appellant.