

Appeals Policy

Purpose

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

Definition

An appeal is a request to have a decision in relation to the application of Housing Trust policies reviewed. An appeal involves the review of a decision to see if an outcome may be changed either completely or in part. An appeal is different to a complaint and complaints will be managed separately to appeals. Refer to *Housing Trust's Complaints Policy*

Policy

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.

Decisions which may be Appealed

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

- Eligibility for housing assistance
- 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
- Tenant charges, for example water

Decisions which are not Appealable

- Content of Housing Trust 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, for example tenant participation activities
- Complaints about the way a service is provided

Who can lodge an Appeal

Only the person affected by the decision can lodge an appeal. This includes a third party representative authorised to act on behalf of the person affected.

How to lodge an Appeal

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.

Note: ***Should the appeal relate to offers of housing then the three (3) month timeframe does not apply.*** Offers of Housing only have fourteen (14) days to appeal a decision.

An appeal can be submitted by completing the Housing Trust Appeal Form which is available at our office or by visiting our website www.housingtrust.org.au

Response to Appeals

Appeals received by Housing Trust will be acknowledged within three (3) working days of receipt.

The process of assessing and responding to the appeal will take up to 28 days from the date of receipt.

If a delay is likely to occur Housing Trust will notify the appellant of the anticipated response timeframe.

Appeals Process

The appeal process will involve a review of:

- relevant information on file,
- information submitted by the appellant and
- any new information that was not available to the original decision maker.

The purpose of the appeal is to look at the appellant's circumstances at that point in time to determine what decision should be applied within the relevant policy.

The appeal process involves two (2) steps:

1. First Tier Decision Review
and if dissatisfied with the outcome an
2. Appeal to the independent Housing Appeals Committee (HAC)

First Tier Decision Review

The first stage of the appeals process involves a review of the original decision made.

This is an internal 'decision review' process and will not be undertaken by the original decision maker.

The review will consider the merit and procedural aspects of the original decision, as well as any new information that may be available.

The outcome of a First 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. The appellant will be advised of the outcome of this review process in writing.

Appeal to the independent Housing Appeals Committee (HAC)

If an appellant is not satisfied with the decision of the Housing Trust after a first tier review they have the option of appealing to the independent Housing Appeals Committee (HAC).

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 are not binding on housing providers. In most instances Housing Trust will support a recommendation by HAC. If Housing Trust does not support or agree with HAC's recommendation in a matter appealed to them, a formal response will be provided to both HAC and the appellant.

An appeal to HAC may be made by contacting HAC directly by free call on 1800 629 794, by emailing hac@facs.nsw.gov.au or by visiting www.hac.nsw.gov.au

Record of Appeals

The record of the appeal will be confidential and will only be discussed with staff as required for the purpose of investigating the appeal. The appeal will be kept with the applicant or tenant file.

Other avenues for Appellant Action

Lodging a formal appeal to Housing Trust does not deny a person the opportunity to take other courses of action including seeking support from a local Member of Parliament or contacting a tenant advice service or community legal centre.

Reference or Related Documents

Internal

1. Form 106001 Review of Decision and 1st Tier Appeal
2. Complaints Policy

External

1. Housing Appeals Committee <https://www.hac.nsw.gov.au/how-to-appeal>
2. Tenants' Union of NSW <https://www.hac.nsw.gov.au/how-to-appeal>

Policy Version Control

Version	Details of Improvements	Release Date	Approval/Release Details
V 1.0	New Policy	01.07.2016	Approved for release by GM:C&C
V 2.0	Reviewed and updated in line with current business practice	23.08.2018	Approved for release by Amanda Winks Chief Housing Officer
V 3.0	Policy Reviewed. Still fit for purpose-no changes required	22.07.2021	Approved for release by Amanda Winks Chief Operations Officer