

Complaints and Appeals Policy

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1 Purpose and Applicability

This policy describes how the Women's Housing Company (WHC) manages complaints raised about the services delivered by the WHC, and appeals lodged against decisions made by the WHC, with a consistent, transparent and systematic approach.

This policy sets out the rights of applicants, clients and tenants to provide feedback to the WHC and the responsibility of the WHC to review and respond to complaints and appeals.

The policy applies to all Housing, Homelessness and Property Services delivered by the WHC. The policy applies to all WHC staff and contractors, clients, applicants, tenants, household members, support partners, stakeholders and community members.

The **Customer Service Charter** and **Customer Rights and Responsibilities** guide the interactions between the WHC, applicants, clients and tenants.

2 References

2.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- Housing Act 2001
- Community Housing Providers (Adoption of National Law) Act 2012
- NSW Residential Tenancies Act 2010, NSW Residential Tenancies Amendment (Review) Act 2018 and NSW Residential Tenancies Regulation 2019
- NSW Civil and Administrative Tribunal Act and Regulation 2013 and Rules 2014
- Housing Pathways Policies
- NSW Community Housing Access Policy
- NSW Community Housing Eligibility Policy
- NSW Community Housing Rent Policy
- NSW Community Housing Water Charging Guidelines
- NSW Community Housing Asset Management Policy
- NSW Affordable Housing Ministerial Guidelines

2.2 Internal Requirements and Forms

This policy refers to the following internal documents, which are available on the WHC website:

- Customer Service Charter
- Customer Rights and Responsibilities

2.3 Definitions

The following terms are used in this document, with specific meaning:

- "may" is an acceptable action or requirement but not mandatory,
- "must" or "shall" or "will" designates a mandatory requirement or action.

3 Policy Overview

The Women's Housing Company (WHC) respects the rights and values the views of its customers, welcoming feedback about the services they receive from us.

The WHC aims to provide high quality services, however we acknowledge that errors, misunderstandings and unexpected system or process problems can create dissatisfaction with our services.

The WHC is committed to ensuring the complaints and appeals process is clear and accessible to all customers, and is managed, monitored and analysed consistently, fairly, confidentially and promptly.

4 What is a Complaint?

A **Complaint** is an expression of dissatisfaction with a specific service delivered by the WHC, where the complainant is unhappy with the standard or type of service or the conduct of a WHC staff member.

Complaints can be made by telephone, in writing by email or letter, or in person.

Complaints can be made directly by a person receiving a service from the WHC or by an advocate on behalf of a person receiving a service from the WHC.

Complaints can be made anonymously, however the WHC may not be able to fully investigate the matter, may not be able to take appropriate action to resolve the matter and will not be able to respond to the complainant.

5 Complaint Handling Process

The WHC handles complaints about service delivery through an internal process. All complaints are reviewed by a senior manager to ensure consistent and appropriate handling and responses, and to identify trends and opportunities for service improvement.

Any WHC staff member can receive a complaint and is responsible for recording and registering this in our systems. The person taking details of a complaint is also responsible for acknowledging it in writing within three days.

To maintain impartiality and fairness the complaint will be allocated to a person not involved with the complaint for the investigation, resolution and response. Where a complaint relates to the conduct of a WHC staff member, the complaint will be handled by their supervisor or a senior manager.

The WHC aims to resolve complaints promptly, and wherever possible within 21 days. Where an investigation or outcome is expected to exceed 21 days, the person handling the complaint will advise the complainant of progress to date, reasons for the delay, and the anticipated date of resolution. At the end of the investigation, a letter will be issued to advise the outcome.

If the complaint has not been handled to the complainant's satisfaction, the matter can be escalated to a senior manager or the Chief Executive Officer, who will review the matter and the details of the investigation and provide a final response within 10 days.

6 What is an Appeal?

An **Appeal** is a request for a review of a service delivery decision made by the WHC. Appeals must be lodged within 30 days of being notified of a decision, except in the case of an offer of social housing, which must be lodged within 14 days, in accordance with Housing Pathways policies.

Requesting an appeal provides the opportunity for WHC to reflect on whether the decision was made based on full and accurate information and in accordance with relevant legislation and / or policies and procedures.

Appealable decisions are defined by the Housing Appeals Committee – www.hac.gov.au

For social housing applicants and WHC tenants, appealable decisions include:

- Eligibility for social housing, including priority assessment
- Dwelling entitlements, such as number of bedrooms or property type
- Locational entitlement for 'high demand' areas
- Suspension or closure of Housing Assistance Applications from the NSW Housing Register
- Offers of properties and the suitability of each offer
- Eligibility for a housing transfer, including management transfers
- Need for property modifications (for disability / medical reasons only)
- Approval for a property alteration
- Calculation, change or cancellation of a rent subsidy
- Non-rent tenancy charges (e.g. rechargeable property repairs)
- Calculation of water usage charges
- Tenant Vacating Charges
- Permission to be absent from home and rent calculation during absence
- Permission for a pet
- Relocation to alternative social housing at the expiry of a leasehold arrangement

Appeals can be made by telephone, in writing by email or letter, or in person.

Appeals can be made by a tenant or social housing applicant or by an advocate on their behalf.

Appeals cannot be made anonymously.

7 Appeal Handling Process

7.1 Stage 1 – Internal Review

To ensure consistent, impartial and appropriate review of decisions and responses, and to identify trends and opportunities for service improvement, all appeals are reviewed by a senior staff member not involved in the original decision-making process.

Any WHC staff member can receive an appeal and is responsible for recording and registering this in our systems. The person taking details of an appeal is also responsible for acknowledging it in writing within three days.

The WHC aims to respond to appeals promptly, and wherever possible within 21 days. Where a review is expected to exceed 21 days, the person handling the appeal will advise the appellant of progress to date, reasons for the delay, and the anticipated date of response. At the end of the review, a letter will be issued to advise the outcome.

7.2 Stage 2 – External Review by Housing Appeals Committee (HAC)

If the appeal has not been handled to the appellant's satisfaction, the matter can be lodged for a Stage 2 Review by an external body. The NSW Housing Appeals Committee (HAC) is an independent government agency which deals with appeals from people who are unhappy with decisions made by social housing providers, including the WHC.

Appeals to HAC can be made in relation to a wide range of issues affecting applicants and tenants. Follow this link for the list of [Appealable Decisions](#) that the HAC can review.

Some matters are outside the jurisdiction of the HAC. Follow this link for the list of [issues which cannot be appealed](#) with the HAC.

Stage 2 Appeals can be lodged with HAC by completing and returning the [HAC Appeals Form](#) or submitting an [online form](#).

The HAC can be contacted by calling 1800 629 794 or emailing hac@facns.nsw.gov.au

Further information about HAC can be found at <https://www.hac.nsw.gov.au/>

8 Assistance to make a complaint or lodge an appeal

WHC staff will assist tenants and applicants to complete the relevant forms or provide the relevant information to make a complaint or lodge an appeal as required. This includes arranging an appropriate support service provider or an interpreter.

External organisations that can help tenants and applicants to make a complaint or lodge an appeal include:

Local Tenants' Advice and Advocacy Services listed on www.tenants.org.au

Community Legal Centres listed on www.clcnsw.org.au

NSW Fair Trading Information Centre, contactable by calling 1300 220 or via www.fairtrading.nsw.gov.au

9 Matters outside this policy

9.1 Fraud, Misconduct or Illegal Activity

Concerns about fraud, misconduct, unethical or illegal activity by WHC staff or the WHC Board are handled through the WHC Whistle-blower process, which is managed by an external organisation, Stopline.

Information about making a whistle-blower report about the WHC can be found at the following website: <https://womenshousingcompany.stoplinereport.com/>

Whistle-blower reports about the WHC can be made by calling 1300 304 550, sending an email to womenshousingcompany@stopline.com.au sending a letter to Stopline, Locked Bag 8, Hawthorn, VIC 3122 or by completing an [online form](#).

9.2 National Regulatory System for Community Housing (NRSCH)

The WHC is registered under the National Regulatory System for Community Housing (NRSCH) and the NSW Housing Registrar administers the system and assesses the WHC's compliance with the *Community Housing Providers National Law* (National Law) including the National Regulatory Code – refer to www.nrsch.gov.au

The NSW Housing Registrar deals with complaints and allegations relating to dissatisfaction with the WHC's compliance with the National Law. These may include systemic business failures, inappropriate corporate activities, misallocation of government funding, undesirable tenancy or maintenance practices, and allegations of fraud or corruption.

The NSW Housing Registrar does not have jurisdiction to decide matters such as individual tenancy disputes, tenant selection processes, bond and rent disputes, minor maintenance disputes, evictions, membership appeals, minor breaches of contractual agreements or internal personality conflicts, unless these matters can be shown to be of a systemic nature on the part of the WHC and therefore a threat to ongoing viability and compliance.

The NSW Housing Registrar can be contacted by calling 1800 330 940 or emailing registrar@facns.nsw.gov.au

For additional information on how different types of complaints to the NSW Housing Registrar might be dealt with, refer to the following factsheets:

- [Complaint handling – Information for tenants](#)
- [Complaint handling – Information for neighbours and related parties](#)

9.3 NSW Civil and Administrative Tribunal (NCAT)

The WHC operates tenancy and property management activities in accordance with the Residential Tenancies Act 2010. The NSW Department of Fair Trading is the government body that administers this legislation and manages the NSW Civil and Administrative Tribunal (NCAT) to preside over tenancy and property disputes between tenants and landlords.

Tenants and landlords may apply to NCAT for a hearing before a Tribunal Member, where evidence is presented and rulings are made in relation to tenancy and property matters, including payment of rent, repairs charges levied to the tenant, property condition and maintenance, termination and eviction notices, and any other tenancy matters legislated under the Residential Tenancies Act 2010.

NCAT can be contacted by calling 1300 006 228. Further information about NCAT can be found at <https://www.ncat.nsw.gov.au/>