



Appeals Management

1. Purpose

YourPlace Housing (YourPlace) is committed to providing an Appeal Management process that is accessible, transparent, inclusive, and responsive.

The policy outlines the way in which YourPlace manages appeals about the decisions it has made.

2. Scope

This policy applies to all tenants, applicants for housing and any other person who has a direct involvement in the dispute.

YourPlace will comply with relevant State and Commonwealth legislation including the:

- > Residential Tenancies Act 1995 (South Australia)
- > Residential Tenancies Regulation 2010
- > National Disability Insurance Scheme Act 2013 (Commonwealth)

3. Policy Statement

YourPlace acknowledges everyone's right to express their opinion about our services. We will provide tenants, their families, and support networks with the opportunity to influence the way YourPlace delivers its services through meaningful engagement, listening and responding to feedback.

The effective management of an appeal enables an organisation to intervene before a problem escalates, provides a review process for customers who have been disadvantaged by a YourPlace action or decision, and nurtures the relationship between YourPlace and its customers.

Similarly, YourPlace welcomes positive feedback that compliments its staff on the way they deliver a service as it can be used to promote excellence within the organisation.

YourPlace will take a consistent, systematic, and transparent approach to managing, monitoring, and analysing all feedback on its services. It will ensure that its appeals process is clear and is managed consistently, fairly, and promptly.

4. Appeals

Tenants, their families/significant others, carers, guardians, advocates, and support providers (acting on behalf of a tenant) have the right to appeal a decision made by YourPlace.

Appellants will not be disadvantaged by lodging an appeal. YourPlace will act in a transparent and objective manner when receiving, investigating, and responding to an appeal.

The appeal process will involve a review of:

- > Relevant information on file
- > Information submitted by the appellant
- > 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 confines of the relevant policy.

What is an appeal?

YourPlace defines an appeal as an expression of dissatisfaction with a decision it has made. The appeal process provides the opportunity to review the decision and to reflect on whether a decision has been made based on full and accurate information and in accordance with legislation and/or policies and procedures.

Decisions that can be Appealed

For social housing applicants and YourPlace tenants, appealable decisions include but are not restricted to the following:

- > The assessment of eligibility for housing
- > Transfer requests
- > Additional occupant applications
- > Rent calculations, water, or other charges not consistent with the appellant's tenancy agreement
- > Need for modifications for disability/medical reasons only
- > Permission to keep an animal
- > Property maintenance or refurbishments.

Decisions that are not Appealable under this policy

- > Content of YourPlace policies
- > Matters which are the responsibility of the South Australian Civil and Administrative Tribunal (SACAT) and other bodies
- > Matters that have been dealt with in other tribunals or courts
- > Matters that have already been dealt with through the Appeals Policy
- > Decisions which are not directly related to an 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 (this is covered by the Complaints Policy)
- > Disputes between tenants

- > Matters that are outside the time limit for appeals

Principles underpinning an Appeal

An appellant has the right to:

- > Have their concern dealt with confidentially and professionally
- > Ask for help in raising their concern including the assistance of an advocate
- > Invite a support person such as friend or relative to accompany them in any meetings
- > Choose a location that is comfortable and convenient
- > Use interpreting and translating services
- > Be given information on tenant advice and advocacy services
- > Take their appeal further if they are not satisfied with the outcome

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.

Timeframe for Lodging an Appeal

An application of appeal must be received by YourPlace within 30 days of the incident, decision, or action. An appeal can be withdrawn at any time.

5. Overview of the Appeal Process

The Appeals process incorporates three levels that afford an appellant every opportunity to be heard and challenge Your Place’s decisions or actions.



Level 1: Review is led by Your Place’s Appeal Management Lead

This 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 Level 1 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.

Level 2: Internal Appeal is reviewed by the Chief Executive Officer

Where an appellant is unhappy with the decision made during the Level 1 Review it can be escalated to the CEO.

The CEO will review and investigate the appeal process to ensure that the original decision and the outcome of a Level 1 review considered:

- > all the information available at the time the original decision was made
- > supplementary information provided by the appellant or discovered during the Level 1 Review
- > procedures fairness
- > consistency with relevant legislation.

The outcome of a Level 2 Internal Appeal may be a determination that:

- > the outcome of the Internal Review was appropriate, and the decision should be confirmed/upheld
- > the outcome of the Internal Review was not appropriate, and an alternative decision should have been made.

If an appellant chooses to bypass a Level 1 Review and go straight to a Level 2 review by the CEO, the range of determinations will be the same as specified in Level 1.

Level 3: External Appeal – Independent third party

When an appeal cannot be resolved through the Level 1 and 2 resolution attempts, the appellant can request that the appeal be heard by an independent third party. YourPlace has a panel of people with relevant knowledge and experience they can draw on to conduct an appeal. The CEO will select a candidate on the basis that:

- > they have knowledge and experience that is specific to the appeal
- > they can conduct the appeal in its entirety to ensure that the principles of natural justice are observed
- > no conflict of interest exists.

In this process, the ITP conducting the appeal will review all the documentation provided and determine if further information is required to adjudicate the appeal. YourPlace will comply with any requests for addition information.

The ITP has a mandate to make their own recommendations. YourPlace will accept the decision of the ITP unless the decision contravenes any legislation or YourPlace policies, or it impacts on the viability of the organisation.

If YourPlace does not support or agree with the ITP's recommendation, a formal response will be provided to both the ITP and the appellant.

Whilst Level 1 and 2 are the optimal appeals processes, YourPlace acknowledges that tenants do not need to adhere to this appeals process. It is the right of people who are lodging an appeal to seek their most appropriate resolution to the issue.

If for whatever reason the appellant does not feel they are being heard or are not comfortable with the suggested process they may choose to proceed to an external review at any stage or, bypass Level 1 and go straight to either a Level 2 - Internal Appeal with the CEO or Level 3 with an independent third party.

6. How to lodge an Appeal

Appeals can be made in several ways:

- > By visiting the YourPlace, Monday to Friday 8am to 4pm at 9 Bryon Place, Adelaide
- > By calling YourPlace on 08 8351 8466
- > In writing by email to complaintsandappeals@yourplacehousing.com.au
- > By letter directed to the Appeals Management Lead
- > Through completion of the YourPlace Appeals Form
- > Via the YourPlace Housing website by completing the Appeals Form
- > Directly to the Chief Executive Officer by email at ceo@yourplacehousing.com.au.

7. Managing Appeals

YourPlace will assign an Appeals Management Lead (AML) to manage all appeals.

The AML is responsible throughout the process for:

- > Acting as a key point of contact for the appellant
- > Providing advice to the appellant about the appeals management process
- > Providing regular updates to the appellant in their preferred method of communication
- > Investigating the appeal
- > Obtaining further information if required
- > Maintaining accurate records
- > Advising the appellant in writing of the outcome of the appeal including the reasons for the decision
- > Keeping the details of the appeal confidential for internal reporting and Board reporting purposes
- > Providing information about external agencies who can assist in a situation where the appeal remains unresolved, or the person is dissatisfied with the outcome.

To maintain impartiality and fairness, YourPlace will ensure that AML is not the subject of the appeal. In these instances, responsibility for managing the appeal will be assigned to another senior Manager from a different team.

Timeframe for Resolution

YourPlace aims to resolve appeals promptly and wherever possible within 20 business days of receipt of the application.

In situations where a resolution or outcome will exceed 20 business days, the AML will advise the appellant of progress to date, the anticipated date of resolution and any reasons for the delay.

Appeals that are escalated to the CEO will be finalised within 10 business days from escalation or as otherwise discussed with the appellant.

Appeals that are escalated to an ITP will be finalised within 15 business days from escalation or as otherwise discussed with the appellant.

The AML will provide the appellant with written confirmation of the decision of the appeal within 2 business days after the conclusion of the stated or agreed review period.

What happens if I disagree with the outcome of the Appeal?

YourPlace will advise the appellant in writing that they have the right to appeal to SACAT should he/she be unhappy with the appeal outcome or process.

Specialist Disability Accommodation (SDA)

Tenants who are NDIS participants living in an SDA property who are unhappy about accommodation services provided by YourPlace can make a complaint directly to the NDIS Quality and Safeguarding Commission by:

- > Calling 1800 035 544 (free call from landlines). Interpreter can be arranged by calling 131 450
- > National Relay Service and ask for 1800 035 544
- > Completing an on-line complaint contact form at <https://www.ndis.gov.au/contact/feedback-and-complaints/contact-and-feedback-form>.

Assistance for tenants making an Appeal

YourPlace will assist clients to complete the relevant forms to make an appeal as required. This includes arranging an appropriate service provider or interpreter if needed.

External bodies that can help with lodging an appeal include:

- > Rent Right SA
Free Call: 1800 060 462
<https://www.syc.net.au/home/retrightsa/contact-retrightsa/>
- > Community Mediation Services
43 Franklin St Adelaide, SA 5000
Telephone: 08 8342 1800
Email: mediation@unitingcommunities.org
Website: www.unitingcommunities.org/services/financial-legal-services/mediation-services/

How YourPlace uses information from appeals

YourPlace will regularly review information from appeals to identify ways in which its services and their delivery can be improved. It will regularly report to the Board on the numbers and types of appeals and on their outcomes.

It will also provide information on its appeals to comply with the reporting requirements of the National Regulatory System for Community Housing (NRSCH). YourPlace staff will always use information from appeals in a way that does not identify the appellant.

8. Definitions

- > **Advocate:** a person who may have been invited by the Appellant to speak on their behalf or support them during the process
- > **Appellant:** an appellant is a person who is requesting that a decision is reviewed
- > **Appeal** – a formal application to have a decision made by YourPlace Housing reviewed
- > **Natural justice** – duty to act fairly

9. Related Documents

- > **Complaints Management and Resolution Policy**
- > **“Good Neighbour Policy”**

10. Document Information

Policy Number	THSPolicy04
Author	Senior Manager, Projects
Confidentiality	External
Approved By	CEO
Date Approved	18/08/21
Periodic Review	This policy will be reviewed annually to check it is operating effectively and whether any changes are required.
Next Review Date	18/08/22