



## APPEALS POLICY AND PROCEDURE

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### 1. POLICY PURPOSE

Access 2 Place is committed to the fair and effective management of appeals.

The Appeal Policy defines Access 2 Place Housing's approach to managing appeals received from applicants and tenants, and determining which decisions can be appealed.

The objective of this policy is to ensure that:

- There is a fair mechanism for decisions to be reviewed.
- The correct decision has been made.

Access 2 Place Housing views the appeal process as an opportunity to:

- Demonstrate openness to, and the valuing of, feedback from tenants and applicants.
- Review current policies and procedures where necessary.

### 2. SCOPE

This policy applies to all applicants, tenants or ex-tenants of Access 2 Place Housing.

### 3. DEFINITIONS

**Applicant:** the person who makes the formal application for housing assistance

**External review:** a review conducted by the South Australian Civil and Administrative Tribunal.

**Household:** includes any person residing at the property regardless of age or relationship.

**Internal review:** a review conducted by Access 2 Place of a decision made by the original decision maker.

**Tenant:** the person who has signed the Tenancy Agreement (lease) with Access 2 Place Housing.

### 4. GENERAL PRINCIPLES

**4.1** Where possible, applicants, tenants or ex-tenants who are not satisfied with Access 2 Place Housing decisions are encouraged to first speak to the Access 2 Place Housing staff member who made the decision, or another staff member. If they are still not satisfied with the decision, they can lodge an appeal - if their issue is appealable.



**4.2** An applicant, tenant or ex-tenant has the right to make an appeal to Access 2 Place Housing if they disagree with a decision that has been made that they believe may affect their application for housing, or their tenancy.

4.2.1 Applicants, tenants or ex-tenants of Access 2 Place **can appeal a decision** about:

- An application for housing or priority housing,
- An application for a reduced rent,
- An assessment or decision about their housing need or position,
- A matter covered by their Access 2 Place Tenancy Agreement,
- A matter that affects them as an Access 2 Place tenant.

4.2.2 Some matters are not appealable such as:

- Decisions that are not directly related to the person or household.
- Matters that are the responsibility of other tribunals.
- Decisions about providing more than the maximum service or benefit available under an Access 2 Place Housing policy.

**4.3** Applicants, tenants or ex-tenants of Access 2 can lodge an appeal by completing and returning an Appeal Form which can be obtained from the Access 2 Place website [info@access2place.com.au](mailto:info@access2place.com.au); or a paper copy can be obtained from the Access 2 Place office. The completed Appeal Form can be emailed to [info@access2place.com.au](mailto:info@access2place.com.au) or **hand delivered** to the Access 2 Place office.

**4.4** Staff may assist the person in completing the Appeals form.

5.2.1 The staff member involved in the making the decision in question should not be involved in this process.

**4.2** Where possible, appeals are to be decided within 20 working days from the date Access 2 Place Housing received the written application for review.

6.2.1 Exceptions to this timing may be where Access 2 Place Housing is waiting for further information from the applicant or tenant' or another person or organisation.



- 4.3 If the tenant disagrees with the results of the internal review they can apply for an independent review by the South Australian Civil and Administrative Tribunal (SACAT). Appeals must be lodged within 30 days of being informed of the decision in question.

## **5. APPEAL PROCEDURE**

### **5.1 BE FAMILIAR WITH THE APPEALS POLICY**

All staff are required to be familiar with the Appeals Policy.

### **5.2 CHECK THE DECISION CAN BE APPEALED**

All staff are expected to refer to Section 5 'Appealing a Decision' of the Appeals Policy to make sure that the lodged appeal is within the scope of decisions that can be appealed.

### **5.3 ENCOURAGE A DISCUSSION PRIOR TO SEEKING AN INTERNAL REVIEW**

In the first instance, where an applicant, tenant or ex-tenant disagrees with a decision they should be encouraged to first talk to the staff member who made the decision, to see if the matter can be resolved, to their satisfaction, without the need for an internal review.

If the applicant tenant does not wish to speak to the original decision maker, they can be offered the opportunity to speak to the Chief Executive Officer.

During this discussion the staff member must explain why and how the original decision was reached.

If the applicant or tenant is still not satisfied with the decision, they can seek an internal review of the decision by lodging an appeal with Access 2 Place. Staff (other than the original decision maker) can support the person to complete the form.

If the applicant or tenant is satisfied, staff are required to document outcome and other relevant information in the applicant or tenants file.



#### **5.4 INTERNAL REVIEW PROCESS**

1. The entire appeals internal review process should be completed within 20 working days of the appeal being lodged.
2. Upon receipt of an appeal staff are required to formally acknowledge the appeal in writing within two (2) working days of receipt and record details of the appeal on the Appeals Register.
3. The Tenancy Officer will refer the matter to the Operations Manager who will appoint a staff member as an internal investigator immediately upon notification of the appeal.
4. The Investigator will conduct an investigation and review the decision within 15 working days from the appeal lodgment date and will update the Appeals Register with details of the outcome.

During the internal review, the investigator conducting the review will check:

- The facts of the decision,
- If it was made in line with Access 2 Place policy and any other relevant documents and processes.

It is recommended, but not essential, that the tenant be referred to the Tenants Information and Advocacy Service (TIAS) for assistance with appealing a decision.

The Investigator will ensure the appellant is notified in writing of the outcome within five (5) working days of completing the investigation.

5. Any hard copy records generated as a result of the investigation will be stored in the tenant file and the appeals register.

#### **5.5 LODGING AN APPEAL WITH SACAT**

If the tenant still disagrees with the decision made after an internal review, they can lodge an appeal with the South Australian Civil and Administrative Tribunal (SACAT).



SACAT will review decisions regarding:

- an assessment of financial or other circumstances (including eligibility for a benefit or concession)
- allocation of any premises or transfer to other premises
- the state, condition, modification or improvement of premises
- the calculation or imposition of any rent, levy, charge or subsidy (except those arising under the tenancy agreement)
- termination of membership of a community housing provider
- your occupation or use of premises
- refusal of an application for membership.

An application to appeal can be lodged with SACAT within 30 days of receiving notification of the Unity appeal outcome. An extension of this time can be requested when making this application. Appeals to SACAT are lodged using their online application or by contacting them directly for assistance:

- Phone: 1800 723 767
- Email: [sacat@sacat.sa.gov.au](mailto:sacat@sacat.sa.gov.au)
- Postal address: GPO Box 2361 Adelaide SA 5001.

## **5.6 CHINTARO**

All Actions regarding the appeal process must be recorded in Chintaro under the heading 'Appeal'. Both internal and external appeal processes must be recorded in the Access 2 Place Appeal Register.

## **6. RESPONSIBILITIES**

**6.1** The Chief Executive Officer is responsible for the approval of this policy and procedures; and the provision of timely policy-related support and guidance.

**6.2** The Operations Manager is responsible for ensuring all staff are familiar with this policy and related procedures and are committed to following them.

**6.3** Employees are responsible for ensuring they comply with this policy and procedures, be responsible for their own behaviour and if required, attend relevant training as provided by Access 2 Place Housing from time to time.



## 7. DIRECTIVE AND SUPPORTING DOCUMENTS

- [Appeals form](#)
- [Appeals Register](#)
- Appeals Brochure (in development)
- [Appeal Procedures](#) (print friendly version)

## 8. RELATED POLICY AND DOCUMENTS

- Tenancy Agreement
- Customer Complaint Policy
- Tenant Wellbeing and Reporting Policy
- South Australian Civil and Administrative Tribunal Act, 2013.
- Community Housing Providers (National Law) (SA) Act 2013
- National Regulatory System for Community Housing.

## 9. REGULATION ALIGNMENT

National Regulatory System Performance Outcome 5: Probity

## 10. DOCUMENT CONTROL

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|---------------------|-------------------------------|
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