

# 107 Appeals Policy

## 1. Customer Statement

At Link Wentworth our customers and communities are at the centre of what we do. We are committed to:

- treating our customers with compassion and respect
- communicating clearly so that our customers can make informed decisions
- providing fair service by following the right process
- working openly with customers to find shared solutions
- following all relevant laws and regulations

## 2. Purpose

This policy outlines how Link Wentworth manages appeals by, or on behalf of, applicants, tenants and former tenants about decisions we have made.

## 3. Scope

This policy applies to appeals Link Wentworth receive from applicants, tenants and former tenants.

This policy does not deal with complaints, compliments or general feedback. These are covered in the Link Wentworth Complaints and Feedback Policy.

## 4. Policy

Link Wentworth apply the following principles when dealing with appeals. We:

- welcome appeals as a form of feedback. Appeals allow Link Wentworth to monitor its performance and effectiveness and make changes where necessary.
- deal with appeals fairly and transparently
- recognise the right to appeal a decision and do not disadvantage anyone for doing so
- keep a record of the appeals received and the response to them
- respond to the appeal and give an outcome in writing within the timeframe stated in this policy
- provide an update if there are any delays

There are two levels of appeal:

- first tier appeal – internal review by Link Wentworth
- second tier appeal – independent review by the NSW Housing Appeals Committee (HAC)

There cannot be more than one first tier appeal against a decision. If you are not satisfied with the outcome of your first-tier appeal then you may lodge a second tier appeal.

### Decisions that can be appealed

See Appealable Issues on the Housing Appeals Committee website at [hac.nsw.gov.au](http://hac.nsw.gov.au) for the full list of decisions that can be appealed.



Examples of decisions that can be appealed include:

- applicant eligibility for housing
- applicant priority status on the waiting list
- applicant removal from the Housing Register
- eligibility for transfer (re-housing)
- removal from transfer list
- private rental assistance
- succession
- level of rental subsidy
- cancellation of a rental subsidy
- property modifications relating to disability/medical reasons only
- permission to keep an animal
- tenant charges not covered by a NSW Civil and Administrative Tribunal (NCAT) order
- tenant absence from dwelling
- water charges

### How to make a first-tier appeal

- fill out our online appeals form at [www.linkwentworth.org.au](http://www.linkwentworth.org.au)
- email your appeal to [feedback@linkwentworth.org.au](mailto:feedback@linkwentworth.org.au)
- post to PO Box 5124, Chatswood West NSW 2067
- phone 13 14 21, or direct lines or mobile numbers
- in person, using the appeals form, at one of our offices
- at an off-site location (e.g. event or at a home visit by a staff member)

### First tier appeal process

Link Wentworth take the following steps when we receive an appeal. The appeal is:

- recorded in the electronic register
- acknowledged in writing within two (2) business days. Our acknowledgement includes information about our timeframe for dealing with your appeal
- reviewed and considered by a manager who was not involved in the original decision
- completed within 15 business days and a written response provided to you. If the matter is complex or requires more investigation, our response may take longer. We let you know within 15 business days if we need more time. Our written response to you includes details of how you can request an independent review by the NSW HAC if you are unhappy with the outcome.

### Second tier appeal process

#### Independent review the by NSW Housing Appeals Committee (HAC)

If you are unhappy with the outcome of an internal appeal with Link Wentworth, you can lodge a request for independent review with the NSW HAC.

The Housing Appeals Committee is easy to contact by phone or email and also offers online services. It's contact details are:



- Free call: 1800 629 794
- Phone: (02) 8741 2555
- Email: [hac@facs.nsw.gov.au](mailto:hac@facs.nsw.gov.au)
- Website: [www.hac.nsw.gov.au](http://www.hac.nsw.gov.au)

External appeals can be lodged:

- Online at <https://www.hac.nsw.gov.au/how-to-appeal/appeal-online>
- By filling out the Appeal Form available from the Housing Appeals Committee ([https://www.hac.nsw.gov.au/\\_data/assets/pdf\\_file/0003/333849/HAC-FORM-2016.pdf](https://www.hac.nsw.gov.au/_data/assets/pdf_file/0003/333849/HAC-FORM-2016.pdf))

The NSW HAC will consider your request for independent review, information in the file kept by Link Wentworth, and information you provide during an informal interview with the NSW HAC.

The NSW HAC reaches a conclusion about the independent review and writes a report with recommendations that is sent to you and also Link Wentworth.

Once a decision has been made following an independent review by HAC there are no further appeals possible regarding that decision.

Link Wentworth acknowledges that in some limited circumstances an appeal may require quick action to ensure procedural fairness and compliance with specific legislation. In these circumstances Link Wentworth will always endeavour to comply with legislated timeframes.

### Time limits for appeals

Generally, the right to appeal is limited to three (3) months from the date of the original decision. This may be extended in special circumstances. Examples include:

- Where the tenant was not aware of the original decision
- Where the tenant was in hospital or otherwise unable to make an appeal

### Issues outside this policy

The NSW Civil and Administrative Tribunal (NCAT) deals with tenancy issues arising from Link Wentworth's obligations under the *Residential Tenancies Act 2010* and can be contacted at 1300 006 228 or <https://www.ncat.nsw.gov.au/>

### Complaints

A customer who is not happy with a decision we make or who believes that we have not followed this policy can complain using the complaints policy available on the Link Wentworth website [www.linkwentworth.org.au](http://www.linkwentworth.org.au) or by phoning Link Wentworth on 13 14 21.

## 5. Definitions

**Appeal** – when you think a decision made by Link Wentworth was unfair or incorrect.

**Business days** – refers to weekdays (i.e. Monday to Friday). Not weekends and public holidays.

**Complaint** – when you notify us that you are unhappy with a service or product you have received from Link Wentworth and request a response from us.

**Compliment** – when you let us know when we, as an organisation or an individual staff member, have performed well or delivered successful programs and events.

**Feedback** – information provided from you to us about a program, product or service we did or did not deliver or a suggestion for improvement.

**Housing Appeals Committee (HAC)** – the NSW Housing Appeals Committee is an independent agency that deals with appeals from people who are unhappy with a decision made by a social housing provider, such as Link Wentworth.

## 6. Legislation and other relevant policies

- NSW Community Housing Access Policy
- Complaint Management Framework for Community Housing Providers
- Residential Tenancies Act 2010
- Eligibility for Social Housing Policy
- Department of Communities and Justice – Client Service Delivery and Appeals Policy

## 7. References

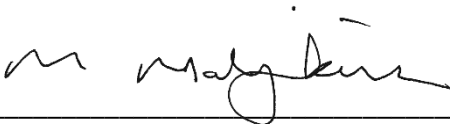
- Complaints and Feedback Policy

## 8. Privacy and confidentiality

Link Wentworth has obligations and responsibilities under its Privacy Policy please refer to the policy for further information.

## Approval, policy owner and review frequency

Policy type:	Management Level
Executive Leadership Team owner:	Chief Customer Officer
Business owner:	Customer Relationship Manager
Ultimate Approval body:	Chief Customer Officer
Review Frequency:	Every two years or more frequently if circumstances warrant



Approved by – Chief Customer Officer