

Appeals

Policy Ref: C134

Version:	2.2.0	Created Date:	10/09/2015
Created By:	Pauline Samantha	Approved By:	CEO
Last Modified By:	Pauline Samantha	Last Modified Date:	23/03/2021

PURPOSE

The purpose in having an appeal mechanism is to enhance the quality of service to clients by seeking effective resolution of disputes.

SCOPE

Any client of YRHAC has the right to appeal.

POLICY

YRHAC recognises that decision it makes have a significant impact on clients. The appeal process ensures that any clients' concerns about YRHAC's decisions are dealt with in a fair and open manner before an Appeal Committee.

An appeal is 'dissatisfaction with a decision made by YRHAC.'

Appeal process managed by the CEO and Directors.

Appeal process might involve external Agencies or Tribunals such as the NTCAT

In certain circumstances, a complaint can become an appeal depending on the party involved and the legislation surrounding the issues.

If a person disagrees with a decision made by the YRHAC, they are required to lodge written notice of an appeal within one month of receiving resolution of a complaint.

If the person fails to lodge written notice within one month of receiving resolution of a complaint, no further action can be taken and the original decision will stand.

What decisions can be appealed?

Some decisions concerning rental housing can be appealed, such as but not limited to decisions concerning:

- An application for accommodation.
- Transfer applications.
- Rental arrears.
- Tenants liability for repairs or any other charges.
- Employees/ customer service.

What decisions may NOT be appealed?

- Where legal action is being or has been taken.
- Decisions made and received more than one month ago.
- Whilst the size or existence of a debt may be appealed, clients may not appeal the methods or timing of any debt repayment arranged by YRHAC.
- Decision by the CEO to increase / decrease YRHAC rent across the board.
- Decision by the CEO not to sell, lease or otherwise dispose of properties under his / her control to a specified person or body.
- Any decision or Order from the Commissioner of Tenancies.
- An application for appeal will not be accepted if the matter is currently being reviewed by legal or government body.

PROCEDURES

Lodging appeal

Customer who wishes to appeal against a decision will correspond directly to the CEO and/or Corporations Board. Any decision made by Yilli Housing Board for the appeal shall be final and conclusive.

Customers can lodge an appeal by:

- sending an email to: info@yillihousing.com.au. Attn: Chairperson of Yilli Board
- sending a letter to Yilli Housing PO BOX 347 Palmerston 0831. Attn: CEO or Yilli Board.

There must be a reply email address, personal address or contact phone number supplied with each form. If there are no returned contact details then customer appeal may not be proceed.

Upon receipt of written notice, YRHAC will forward an Acknowledgement of Appeal letter.

An appeal will be addressed within a reasonable timeframe. Customer will receive a letter from the CEO or the Board. If customers feel the matter was not fairly dealt with, the customers have the right to address the matter to the board at the next available meeting.

A tenant whose tenancy is covered under The NT Residential Tenancies Act may contact NTCAT to appeal for tenancy-related decisions. Email: AGD.ntcat@nt.gov.au or Phone: 1800 604 622/ (08) 8944 8720

Natural Justice (Procedural Fairness)

The YRHAC's appeal mechanism is governed by principles of natural justice or procedural fairness. This means that the decision must be reviewed fairly, equitably and without prejudice.

The rules of natural justice (procedural fairness) require:

- That all persons be given the right to be heard before decisions are taken which affect their rights, interests and legitimate expectations.
- The person be entitled to be made aware of any matters which the decision maker uses in the decision-making process;
- The person be given the reason for a particular decision being reached and the opportunity of responding to them;
- The right to reasonable notice to give the person time to prepare or answer the case;
- The right for the person to have the case heard in a convenient place.
- The right for the person to appear and have represented by an advocate;
- That any hearing be fair and unbiased.

Appellant's Right to Attend Hearing in a board meeting

An appellant has the right to attend the hearing of their appeal so they can present their case in person and be accompanied by an advocate or friend if they wish. The hearing will take place during an available board (directors) meeting. If an appellant is unable to attend a sitting in person but wish to talk to the Board, arrangements can be made for a hearing by conference telephone.

Examination of Appeal Documents

Prior to the hearing, the board will examine all documents relating to the case.

Documents relevant to the appeal are to be copied and forwarded to Board at least two (2) working days before the hearing.

Conflict of Interest

There may be circumstances in which a potential/actual/perceived conflict of interest involves the CEO or a director. In such a situation, conflicts of interest must be declared as soon as the Director becomes aware and the Director shall offer to leave the room while the matter is discussed, will not vote on any resolution relating to that conflict.

The remaining Board of Directors will determine the level of the participation of the Director who has declared a conflict of interest.

All conflict of interest will be dealt in accordance with the Conflict of Interest Policy in the Board Policy.

Appeal Hearing

The Board will review the person's situation and the original decision made.

Prior to hearing from an appellant, members are to prepare, discuss and appportion questions designed to ensure all the facts about the appellant's case are understood.

At the hearing, the chairperson is to provide an overview of the appeal process, including an assurance that the hearing is informal and that the appellant's case can be told in their own words. An explanation will be given that a staff member will be taking notes for record purposes and information provided about notification of the decision and of further avenues of appeal.

Should it become apparent in the course of the hearing that additional evidence is required about the appellant's case, the Board and the appellant are to agree on the nature of the information and the time for it to be obtained.

If an appellant fails to keep the appointment, without providing an adequate reason, the Board will proceed to consider the appeal and make its decision based on documentary evidence.

The Board will take note of all information presented and the processes used to arrive at the original decision. Ultimately, the Board is looking to see that the decision has been fairly determined, having regards to the facts and policy. The Board reserves the right to either re-apply the original decision or change the decision as they see fit.

Result of Appeal

Decisions of the Board are final and binding.

The Board must inform the appellant in writing within a reasonable timeframe of the outcome of their Appeal.

Complaints

Policy Ref: C133

Version:	4.0.0	Created Date:	10/09/2015
Created By:	Pauline Samantha	Approved By:	CEO
Last Modified By:	Lee Upton	Last Modified Date:	04/11/2021

PURPOSE

The purpose of the complaint mechanism is to enhance the quality of service to clients by seeking effective and rapid resolution of disputes.

SCOPE

Any client of YRHAC has the right to complain. Complaints may also be made by members of the public, advocacy agencies and community organisations. Complaints may be received in any form, including verbal complaints, anonymous complaints, and complaints sent through a third party and Customer Complaint Form.

POLICY

Clients should be kept informed of their right to complain as well as the complaints process. A complaint can be withdrawn at any stage. There is no financial cost for making a complaint.

Tenants will be given easy access to simple written information about how to lodge a complaint. This information together with the *Customer Complaint Form* is readily available in the YRHAC office, YRHAC website and upon request.

Responsibility for a complaint lies with the relevant Managers of each complaint type, unless the Manager's conduct or service is being complained about, in which case responsibility will be transferred to CEO. If the CEO's conduct or service is being complained about, responsibility will be transferred to the Chairperson of the Corporation, who is also responsible for complaints made against Board members. If the conduct or service complained about relates to the Chairperson of the Corporation, the Secretariat Policy Officer will take responsibility for the complaint in line with Board Governance Policy.

Responsibility for a complaint lies with the relevant Managers of each complaint type. If the employee was involved which led to the complaint then the responsibility should be transferred to CEO/ Chairperson.

Any complaint received by the wrong section of YRHAC (for example: if the complaint was wrongly addressed) should be forwarded to the relevant Manager.

YRHAC staff should make every attempt to resolve a complaint at the first point of contact. If a complaint cannot be resolved at this point, a written response should be provided within a reasonable period of time. The response should include information on how to appeal. If the complaint is received face-to-face or over the telephone, it should be documented by the receiver as it is heard or as soon as possible. The response to a complainant may not outline the actions taken by YRHAC if this information would breach the privacy of a client.

The CEO and Policy Officer will ensure that the effectiveness of the complaints process is regularly monitored.

If YRHAC receives no or few complaints, steps should be taken to review how accessible the complaints system is.

Anonymous complaints should be investigated as thoroughly as all other complaints, whilst recognising that it may be impossible to provide a response to the complainant or resolve the issue to normal departmental standards.

Vexatious Complaints

If a complainant is believed to be making false or vexatious complaints, Yilli staff have the discretion to declare a complaint vexatious and to inform the CEO, which will then decide whether the complaint will be pursued. The CEO and Managers retain responsibility for investigating all valid complaints and should document any decisions made.

Distinguishing between a Complaint and an Appeal

- A complaint is 'dissatisfaction with a service, housing provided by YRHAC'
- An appeal is 'dissatisfaction with a decision made by YRHAC.' If a client is unhappy with the resolution of a complaint, they may be able to make an appeal.

PROCEDURES

Yilli Housing is committed to providing all customers with excellent service. The Corporation welcomes feedback and believes that customers have a right to complain about decisions and services provided.

Receiving Complaints

Complaints may be received in person, over the telephone or in writing with or without the use of the *Customer Complaint Form*. Staff at all levels must accept complaints and know what action they can take to resolve them.

When receiving a serious verbal complaint, staff should encourage the complainant to lodge the details in writing in order to streamline the process. Yilli staff and other persons may fill out the Customer Complaint Form on behalf of the customer if the customer cannot lodge their complaint in writing.

Wherever possible, the complainant should be encouraged to disclose their identity. Staff should explain to people that it will be difficult for YRHAC to respond to anonymous complaints without sufficient detail.

Customer Complaint Form can be obtained from the receptionist or downloaded from Yilli Housing website (yillihousing.com.au) and lodged to the receptionist or:

Sending a letter to Yilli Housing : PO BOX 347 Palmerston 0831

Email to Yilli Housing : info@yillihousing.com.au

Giving Feedback/ Comment/ Suggestion

Customers can give feedback and comments to Yilli Housing on any service with the same procedure as above. The Corporation will use this information to improve the service provided to customers. Yilli Housing particularly interested in whether the customer is satisfied with:

- A particular service
- The level of service experienced by the customer
- Way to improve our service
- Testimonial and positive experience in Yilli Housing accommodations

Advice, assistance and support

If a customer needs advice or support, they can phone the Corporation on 08 8935 0100 or visit the Corporation Office.

For urgent out-of-hours assistance and maintenance request, please contact 1300 726 820

Complaint Acknowledgement

Acknowledgement may be verbal or in writing. Written acknowledgement should be sent for formal complaints. The acknowledgment should contain this information:

- Acknowledgement of the complaint
- Explaining the complaint process and the expected timeframes.
- Yilli respond to the expected requests from the complainant.
- Contact person of the manager for further correspondence.

With complaints received verbally, staff should consider these appropriate responses:

- Actively listen to the complaint
- Offer an apology if warranted
- Give an explanation of what happened
- Encourage the complainant to discuss their concerns with the relevant staff
- Speak to the relevant staff on behalf of the complainant
- Advise the complainant of the complaint management process
- Know when to refer the complaint to the management level
- Advise them of the appropriate person if they wish to send any written correspondence
- Commence actioning the complaint if possible

Assistance to Complainants

Yilli Housing staff respects the right of the customer to complain and assist the customer by:

- Maintaining complete confidentiality of any discussions that take place throughout the process

- Handling the complaints as quickly as possible
- Providing necessary information and advice
- Keeping the customer informed and updated about how the complaint is being handled

Investigating Complaints

YRHAC will coordinate the investigation of complaints in conjunction with the responsible officer, managers or the CEO.

The CEO is responsible for ensuring the complaint is properly assessed to determine the appropriate action to be taken in response to the complaint.

Complaints should be referred to the CEO where:

- The matter is outside the staff member's area of expertise or delegation;
- If it's considered as a high risk/ serious complaint;
- If the complainant requests it; or
- If there may be a conflict of interest.

Resolution/ Outcome

Resolution/ Outcome should be consistent and fair for both the complainant and YRHAC. Types of redress or responses that are appropriate and reasonable could include:

- | | |
|--|---|
| ▪ Apology | ▪ Matter addressed with staff member |
| ▪ Cleaning arranged | ▪ Mediation arranged |
| ▪ Complaint escalated to higher level | ▪ No action |
| ▪ Contacted authorised supports | ▪ Notice to Remedy Breach issued |
| ▪ Contacted emergency services | ▪ Notice to Leave issued |
| ▪ Contacted next of kin | ▪ Notification to Housing Dept |
| ▪ Cost charged to tenant | ▪ Payment arrangement made |
| ▪ Explanation of policy or procedure | ▪ Policy/procedure improvement suggested |
| ▪ Explanation of processes/requirements | ▪ NTCAT application lodged |
| ▪ External supports engaged | ▪ Referred complainant to Police or Crimestoppers |
| ▪ Facilitated resolution between neighbours | ▪ Referred complainant to local council |
| ▪ Financial remedy | ▪ Eviction |
| ▪ Goodwill gesture | ▪ Refund |
| ▪ Helped tenant find new home | ▪ Repairs/maintenance arranged |
| ▪ Home visit | ▪ Spoke to complainant |
| ▪ Incident report lodged | ▪ Spoke to tenant |
| ▪ Legal rights explained | ▪ Tenancy Support Plan created/reviewed |
| ▪ Legal responsibilities explained | ▪ Tenancy Support Plan offered |
| ▪ Lodged report with council | ▪ Transfer application |
| ▪ Lodged report with Police or Crimestoppers | ▪ Warning letter issued to tenant |
| ▪ Matter addressed with contractor | |

Response

YRHAC must ensure that the outcome and recommendations are communicated to the complainant, staff, management, and internal processes are changed if warranted.

The target for finalising complaints is 30 calendar days (1month).

Verbal or written responses can include:

- An apology (note: This is not necessarily about accepting blame or fault, but will sometimes be an acknowledgement of the complainant's experience and their feelings)
- Give details about the investigation and action taken as a result of the complaint
- Provide the name and telephone number of the investigating officer for further queries/discussion
- Include details of further action available to the complainant. If the complainant is not satisfied with the review outcome, they can make an appeal or referred to an external complaint handling body.

Registering Complaints

All written correspondence must be cc-ed or forwarded to the CEO email. This is to ensure transparency and to allow the Executive Assistant to manage the *Chintaro Complaint Register* efficiently.

The Executive Assistant will be responsible for updating of the register and keeping the CEO informed about all written complaints received by YRHAC.

The Register should contain the following details:

- Title
- Complaint type
- Issues
- Complainant
- Received Date
- Format lodged
- Status
- Complaint Level
- Resolutions
- Details

High risk/ serious complaints

The investigation of high risk/ serious complaints would generally involve the CEO and the following steps can be considered:

- Have discussion with the involved parties
- Inspect sites
- Gather and provide information/ evidence to those involved in the investigation
- Give people an opportunity to comment on information adverse to them before deciding whether to act on it (natural justice)
- Research and apply any legal requirements involved in making decisions
- Formulate recommendations and resolutions
- Identify and rectify the factors that contribute to the complaint arising

External Reviews

If complaints are not resolved within YRHAC, the complainant has the right to appeal. Yilli will refer the complaint to an external body, such as the Commissioner for Consumer Protection or NTCAT.

The Residential Tenancies Act allows the Commissioner for Consumer Protection to give advice to parties to a residential tenancy agreement, to look into the complaints and, wherever possible, help to settle them. The Commissioner's role is one of mediation and conciliation; they cannot issue orders or make determinations in respect of disputes.

Breaches of the tenancy agreement can be heard by the Magistrates Court.

Other bodies that can hear some type of complaints include the Equal Opportunity Commission and the police.

Where there is a problem that relates to the organisation's own corporate governance (e.g. financial fraud, lack of transparency in its election processes) it would not be appropriate for the governing body to investigate itself. Such complaints/ appeals might be referred to the funder or the relevant registration body (i.e.: ORIC).