

Community Housing

Tenant Appeals Policy

1. Purpose and Scope

- 1.1. Uniting WA recognises the importance of transparency and accountability in decision-making processes, and endeavours to ensure appropriate processes exist to support service users exercise their right to appeal, or request a review of, a decision made by the organisation.
- 1.2. As such, this policy outlines the grounds by which an applicant, existing tenant, and / or other stakeholder, may submit an appeal, decisions which cannot be appealed, and the procedures in place to receive, consider, manage and resolve appeals made under this policy.
- 1.3. This procedure exists in separation to processes in place for disputes, grievances, and complaints, which are outlined in the [Complaints Policy](#) and [Complaints Procedure](#).

2. Glossary of Terms/Definitions

Term	Definition
2.1. Tenant	Refers to anyone who is, or has been, in receipt of Uniting WA services under a Tenancy Agreement.
2.2. Applicant	Refers to anyone who has initiated processes to become a tenant through Uniting WA's Community Housing services.
2.3. Stakeholder	Refers to those directly impacted by decisions relating to Uniting WA's Community Housing services (e.g., neighbour or relative / carer of a Uniting WA tenant / property).

3. Policy

- 3.1. Uniting WA recognises that decisions made by its Community Service team have direct implications for applicants, tenants, and other stakeholders, and is committed to the implementation of a suitable internal-review function which facilitates the independent review of decisions following the receipt of

a tenant appeal, by a senior staff member who was not involved with the initial decision.

- 3.2. Further, Uniting WA ensures its internal-review function is suitably equipped to receive, consider, manage and resolve appeals, including the rectification of any errors or omissions which may have been made, and / or - where decisions are upheld by the appeals process - referral to an appropriate external agency.

4. *Grounds for Appeal*

- 4.1. Grounds for making an appeal may include:

- Instances where Uniting WA has not followed relevant policies and / or procedures
- Where policies and / or procedures in place are deemed unfair; or
- When a decision was made by Uniting WA without the full, or correct, information.

Unfavourable Decision/s

- 4.2. An appeal can be made about an unfavourable decision that relates to a tenant's:

- Rental housing
- Transfer application
- Requests for home modifications
- Assessment of tenant liability charges
- Disagreement with the handling of, or result of, a complaint managed as part of Uniting WA's *Complaints Procedure*.

Decisions which cannot be appealed

- 4.3. The following decisions made by Uniting WA cannot be appealed:

- Decisions that apply generally to all service users (e.g., annual rent increases where rent is subject to income)
- Decisions made more than 12 months ago
- Decisions which are or have been the subject of a Breach Notice
- Decisions which are or have been the subject of a Termination Notice
- Decisions reached through legal action
- Decisions made by the Western Australian Ombudsman
- Decisions made by the Western Australian State Administrative Tribunal (SAT).

5. *Procedure*

Instigating a Review / Appeal

- 5.1. Applicants, tenants, and other stakeholders are encouraged to speak to their immediate contact from the Community Housing team regarding any unfavourable decision they receive, or would like to appeal. This allows for the relevant staff member, who has knowledge of the decision made, and the processes involved, to explain the reasoning behind the decision / outcome.
- 5.2. If an applicant, tenant or other stakeholder requests a review of a decision, or would like to appeal a decision, they must communicate this to Uniting WA in writing.

Receipt and Consideration

- 5.3. Following the receipt of a written request for review / appeal, the receiving staff member is to present this to a senior member of staff who was not involved in the original decision-making process.
- 5.4. Where possible, this should be the Chief Operating Officer, unless they were directly involved in the decision-making process.
- 5.5. The staff member should ensure that sufficient evidence and information surrounding, and leading to, the unfavourable decision is made available to the senior staff member responsible for the review (the reviewer).
- 5.6. The reviewer must consider:
 - If the decision was reasonable given the circumstances
 - If the decision was based on sufficient evidence / information made available to decision-maker/s; and
 - If the original decision should be upheld, or overturned.
- 5.7. Staff members, applicants, tenants, and / or other stakeholders may be asked to provide extra information to support the review process.

Outcomes

- 5.8. Outcomes will be communicated to the applicant, tenant and / or other stakeholders in writing.

External Appeals

- 5.9. If an applicant, tenant or other stakeholder disagrees with the outcome of the review / appeal, Uniting WA will advise them of the most appropriate agencies to contact, in consideration of the type of tenancy / lease.

6. Record Keeping

- 6.1. Uniting WA will maintain an **Appeals Register** and make written record of any formal decisions that have been made in relation to the delivery of its Community Housing services, any review requests / appeals received in relation to such decisions, and any subsequent outcomes of a review / appeals process.
- 6.2. Documents will be retained for the appropriate duration of time (typically 7 years), in line with the **Privacy Policy**, **Information Storage and Disposal Policy**, and relevant statutory / contractual obligations.

7. Variations

- 7.1. Uniting WA reserves the right to vary or change this policy from time to time.

8. Related Documents

- 8.1. Residential Tenancies Act 1987
- 8.2. Community Housing Regulatory Framework
- 8.3. Uniting WA Complaints Policy
- 8.4. Uniting WA Complaints Procedure
- 8.5. Uniting WA Our Service Charter
- 8.6. Uniting WA Privacy Policy
- 8.7. Uniting WA Information Storage and Disposal Policy

9. Authorisation of any Changes or Retirement



Approver's Signature

30 July 2022

Date

Approver	Chief Operating Officer
Responsible Officer/s	Practice Lead Community Housing
Document Owner	Practice Lead Community Housing
Specialist Advisor/s	
Effective date	30 July 2022

Next review expected 1 August 2025
by

Date of last review	31 October 2019
---------------------	-----------------

10. Version Control

Version No.	Review Date	Reviewers	Comments
0	30/07/2022	Practice Lead Community Housing, Policy Officer	Re-branded and reviewed in light of current practice.