



Appeals Policy

Version Number: 03 2023, replaces 02 2018

Approved by: CEO

Approval date: 1 December 2023

Review date: Every 2 years

1. Purpose

The Appeals policy sets out which SEARMS decisions are appealable and outlines how SEARMS will handle a request for a decision to be reviewed.

Its purpose is to:

- give applicants and tenants the right to appeal
- make it easy for applicants and tenants to exercise that right
- help SEARMS review what is and isn't working well within our organisation

2. Policy

An appeal is a request to have a decision reviewed by a higher level or tribunal. An appeal can be lodged by a tenant or applicant if they are unhappy with a decision made by SEARMS that affects their entitlement to a housing product or service. *Note: Sometimes decisions are made by the Owner of the Property and SEARMS will refer appeals back to the Owner.*

The Appeals policy outlines how SEARMS will effectively:

- register, investigate, resolve and record appeals
- ensure applicant and tenant rights, and
- enable applicant and tenant views to influence how we deliver our housing services

The sorts of decisions that can be appealed are:

Applicants

- eligibility for housing; including proof of Aboriginality;
- housing allocation assessment;
- offers of property

Tenants

- rent subsidy assessment;
- application for rehousing;
- absence from a dwelling;
- water usage or other tenant charges (where not covered by NCAT decision)

Applicants and tenants can appeal because they believe the decision SEARMS made:

- Was inconsistent with the **Owner of the Housing** Policies and Procedures
- Did not consider all the relevant information before making the decision

- Was influenced by information irrelevant to the matter under consideration
- Did not deal with the client fairly, taking account of the particular circumstances

SEARMS welcomes appeals as they are seen as an important transparency mechanism for future planning and continued service improvement strategies.

3. General Principles

SEARMS will ensure where it makes a decision about an entitlement or a service that it will include information on the right to appeal in its verbal and written communication with applicants and tenants.

What the appellant can expect from the process

- Applicants and tenants are fully informed of their rights and responsibilities, and have realistic expectations of what the service can provide;
- Any request for information about the service, or any concern or objection about rules, practices or tenancy conditions expressed by clients will be responded to promptly and appropriately with the intention of firstly clarifying rules, rights, responsibilities or services provided
- Applicants and tenants can appeal decisions without fear of recrimination.
- SEARMS informs applicants and tenants about our appeals policy through pamphlets, newsletters and verbally
- Applicants and tenants can involve their own advocate or support person at any point in the appeals procedure.

Our procedure states who is responsible for dealing and processing appeals, how long it takes and how it is recorded

If an applicant believes that SEARMS (or the Owner) has made an unfair or unreasonable decision they should ask for a formal review. To do this, the applicant needs to put their appeal in writing, stating why they disagree with the decision.

All appeals applications will be initially assessed internally by the Operations Manager , then if applicant is still dissatisfied then the matter should be reviewed by the CEO. If matter remains outstanding the matter should be escalated to the Board for review.

The applicant will be sent an acknowledgment letter within seven days providing details of when the matter will be presented to the Board for review and investigation.

After the matter has been reviewed by the Board, the applicant will be notified of the result in writing within seven days.

You can also approach Murra Mia Aboriginal Tenancy and Advocacy Services for advice and support.

If the person appealing is an Aboriginal Housing Office tenant and remains dissatisfied with the outcome of SEARMS Internal Appeal Process they can proceed to make an appeal to the

independent Housing Appeals Committee (HAC) at www.hac.nsw.gov.au or freecall on 1800 629 794. The HAC are an independent appeals agency for all NSW social housing clients.

4. Conflicts of Interest

Any SEARMS employee or Board member involved in decision being reviewed will be withdrawn from the review process and declare a conflict of interest.

A **Declaration of Interest Form** must be completed and signed by the employee and Board member and placed on file.

5. Confidentiality and Privacy

Refer to 1.7 SEARMS Privacy and Confidentiality Policy.

Applicants and tenants will be notified that information about persons included in the application can be exchanged with the AHO. This is likely to occur in instances where consent has been provided to another social housing provider and for the purposes of assessing their application.

6. Responsibility

Housing/Asset Officer	to review the decision and make recommendation to the their Executive Officer
Chief Financial Officer	to maintain the appeals register, provide quarterly report to CEO
CSO/COO	to make final decision on all internal appeals and report to the CEO
CEO	to approve decision and report to the Board

7. References

Legislation	Residential Tenancies Act 2010 Privacy Act 1988
Related policy	National Registration System for Community Housing Requirements
	Complaints Policy