TENANT AND APPLICANT FEEDBACK, COMPLAINTS AND APPEALS POLICY AND PROCEDURE

pathways southwest
Towards better mental health

Policy Statement

To define Pathways SouthWest approach to receiving and managing tenant and applicant feedback, complaints and appeals.

Scope

This policy applies to all applicants and tenants for all housing delivered by Pathways SouthWest.
This Policy and Procedure is owned by the Management Team

Definitions

- **An appeal:** is when someone asks us to review a decision we made.
- **Complaint**: An expression of dissatisfaction made to or about an organisation related to its products, services, staff or the handling of a complaint where a response or resolution is explicitly or implicitly expected. Complaints include an expression of displeasure, such as poor service and any verbal or written complaint directly related to the service (including general and notifiable complaints).
- **Complainant:** Means the person or organisation making the complaint.
- **Compliment:** An expression of praise, encouragement or gratitude about an individual staff member, a team or a service.
- **Complimenter:** Means the person who is providing a compliment.
- **Property:** In relation to rental properties, this includes the building, garden and any sheds etc.
- **General complaint**: Addresses any aspect of the service e.g. a lost clothing item or the service's fees. The complaint must be dealt with as soon as is practicable to avoid escalation of the issue.
- **Rent:** The money the tenant pays the lessor for the right to live in the premises.
- **Tenancy agreement:** The terms and conditions of occupying the premises. At Pathways SouthWest tenants can be referred to as consumers.
- **Tenant:** The person who rents accommodation from the lessor.

- **Termination of a tenancy**: When the lessor, the tenant or the court ends a tenancy

Purpose

Pathways Southwest is committed to providing a high level of customer service to its tenants and applicants and being fair, open and transparent in all of its decision making. Where tenants and applicants are unhappy with their treatment by our staff, or believe we have been unreasonable in our decision making, they are encouraged to let us know by making a complaint or by lodging an appeal.

Tenants and applicants have the ability to involve an advocate or a friend to support them to lodge a complaint or an appeal. The outcome of complaints and appeals are reported to the Pathways SouthWest Housing Officer, Manager Client Services (MCS) or Chief Executive Officer (CEO) and is used to inform improvements to our housing services and our decision making.

Pathways Southwest has a Tenants and Applicants Feedback, Complaints and Appeals Form which is included in the Tenants Information pack and available on request via contacting the office.

1. Complaints

If a tenant or applicant is dissatisfied with the service they receive from our staff they are encouraged to contact us. In the first instance, the Housing Officer will speak to the tenant or applicant to see if the matter can be resolved. If the tenant or applicant remains unhappy, they will be offered the opportunity for their complaint to be taken further or they can put their complaint in writing.

The complaint will then be recorded by the Housing Officer and forwarded to the CEO or MCS for investigation. A written response will be sent to the tenant or applicant within 10 working days with an outcome and any follow up actions identified.

2. Appeals

In lodging an appeal, tenants and applicants are encouraged to provide information on why they believe we have been unreasonable in our decision making and why the decision should be overturned.

Tenants and applicants can appeal the following types of decisions:
- decisions relating to eligibility for social or affordable housing or housing assistance:

- Property offers.
- Property entitlements.
- Rent assessments.
- Tenant or applicant liability charges.

Decisions that may not be appealable include:
- matters currently subject to legal action (where a Termination Notice has been issued):

- Decisions that are not directly related to the person.
- Our policies and procedures.
- Internal administrative or funding matters.

- Matters not relating to our housing services (e.g. tenant or applicant participation, support and referral services).
- Decisions that apply generally to all tenants and applicants (e.g. market rent increases and subsidy percentage rates)
- Decisions made more than 12 months ago
- Decisions which are or have been the subject of a Notice of Termination or strikes issued under the Good Neighbour Policy and Procedure
- Decisions reached through legal action
- Decisions made by the Western Australian Ombudsman
- Decisions made by the Western Australian State Administrative Tribunal
- Water Consumption charges as they are not determined by Housing and Works
- Decisions to end a tenancy due to a tenant no longer being eligible for public housing
- Decisions to end a tenancy due to being offered alternative social housing accommodation
- Decisions to not allow another tenant to be added to a tenancy.

Only the person affected by a decision can lodge an appeal (or their advocate who has Authority to Act). The decision will then be reviewed by a staff member not involved in the original decision. The tenant will be notified of the outcome of the appeal in writing with a full explanation of the decision within 10 working days of the lodgement of the appeal.

3. Additional Avenues of Complaint and Appeal

Should tenants or applicants remain unhappy with the outcome of a complaint or an appeal, we can provide them with information on advocacy and support agencies that can assist them further.

Key Contacts

Questions about how to implement this procedure should be directed to Pathways SouthWest Chief Executive Officer (CEO) on ceo@pathwayssouthwest.org.au or phone 97911257

Related Policies and Other Documents:

- Business Continuity and Risk Planning
- Consumer Charter for Community Managed Housing and Homelessness Services
- Continuous Improvement Policy and Procedure
- Compliance Policy and Procedure
- National Safety and Quality Mental Health Standards for Community Managed Organisations
- Governance Policy and Procedure
- Incident Management Policy and Procedure and all related reporting forms.
- Policy for Mandatory Reporting of Notifiable Incidents to the Chief Psychiatrist – Office of Chief Psychiatrist 2019 version 2.2
- Risk Management Policy and Procedure
- Risk Register
- Tenants and Applicant Feedback, Complaints and Appeal Form
- Western Australian Community Housing Regulatory Framework

Relevant Legislation

- Accounting Standard AASB 1048 Interpretation of Standards (December 2017)
- Australians Charities and Not for Profits Commission Act 2012
- Age Discrimination Act 2004
- Anti-Discrimination Act 1991
- Australian Auditing Standards Australian Human Rights Commission Act 1986
- Building Regulations 2012
- Carers Recognition Act 2004 (WA)
- Carers Recognition Act 2010
- Charter of Health Care Rights
- Competition and Consumer Act 2010
- Disability Discrimination Act 1992
- Disability Services Act 1993 (WA)
- Environmental Regulations Amendment (Work Health and Safety) Regulations 2022
- Equal Opportunity Act 1984 (WA)
- Freedom of Information Act 1982
- Health Records (Privacy and Access) Act 1997
- Housing Assistance Act 1996 (COM)
- Human Rights Act 2004
- Mental Health Act (WA) 2014
- National Housing and Homelessness Agreement (2018) – Bilateral Agreement with WA Schedule E4
- National Regulatory Community Housing Standards
- National Regulatory Code for the National Regulatory System of Community Housing 2022
- Privacy Act 1988
- Public Sector Ethics Act 1994
- Racial Discrimination Act 1975
- Racial Hatred Act 1995
- Residential Tenancies Act 1987
- Sex Discrimination Act 1984
- Quality of Care Principles 2014
- Work Health and Safety Act 2020
- Workplace Gender Equality Act 2012
- Work Health and Safety (General) Regulations 2022