

## Version Control

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Section 3 — Tenant Rights, Privacy, Complaints & Appeals

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## **3 Tenants' Rights Privacy, Complaints & Appeals**

### **3.1 Tenants' rights**

Pacific Link Housing (PLH) will respect the rights of tenants to safe, secure and affordable housing; security of tenure within the constraints of funding and program guidelines; fair, open and non-discriminatory treatment in all dealings.

All disclosed information will remain confidential and private unless permission to exchange information is given in writing. Tenants are granted access to their own files, on request, and will be consulted on changes to tenancy conditions including information regarding all action in relation to their tenancy and rent payments.

Tenants will be treated with respect at all times, will have their changing needs recognised and will have those needs met, if possible, within the guidelines and resources of the company. Tenants have a right to make complaints and appeals if they do not agree with an action taken, or a decision made, by the organisation. This is welcomed without penalty, as is the encouragement of tenants to participate in decision making process.

Tenants also have the right to independent advice and support in their dealings with PLH. To support this, PLH provides tenants with information on tenancy advocacy services.

#### **3.1.1 Information for tenants**

Information for tenants about their rights is given in many different ways including,

- Tenant's information Handbook.
- PLH's Tenants' Rights statement in the office reception.
- In the information package provided on signing the lease – Tenant Welcome Kit
- On the PLH website
- Quarterly Tenant Newsletter.
- In meetings, forums and get-togethers
- Via interpreters if required
- By tenant surveys
- By referral to tenant advocates as required
- Information and brochures displayed in the office reception area.

#### **3.1.2 Consistent policies**

All PLH policies will reflect the rights of tenants and will be administered and reviewed using version control systems to ensure they are updated and amended bi-annually or as required.

Statements and Business plans will be consistent with the rights of tenants.

## 3.2 Tenant Participation

Tenants are encouraged to participate in the organisation in a variety of ways and are informed of how to do this. The PLH Tenant Engagement Strategy has the following objectives:

- i. To ensure tenants' knowledge, views and needs are effectively captured in the ongoing development of PLH's service delivery.
- ii. To provide tenants with opportunities for social inclusion and participation that are accessible and appealing, building our community's social capital.
- iii. To provide targeted, sustainable programs that assist tenants in building their skills, confidence and capacity to take advantage of opportunities to better their lives.
- iv. To challenge and change the traditional perception of community housing as a permanent solution and aims to take a leading role in highlighting the potential for tenants to transition through, and exit from, social housing given focussed and appropriate support services.

PLH's strategies and planning reflect these objectives and include allocation of staff and resources to maintain the momentum in tenant participation initiatives, including the Tenant Engagement Officer, Clinical Support Coordinators and Housing Managers.

### 3.2.1 Input to decision-making

#### Tenant Reference Committee

- PLH has established a Board Committee that is attended by directors, invited tenant representatives and management.
- The quarterly Tenant Reference Committee meetings provide an opportunity for PLH tenants to comment on tenant communications, tenant engagement strategies and programs, strategies, policy and service delivery. Meeting arrangements will aim to remove barriers to participation and provide support to enable attendance (refer paragraph 3.2.4).
- Tenant members of the Committee are provided with induction material on PLH and the community housing sector.

#### Membership

PLH encourages involvement in decision making about the policies and activities through membership. We:

- Encourage new tenants to apply for the organisation's membership during sign-up interviews.
- Include membership reminders in tenant newsletters.
- Invite tenants who are paid-up members, in accordance with the membership rules set out in the Constitution, with notices to attend the Annual General Meeting.

#### Involvement in programs developed by PLH

- Encourage tenants to engage with and provide input to new programs to assist tenants that are developed by PLH, eg
  - Tenant employment program
  - Youth Education Scholarship

- Learner Driver Education Program
- Laptop purchase scheme
- Sports and wellbeing scheme.

### **Management of their own dwelling or block/housing estates**

- Organise the establishment of block/housing estate tenant groups where sufficient concentration of PLH tenants.
- Support and co-ordinate tenant group meetings as required to address any tenancy management issues.
- Provide the opportunity for tenants to have input to significant maintenance upgrades of their property.

## **3.2.2 Communication, Activities and Education**

### **Involvement in informal activities**

- Tenants are encouraged to participate in annual garden competitions, participation in community events and social gatherings and outings organised for tenants.
- PLH runs a program of tenant outings and events that aims to provide tenants with opportunities for social inclusion. The outings program is designed to be accessible and appealing for all tenants and consideration is given to location and demographics.
- To ensure events and outings are safe and enjoyable for all, PLH asks all attendees to sign a Code of Conduct (Appendix A).

### **Tenant Forums**

- Regular forums are arranged to provide tenants with education and information on sustaining their tenancies that include PLH managers and external experts.
- Speakers include experts from legal, financial and utility service providers.
- Forums also provide an opportunity for tenants to give feedback to PLH.
- Forums are held at varying locations to ensure access for all tenants.

### **Communication strategy**

- The Tenant Handbook gives information on how tenants can participate and asks for new ideas to cater for the needs of the tenants. The Handbook also tells tenants of their rights and responsibilities.
- PLH publishes a tenant newsletter quarterly to facilitate tenant participation that is sent to all tenants and published on the PLH website. Tenants are kept informed of the latest issues and are invited to respond to issues and contribute material and use it as a feedback tool to management and other tenants.
- PLH produces information factsheets about important issues as they arise.
- PLH provides information on tenant services via the PLH website.

### **Innovative ideas from tenants**

Tenants may request the support or organisational ability in assisting them to bring a concept or idea to fruition. PLH will assist in applications for grant funding that may be on offer to support tenant participation initiatives and special programs to assist tenants.

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### **3.2.3 Feedback**

Feedback from tenants is important to the organisation and is actively canvassed and encouraged. This information is used to improve service delivery, identify changes to be made, and re-examine aspects of policy and procedure.

#### ***Informal feedback on an individual level***

- Encourage individual tenants to express their concerns during home visits, property inspections or office interviews.
- Providing a feedback form on the PLH website to allow tenants to easily forward written feedback.

#### ***Formal individual feedback***

- Satisfaction surveys are conducted on Contractor performance on six monthly basis.
- Conduct an annual tenant satisfaction survey.
- Tenant exit survey; when tenants vacate or transfer to another property.

To ensure tenant feedback is formally monitored and reviewed, results from the Contractor Performance Survey and the annual Tenant Survey are reported to the Board. Any tenancy-specific comments are addressed by management,

In accordance with our commitment to transparency, results of the annual Tenant Survey are published in the PLH Annual Report and on the PLH website.

### **3.2.4 Removing barriers**

Meetings and forums are arranged in varying locations to enable as many tenants as possible to attend, given the large PLH service area and transport limitations. Assistance with transport will be provided, where possible.

Efforts are made to encourage tenants to attend through offering lucky door prizes.

Meeting dates and locations are published in quarterly tenant newsletters.

Meetings are made as attractive as possible by having guest speakers, interesting and thought provoking topics to discuss, providing food and refreshments and arranging childcare.

Meeting locations offer wheelchair access for persons with mobility issues.

Participation in the annual tenant survey is encouraged by offering gift vouchers to be won and stamped envelopes are provided to maximise response.

## **3.3 Access to Services**

PLH's commitment is that all tenants and applicants have equitable access to PLH services.

### **3.3.1 Access to office**

PLH has an office conveniently located in the Gosford central business district (CBD) which allows all tenants and applicants in the Gosford and Wyong LGAs, easy access to visit the office.

Public transport from all Central Coast towns and suburbs comes into Gosford as it is the central business area.

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Tenants in the Lower Hunter region are serviced and supported by locally-based Housing Managers.

### **3.3.2 Access for all clients**

The company offers appropriate and equitable access to all applicants and tenants wishing to meet with a staff member.

The Gosford office has a lift to enable easy access to the building for disabled persons, wheelchair dependent clients and children's strollers.

Internal areas are wheelchair friendly, including a disability friendly toilet facility.

Two meeting rooms are provided for conducting applicant and tenant interviews in a secure and private environment. The client meeting rooms have telephones to allow tenants access to make phone calls relevant to their tenancy needs.

### **3.3.3 Office Security & CCTV**

As part of our workplace health and safety obligations, closed circuit television (CCTV) cameras were installed at PLH's office. The cameras are installed in the reception, the entry corridor and meeting room and notices advising of the cameras are clearly displayed.

The purpose of the cameras is to:

effectively prevent anti-social behaviour or crime by acting as a deterrent for potential offenders,

improve the sense of safety for employees, tenants and visitors, and

provide evidence that identifies offenders and events.

The real-time footage is viewable on a screen at reception and may also be accessed by senior management via a password-protected login. Security of recorded footage is maintained by restricting access to the receptionist and senior management who may access the footage to review an incident and identify perpetrators.

The CCTV footage may be used or disclosed as outlined in PLH's Privacy Policy (3.4.4 Use and Disclosure), for example to assist with Police investigations or under our mandatory reporting obligations under child protection legislation. Requests for disclosure of, or access to, recorded footage must be in the required form and approved by the CEO. PLH may refuse access, in circumstances permitted by legislation that include:

where giving access would pose a serious threat to the life, health or safety of any individual, or to public health or public safety; or

giving access would have an unreasonable impact on the privacy of other individuals; or

the request for access is frivolous or vexatious.

### **3.3.4 Out of Hours Contact**

PLH has a 1300 number which tenants can ring at any time at the cost of a local call. The answer machine has a recorded message that gives information and mobile telephone contacts for clients requiring out of hours or emergency contact with a staff member. The company provides a 24-hour service for any emergency.

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### **3.3.5 Culturally appropriate services**

The areas in which PLH conducts its business have a relatively small non English speaking population (we estimate less than 1%), it will however ensure the appropriate strategies and contacts are in place for clients of other cultures and orientation.

An interpreter service is available at no charge and utilised from Northern Settlement Services (formerly the Migrant Resource Centre) and a telephone interpreter service can be accessed.

PLH maintains close links with support groups and individuals who work on behalf of refugee families.

PLH staff continue to be aware of the cultural and religious sensitivities of applicants and tenants. Staff will be mindful of observing cultural requirements when carrying out house inspections and entering their homes.

### **3.3.6 Liaison with support services**

PLH will continue to liaise with all appropriate agencies, ensure equal access opportunities to a full range of housing services, for applicants and tenants, as documented in our Working with the Community Policy (Section 4).

### **3.3.7 Website**

PLH maintains a website with information on all our tenant services, programs, publications, newsletters, governance and corporate news.

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## 3.4 Privacy and Confidentiality Policy

### 3.4.1 Introduction

Privacy is important because the people we deal with at Pacific Link Housing (PLH) expect us to handle their personal information properly.

**Personal information** means information or an opinion about an individual whose identity is apparent or can reasonably be ascertained.

We have a legal obligation to protect the privacy of personal information, and we also have funding arrangements which require us to ensure the privacy and confidentiality of the information we collect. PLH recognises that even a simple breach of privacy could potentially have serious consequences.

### 3.4.2 Privacy Principles

PLH must comply with the Federal *Privacy Act 1988*, as well as NSW privacy laws (the *Privacy and Personal Information Protection Act 1998* and the *Health Records and Information Privacy Act 2002*). Both the Federal and NSW Privacy Commissioners may investigate our conduct, even if no privacy complaint has been made.

PLH uses Short Message Service (SMS) messaging to communicate important information. Consent for receipt of SMS messages that we send to tenants, contractors, landlords and real estate agents is inferred from our existing relationship with them, as permitted under the Spam Act 2003.

The following information explains how PLH protects the privacy of its clients and other stakeholders, in compliance with the Australian Privacy Principles.

Collecting information	<p>We only collect personal information that is relevant or necessary for PLH to conduct its business and activities. Our business and activities include:</p> <ul style="list-style-type: none"><li>○ Allocation of housing</li><li>○ Tenancy management</li><li>○ Asset management</li><li>○ Property management</li><li>○ Community development</li><li>○ Employee management including ensuring work health and safety.</li></ul> <p>We collect information in a way that respects your privacy.</p> <p>At the time of collection, we explain specifically why we are collecting your information and how it will be used, and what choices you may have about how we use or disclose it.</p> <p>‘Sensitive’ personal information is only collected with your express consent, or where required by law. Sensitive personal information means information about your ethnic or racial origin, political opinions, religious or philosophical beliefs, trade union membership, sexuality or</p>
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	<p>criminal record.</p> <p>We may collect information from the Police when preparing a case before the Consumer Trader or Tenancy Tribunal (CTTT) for any serious breach of an agreement by our tenant. Refer 3.4.6 Sharing Information with Police.</p> <p>We operate CCTV systems in our office and at Dunbar Way Estate, that are marked with signs, which record images 24/7.</p>
Security of information	<p>Personal information is stored in secure and protected premises.</p> <p>Personal information is not visible in public areas.</p> <p>Information is destroyed securely.</p> <p>All paid and voluntary employees sign a confidentiality agreement at the commencement of their employment.</p>
Using information	<p>We only use the information we collect for its intended purpose or a directly related purpose, unless an exception applies.</p> <p>An example of a 'directly related purpose' is that our tenancy records may be accessed by a registration, audit or evaluation team, assessing our performance.</p> <p>Personal information is only accessed or shared within PLH on a 'need to know' basis.</p> <p>If we don't need it, unsolicited information is either destroyed or de-identified.</p>
Disclosing information to third parties	<p>Personal information that is collected on the Housing Pathways application form will be held on 'HOMES', a state-wide database that is accessible by staff from all social housing providers across NSW.</p> <p>Information about you is not disclosed to family members or others claiming to be your authorised representative without first checking that we have your consent to provide the person with the information, or that they are your legal guardian.</p> <p>Generally, we will only disclose your information to a third party either:</p> <ul style="list-style-type: none"> <li>○ For the purpose for which it was collected (for example, to add you to the state-wide waiting list for social housing, or to arrange for our maintenance contractors to conduct repairs on your home), or</li> <li>○ With your consent (for example in a referral to a support service), or</li> <li>○ Under other legal authority (see some examples below).</li> </ul> <p>Where personal information is being provided to third parties, care is taken to ensure that they treat the information with the same level of protection and security that PLH is required to provide. Written undertakings from the third party may be necessary.</p> <p>Where practicable, your information is first de-identified (for example, before reporting to our board of directors or a funding body).</p> <p>There are additional restrictions on disclosing health information outside NSW, or any personal information outside Australia. We do not routinely store or send personal information outside NSW, without first getting the tenant's consent.</p>
Access to your	<p>You have a general right to see the information about you that we hold</p>

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information	and use. However, there are rules and procedures on what you can access, when we can refuse to give you access, and your right to appeal. You have a general right to request that we amend data that is not accurate, up to date, incomplete, or misleading. Where we refuse to comply with your request, you have a number of rights including a right to appeal.
Ensuring information quality	We must ensure that the personal information we collect, hold and use is relevant, accurate, current, complete, and not misleading.

### 3.4.3 Our Privacy Officer

To request access to your information, request correction of your information, make a privacy complaint or make an enquiry about PLH and your privacy, please contact our Privacy Officer:

The Company Secretary  
Pacific Link Housing  
PO Box 1888  
GOSFORD NSW 2250  
02 4324 7617  
info@pacificlink.org.au

### 3.4.4 Use and Disclosure of your personal information

Relevant information collected about you or your household when you apply for social housing may be used or disclosed if necessary to improve our tenancy services. For example, if you have disclosed a mental health condition, we may seek to assist you by referring you to relevant local services. If you have a history of behaviour that is intimidating or aggressive, we may take additional measures to protect the safety of our employees when managing your tenancy.

If your tenancy with PLH is terminated due to an unsatisfactory tenancy, information about your tenancy history may be accessible to other social housing providers in NSW. This could affect your ability to be offered social housing in NSW in the future.

We may disclose information, including CCTV recordings, to **Police** where it is reasonably believed there is a serious and imminent threat to the life, health or safety of an individual; or the information is reasonably necessary for law enforcement purposes; or so as not to hinder a police investigation into a serious indictable offence or a missing person.

We may disclose information to other **emergency service providers** including mental health services where it is reasonably believed there is a serious and imminent threat to the life, health or safety of an individual.

We may disclose information to **Centrelink** when required from PLH in relation to certain matters, including social security payments and the issue of concession cards.

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We may be authorised or required by law to disclose information to **other Commonwealth or State/Territory agencies**, courts, tribunals or statutory authorities. Where a law is specified in a formal, written notice, PLH needs to provide the information requested.

**Child protection:** PLH is a “mandatory reporter” and a “prescribed body” in relation to the NSW State Government’s Keep Them Safe plan and under the Children and Young Persons (Care and Protection) Act (1998). Where we observe that children are at risk or are being abused, our employees are required by law to report the matter to the NSW State Government. We can also be required to provide any relevant information about a PLH tenant or social housing applicant to other prescribed bodies who are working toward protecting children at risk.

### **3.4.5 Understanding Confidentiality**

The information provided to us as part of an application for social housing, matters relating to a tenancy, or if you make a complaint about our services, will be treated confidentially.

However confidentiality cannot be maintained by one person, but will be observed within the employee’s team and within PLH as a whole. We limit access to information within PLH on a ‘need to know’ basis, and we only disclose outside PLH as explained above.

### **3.4.6 Sharing Tenant Information with NSW Police**

From 10 October 2011, a Record of Understanding (ROU) between the NSW Police Force (“Police”) and registered community housing providers has taken effect. This sets out the circumstances and procedures for requesting, sharing and storing information about tenants. As a participating provider under Housing NSW Pathways program, PLH will only share information about tenants under the agreed terms of the ROU. The ROU will be reviewed annually by the Police and Housing NSW. The Police have the right to terminate the ROU at any time without notice.

#### **Requesting Information from Police**

Information may only be requested from Police by PLH for use in the preparation of submissions to the Consumer, Trader and Tenancy Tribunal.

Information will only be released by Police:

- where it supports reduction or prevention of crime or anti-social behaviour in around community housing properties, or
- as part of pro-active strategies in co-ordination with support agencies working with troubled or unsupervised adolescents or persons seeking to overcome alcohol or illicit drug use.

The Housing Manager who is preparing the CTTT submission must complete the ROU Information Request Form and forward it to the Executive Housing Manager (EHM) for approval. The EHM will obtain CEO approval prior to faxing or emailing the request to the Police.

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Information will only be released to PLH staff who “need to know” that is have a direct involvement in the matter. It does not include staff merely because it would be convenient for them to know or because of their rank or level of authorised access. Any PLH staff accessing Police information must have signed the Deed of Confidentiality.

The Police will not provide information if there is an operational reason, unacceptable risk to safety or obtaining a conviction may be compromised. Police COPS reports will only be provided if a subpoena is issued. Information provided by the Police will be faxed or emailed only to the PLH CEO.

### **Sharing Information with Police**

Information on tenants and access to properties may be requested by Police, only for a police officer’s official duties, in relation to :

- an investigation of an alleged criminal offence, or
- an emergency that poses an imminent threat to life or property, or
- the routine exercise of community protection functions.

The release of information or access to the Police must have the approval of the EHM and CEO.

### **Secure Storage of Information**

To meet the strict confidentiality requirements around information provided by Police, any information received must be stored as follows:

- In a robust, locked filing cabinet, where the key is accessed only by the CEO and Executive Housing Manager. No Police information is to be stored in the general tenant files.
- Electronic copies must be stored in computers which are password protected. No Police information is to be stored in the general TMS database.

## 3.5 Complaints and Appeals Policy

### 3.5.1 Introduction

The complaints and appeals policy explains how Pacific Link Housing (PLH) will handle dissatisfaction with our service and our decisions, the purpose is to give applicants and tenants the right to complain or appeal and make it easy for tenants, applicants to exercise this right. It will also assist us to review ourselves and what is or is not working well in our organisation.

The complaints and appeals procedure outlines how PLH will implement the policy so that we have effective ways to;

- Register, investigate, resolve and record, complaints and appeals
- Protect tenants' and applicants' rights
- Enable applicant and tenant views to influence how we deliver our services.

### Definitions

A **complaint** is when a tenant or applicant tells the organisation that they are dissatisfied with our service, standards, practices or policies.

An **appeal** is when a user of PLH's services asks for a review of a decision we have made.

### Exclusions

This policy applies only to complaints and appeals put forward by tenants and applicants. It does not include;

- Disputes and grievances of staff or management
- Complaints by a tenant about another tenant or by or about a neighbour. These are addressed through the Tenancy Management Dispute Resolution policy.
- Complaints about PLH or our tenants by persons who are not service users e.g. landlords, real estate agents, support partner agencies, contractors or the funding body. These are assessed individually through the applicable contractual arrangements.

### Commitment

PLH believes that appeals and complaints help to improve our service delivery. The following is important to remember about our appeals and complaints systems:

- A formal appeal and complaint will be acknowledged within 2 days of receiving a complaint letter.
  - Complainants will receive a response within 21 days of the appeal/complaint being lodged.
  - Complainants have the right to use an advocate or to have friends assist throughout the process
  - Complainants will be treated fairly and with respect during the process
  - The service complainants receive from us in the future will not suffer as a result of an appeal or complaint
  - PLH will keep a record of all the steps of the appeal or complaint and what happened at each stage.
  - The Housing Appeals Committee (HAC) cannot consider an appeal until the complainant has first used PLH's Appeals system.
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### 3.5.2 Principles in dealing with complaints or appeals

PLH welcomes complaints and appeals and will ensure that our tenants and applicants know this. Our complaints and appeals procedures will be easy to understand and to use for our tenants and applicants. We seek to resolve any complaint fairly and without fear of recrimination or prejudice.

Information on our complaints policy and procedures is provided in our Tenant Handbook, on the PLH website and in the PLH Complaints & Appeals brochure available at our office reception.

Tenants and applicants are encouraged to bring a support person or advocate with them at any time during the complaints or appeals procedure. Our procedures will state who is responsible for handling a complaint or an appeal, how long it will take, and how records are kept.

PLH will respond quickly and appropriately to any request for information about the service, concern or objection about the rules, practices or tenancy conditions and will explain the rights, responsibilities, rules or the services provided.

Tenants and applicants will be given all the information they may need on how to make a complaint or to appeal a decision. PLH tries to resolve complaints or appeals through internal processes in the first instance, but may also use external processes, to include arbitration or mediation depending on the issue and the wishes of the tenant or applicant.

### 3.5.3 Assistance with Complaints

Depending on the nature of the complaint or appeal external bodies can assist with resolution. Some of them are listed below<sup>1</sup>:

Housing Appeals Committee – HAC	1800 629 794 <a href="http://www.hac.nsw.gov.au">www.hac.nsw.gov.au</a>	On application, provides an independent review of social housing provider decisions and makes recommendations to a social housing provider based upon that review.
Tenancy Advice and Advocacy Services - TAAS	1800 251 101 <a href="http://www.tenants.org.au">www.tenants.org.au</a>	Provides free, independent information, advice and advocacy to tenants (including community housing tenants) throughout New South Wales. Assists tenants in navigating the resolution pathways in relation to tenancy issues and complaints.
Consumer Trader & Tenancy Tribunal – CTTT	1300 135 399 <a href="http://www.cttt.nsw.gov.au">www.cttt.nsw.gov.au</a>	Resolves disputes between tenants (including community housing tenants) and landlords. Tries to assist parties to solve the problem themselves. Can make enforceable orders that are legally binding and must be obeyed.
NSW Federation of Housing	1300 300 630	The Peak industry body for

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<sup>1</sup> Source:CHD website Complaints Referral Map



Associations	<a href="http://www.communityhousing.org.au">www.communityhousing.org.au</a>	Housing Associations in NSW. Investigates complaints if the Housing Association is a signatory to the Housing Providers Code of Practice.
Australian Securities and Investments Commission - ASIC	1300 300 630 <a href="http://www.asic.gov.au">http://www.asic.gov.au</a>	Deals with organisations that are registered as companies and can investigate complaints about governance, misconduct or illegal activity such as: how company directors and officers manage their companies, misleading or deceptive conduct to do with borrowing money, and a takeover or company restructure.
Community Justice Centres – CJC	1800 990 777 <a href="http://www.cjc.nsw.gov.au">www.cjc.nsw.gov.au</a>	Provides free mediation and conflict management services for people in dispute. Assists people to reach agreement through mediation. This service is available to people in dispute relating to community housing issues or complaints.
Department of Fair Trading	1800 502 042 <a href="http://www.fairtrading.nsw.gov.au">www.fairtrading.nsw.gov.au</a>	
Department of Aboriginal Affairs	(02) 9219 0700 <a href="http://www.daa.nsw.gov.au">www.daa.nsw.gov.au</a>	
Human Rights Commission	(02) 9284 9600 <a href="http://www.hreoc.gov.au">www.hreoc.gov.au</a>	

### 3.5.4 Complaints Procedure

All Tenants and applicants have the right to express their dissatisfaction with PLH's service, or our standards, practices or policies. We will register, investigate, resolve and record their complaint, protect their rights to be heard and enable their views to influence how we deliver our housing service.

It is our responsibility to make sure the problem has been resolved successfully, and if not, to refer the matter on to the next stage.

#### **Step 1. Informal complaint:**

We must tell the person who is the appropriate staff member to talk to. Ask them to explain the problem and what they would like to be done about it, and to ask about our service and policy guidelines in that area. If the problem is not sorted out to their satisfaction, they can make a formal complaint.

#### **Step 2. Formal complaint:**

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A formal complaint needs to be submitted in writing. If the client has a complaint which is not resolved in Step 1, provide a Complaint Form; provide assistance as required with filling it in, with an interpreter or advocate if required.

*Stage 1:*

When a written complaint is received, it will be considered by the relevant manager and Chief Executive Officer [except if the complaint is about the service provided by the CEO, in which case it will go to designated members of the Board of Directors].

The CEO will investigate and record the complaint and propose what should be done. When the complaint is assessed, it must be quite clear about which policy, procedure, standard or law has been breached. If none of these have been breached, or no improvement can be identified, the CEO will explain that no further action will be taken. Otherwise a resolution will be proposed. This may have several parts to it; it might involve an apology, and explanation, an assurance about future action, or immediate changes as to how things are done. *Stage 2*

If the person making the complaint is not satisfied, a formal complaint can be made to the Board. The complaint is then considered by the next Board meeting. The complainant will be advised of the Board's decision within 14 days of the meeting.

*Step 3*

Formal external process: this may follow Step 2.

### **3.5.5 Time limits**

Written complaints being dealt with by the CEO will be responded to in writing within 21 days unless the person complaining agrees to a later date.

A formal complaint referred to the Board will be responded to within 14 days of the Board meeting at which the complaint is reviewed.

### **3.5.6 Keeping the complainant informed.**

All decisions and progress report will be in writing (although they may have discussed or reported verbally first). There will be a written response to a complaint even if no action is to be taken. The response will explain the reason for any decision.

### **3.5.7 Confidentiality**

Privacy and confidentiality will be respected throughout every stage of the process. Only those directly involved will be told the details. The person who is the subject of the complaint will be informed in such a way that does not breach the complainant's privacy, and the complainant will be told of this.

### **3.5.8 Complaint file**

The record of the complaint will be kept in the tenant or applicants file. The tenant or applicant can access this file on written request. Refer Privacy Policy. Staff should document the complaint using the PLH Complaint Response Form.

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### 3.5.9 Complaints register

The Complaints Register is reviewed regularly by the Board, The Register is de-identified and the relevant manager is responsible for ensuring the Register records the dates and nature of complaint and outcomes so that the Board may monitor and address any patterns of complaints and response times. The Board will monitor progress with resolving complaints, and take appropriate action when there are broader implications for policy and practice.

## 3.6 APPEALS

### 3.6.1 Appealable Decisions

All tenants and applicants will be given the right to make an appeal and ask PLH to review decisions that they disagree with, or believe are unfair. All persons making an appeal may have an advocate to assist and support them or may be informed of advocacy services available to them.

Tenants and Applicants can appeal the following decisions:<sup>2</sup>

#### **APPLICANTS**

<b>Waiting List</b>	General eligibility Removal from waiting list Backdating of eligibility on waiting list Eligibility of people classified as former unsatisfactory tenants
<b>Housing Entitlements</b>	Number of bedrooms Modification or special features of dwelling Locational need
<b>Priority Housing</b>	Eligibility Locational or housing type need
<b>Minors</b>	Eligibility of minors to be granted a tenancy
<b>Offer Of Property</b>	Whether offer is considered reasonable Acceptability of reason for not accepting offer Removal for not accepting an offer
<b>Succession Of Tenancy</b>	Eligibility to be granted succession Housing entitlement if granted succession.

#### **TENANTS**

<b>Transfer</b>	Eligibility for general transfer Eligibility for priority transfer Locational need Relocation of tenant for management purposes Housing entitlement if granted transfer
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<sup>2</sup> Source : Housing Appeals Committee

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<b>Rental Subsidy Assessment</b>	Calculations, changes to or cancellation of a rental subsidy
<b>Modification Of Property</b>	Need for modification for disability/medical reasons. Not maintenance or upgrade issues. Tenant improvement of property reimbursement
<b>Mutual Exchange</b>	Eligibility for and approval for exchange
<b>Absence from Dwelling</b>	Permission to be absent and rent calculations
<b>Tenant Charges</b>	Charges at vacation of the dwelling where not covered by a Consumer, Trader and Tenancy Tribunal (CTTT) decision
<b>Offer Of Property-Transfer</b>	Whether reasonable offer made and if the offer counted for purposes of offer policy
<b>Fixed Term Leases</b>	Conditions and renewal eligibility
<b>Head Leasing</b>	Relocating tenants to other social housing at expiry of headlease (tenants cannot appeal about obtaining headlease housing)
<b>Breach of Lease terms</b>	Issue of Notice of Termination Termination of tenancy agreements.
<b>Additional Occupants</b>	Approval of additional occupants
<b>Joint Tenancies</b>	Eligibility for joint tenancies

### 3.6.2 What are not Appealable Decisions?

- Decisions not directly related to the person or household
- Matters which are the responsibility of other tribunals eg Consumer Trader & Tenancy Tribunal (CTTT)
- PLH policies
- Matters for which clients cannot make application to housing providers
- Internal administrative and funding matters of PLH
- Complaints about the way a service is delivered
- Programs not related to the provision of a service.

### 3.6.3 Appeal Process

Tenants and applicants may appeal because they believe that the decision PLH made:

- Was inconsistent with PLH's 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 of the case.

PLH's Appeals Process involves a first level internal appeals procedure. If the appellant is dissatisfied by the outcome they can appeal to the Housing Appeals Committee, which is the second and independent level of appeal.

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## Appeals Process

### Step 1

**Internal Review** If the Appellant is dissatisfied with the original decision made by PLH they have the right to request that the decision is reviewed by the PLH staff member who made the original decision and the Executive Housing Manager. Staff should document their review of the appeal using the Appeal Review Form.

### Step 2

**Internal Appeal** Stage 1  
If the Appellant is still not happy with the decision they can ask for an internal review by the CEO.

The Appeal must be in writing, using the Appeals Form or by writing a letter. Staff can assist clients to appeal if they have language or literacy barriers.

The CEO will review the decision against the relevant PLH policy and listen to both the Appellant and the person who made the decision.

The CEO is required to:

- Register the appeal
- Acknowledge the receipt of the appeal in writing within 2 days of receiving the appellant's written appeal
- Consider the matter, including conducting an interview with the appellant if possible, and consider whether a different decision is warranted. If the client provides new information this can be taken into account at the first level appeal
- Inform the appellant in writing of the reasons for decision with clear reference to the policy criteria.

**Response Time:** Within 21 days of receiving the appeal

**Register:** Appeal to be registered in Appeals Register and reported in Board Report

### Step 3

**External Appeal** If the Appellant is dissatisfied by the outcome at the First Level appeal they can proceed to make an appeal to the independent Housing Appeals Committee (HAC).

Tenants and Applicants should appeal to the HAC within 3 months of the first level appeals process.

The HAC is an independent agency which deals with appeals from people unhappy with a decision of a social housing provider. When the HAC receives the appeal the HAC will request the tenant file from PLH.

Once the file is received, the HAC sets a date for the hearing or

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interview and informs the appellant by letter. The HAC aims to schedule a hearing within 4 weeks of receipt of a file from a Housing Provider. The process is informal and free for appellants. The HAC reviews whether the Housing Provider's decision conforms to the stated policy and meets the standards of natural justice considering the merits of the case.

The HAC has recommendatory powers only. The HAC provides a detailed analysis and makes recommendations to the Housing Provider and it is up to the Housing Provider to make the final decision.

PLH gives serious consideration to the issues raised by the HAC in its recommendations and mostly, recommendations are accepted.

#### **3.6.4 Training Staff in Appeals Process**

Appropriate training will be conducted for any member of staff that is in the position of handling complaints or appeals.

## **APPENDIX A – CODE OF CONDUCT - PLH SOCIAL OUTINGS & EVENTS**

### PLH Responsibility

PLH staff and management will endeavour to keep all tenants / participants safe at all social events and outings and will always conduct a risk assessment of any proposed function or events and develop effective risk controls in line with a reasonably practicable approach in accordance with the *Work Health and Safety Act 2011 (Cth)* (WHS Act).

### To do this PLH will;

- Arrange safe transport to social outings e.g. coach hire
- Set clear boundaries about behaviour
- Set clear start and finish times for the events where possible
- Take steps to address and/or diffuse any conflict or potentially dangerous situations
- Have a fair *eligibility process* in place to select tenants for outings. Initially, all tenants' names will be placed on waiting lists for each event or outing. The following criteria will be used to fill the places;
  - Time on waiting list, priority for type of event e.g. school holidays program – families with children
  - No consistent or extensive rent or non-rent arrears
  - No history of anti-social; threatening or aggressive behaviour
  - Breach of residential tenancy Lease i.e. CTTT Orders etc.
- Implement PLH Policy and guidelines to ensure these rules of conduct are enforced.

### Tenant Responsibility

- Respect the needs and comfort of other passengers / tenants / children i.e., no placing feet on seats whilst travelling
- Parents and carers shall be responsible for the **supervision** of their children at all times, but may enlist the help of staff if available. Non-compliance of rules may prevent attendance to future social activities.
- **Seat belts where fitted must be used at all times. THIS INCLUDES CHILDREN. This is the law in NSW and carries heavy penalties, including fines and loss of licence, for both the individual and coach driver when breached.**
- no use of offensive or racist language; no discrimination or bullying
- No eating and/or drinking (except water) unless the bus operator gives us permission
- Front 2 rows (8 seats) are to be left vacant and made available for staff and/or disabled passengers and/or child restraint/safety seats.
- **NO SMOKING:** Adhere to the laws / signage that bans smoking on buses and other public and community areas
- Obey reasonable directions from the coach driver and PLH staff / organisers
- Refrain from attracting / disturbing the attention of the driver except in the case of emergency.
- **NO ALCOHOL** is to be consumed during the course of any PLH outings or events. Anyone found to be under the influence (or perceived to be) of alcohol and/or drugs will not be allowed to go on the trip. If you are found to be under the influence whilst on the trip you will be let off the coach.



## Code of Conduct: PLH Social Outings & Events

### Please Note

- Management has the discretion as to who travels and who does not.
- If permission is denied to any person, the organisation is under no obligation to inform the person why they are being refused travel.
- No person will be permitted on the coach or at any of the events / outings without prior confirmation.
- All allocations will be final.
- Non-compliance of these rules may lead to exclusion from further outings and / or activities.

### Booking Trips

Please advise staff, at the time of booking, if you have any specific needs i.e. wheelchair, walking aids, seating, dietary requirements etc.

The deadline for bookings will be 14 days prior to the event - No bookings will be accepted after this time unless a place has become available due to last minute cancellations etc.

### Emergency Contact Number

If you need to contact trip organisers in cases of emergencies on the day of the outing (prior to office opening hours at 9:00am) e.g. cancellations at last minute directions/details etc. you can contact Jayne or Lynn on **0407 247 617**.

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Please tick to indicate that you have read, understood and agree to the Code of Conduct as outlined for PLH's Social Outings and Events

Return this tear off section in the reply-paid envelope provided when you have completed the details below. If you have any questions or require more information please contact us in the office.

Tenant Name: \_\_\_\_\_

Address: \_\_\_\_\_

Signature: \_\_\_\_\_ \_\_\_\_/\_\_\_\_/2014  
*Date*

**\*\*Note: You will not be permitted on the coach or to attend any events if your signed copy of The Code of Conduct form is not received prior to the trips.**