

## COMPLAINTS AND APPEALS

### Policy and Procedure

<b>QA REFERENCE</b>	M't P&P No 30
<b>DATE INTRODUCED</b>	29 03 2019
<b>DATE LAST REVIEWED</b>	29 03 2019
<b>DATE NEXT REVIEW</b>	29 03 2021
<b>REVIEW RESPONSIBILITY</b>	Chief Financial Officer
<b>APPROVED BY</b>	Chief Executive Officer
<b>REFERENCES –</b>	
<b>Relevant Legislation</b>	<ul style="list-style-type: none"> <li>• Housing Act 1983 (Vic)</li> <li>• Performance Standards for Registered Housing Agencies</li> <li>• DHHS Victorian Housing Register Operational Guidelines</li> <li>• Residential Tenancies Act 1997</li> <li>• Guidelines for Registered Housing Agencies published by DHHS</li> </ul>
<b>Other relevant MASP Policies</b>	<ul style="list-style-type: none"> <li>• Allocations</li> <li>• Bond payment</li> <li>• Code of Conduct</li> <li>• Property Damage by tenant</li> <li>• Eligibility</li> <li>• Inspections</li> <li>• Maintenance and Repairs</li> <li>• Property Damage by Tenant</li> <li>• Privacy and Confidentiality</li> <li>• Privacy Information Sharing</li> <li>• Rent Arrears Management and Evictions</li> <li>• Rent Setting and Collection</li> </ul>
<b>FORMS &amp; TEMPLATES</b>	

#### Purpose

This policy establishes the approach of MASP to complaints and appeals in respect of housing, social housing applications and related services.

#### Scope

This policy applies to complaints and appeals made to MASP by:

- tenants and prospective tenants of MASP in respect of rental housing; and
- people whom MASP has assisted to make an application for social housing under the Victorian Housing Register (VHR).

This policy does not apply to complaints made in respect of the following programs run by MASP:

- other support services operated by MASP; and

This policy does not apply to complaints or feedback received from people who are not tenants, prospective tenants or applicants for social housing. This includes:

- complaints or grievances by employees of MASP;
- complaints by contractors of MASP; and
- complaints or registration of concern by other members of the community (for example, neighbours).

## Policy Statement

### Guiding principles

All tenants and prospective tenants of MASP and applicants (**clients**) have the right to:

- complain about the way that MASP has gone about delivering housing or related services; and
- appeal a decision made by MASP in relation to their housing, application or services.

MASP welcomes complaints from clients as a key way by which MASP receives feedback, responds to the needs of clients and improves its service delivery.

Accordingly, MASP will:

- provide clients with clear information about how they can make a complaint or lodge an appeal with MASP and about any external complaint-handling bodies that are relevant (such as DHHS or the Housing Registrar);
- support clients to make a complaint or appeal in a way that is accessible to them;
- respond to complaints and appeals promptly, fairly and transparently;
- respect the privacy and confidentiality of clients who make a complaint or lodge an appeal;
- not take any adverse action in respect of a client simply because the client has made a complaint or lodged an appeal; and
- keep records of complaints made and appeals lodged; and
- use the outcome of complaints and appeals to improve MASP's service delivery and minimise future complaints and appeals.

### Complaints by tenants or prospective tenants about rental housing

Tenants or prospective tenants of MASP who are affected by decisions of MASP on matters relating to rental housing may ask for their complaint to be dealt with under the complaints and appeals procedure.

Under this procedure, MASP must take all reasonable steps to resolve such complaints within 30 days after the complaint is made to MASP.

An individual who is a tenant or prospective tenant of MASP and who has made a complaint to MASP may refer the complaint to the Housing Registrar for investigation if the complaint is not resolved within 30 days after it is made.

Complaints or appeals about applications for social housing under the Victorian Housing Register

MASP participates in the VHR by:

- providing applicants with information about applying for social housing under the VHR;
- assisting applicants to make an application for social housing;
- submitting applications to DHHS with a recommended outcome based on the VHR's eligibility criteria.

Where an applicant wishes to:

- make a complaint about the way in which MASP has provided service to them in making an application for social housing; or
- appeal a decision made by MASP in relation to the person's application for social housing to:
  - recommend or not recommend an application for approval;
  - approve or not approve an application;
  - remove an application from the register; and

○ determine if an offer of social housing is a reasonable offer, then such applicants should first should ask that the complaint be reviewed or decision be reconsidered by MASP under the complaints and appeals procedure.

Applicants for social housing who are unhappy with the resolution of a complaint under the complaints and appeals procedure may refer the complaint to the DHHS Housing Appeals Office.

### Procedures

MASP will establish a complaints and appeals procedure to support this policy.

MASP will regularly monitor the effectiveness of this complaints and appeals procedure.

### Definitions

In this policy:

<b>Appeal</b>	When a person asks for a review of a decision of MASP to which this policy applies
<b>Applicant</b>	A person who MASP assists to apply for social housing
<b>Client</b>	An applicant or a tenant or prospective tenant of MASP
<b>Complaint</b>	A complaint is a client's registered expression of dissatisfaction with any service delivered or action taken by MASP to which this policy applies.
<b>DHHS</b>	The Victorian Department of Health and Human Services
<b>Social housing</b>	Both public housing (housing owned and managed by DHHS) and housing owned, controlled or managed by participating registered agencies (that is, registered housing agencies that participate in the VHR), and properties owned and managed by MASP
<b>VHR</b>	The Victorian Housing Register, the statewide common application for people seeking social housing, which can be accessed via MASP, DHHS, the mygov portal or designated support providers

### Transparency and accessibility

This policy will be available on the MASP website – [www.masp.org.au](http://www.masp.org.au)

### Procedures

#### Complaints coordination

MASP will appoint a person to coordinate complaints, which will include to:

- act as the point of contact with the Housing Registrar and DHHS Housing Appeals Office;
- monitor compliance with the policy and this procedure (for example, the requirement to resolve complaints within 30 days); and
- maintain the register of complaints and appeals.

#### Informal resolution

MASP encourages all clients who are unhappy about the way that they have been treated by MASP or decisions made by MASP to take up the issue with the person who delivered the service or made the decision. This can be a way of getting the matter resolved quickly.

However, if a client does not wish to do this then it is their right to have the matter dealt with under the complaints and appeals policy and this procedure.

### **How clients can complain or appeal**

Clients may make complaints or lodge appeals:

- in person;
- via a representative or advocate;
- in writing (hard copy or electronic);
- by telephone.

MASP encourages clients to make complaints in writing as a way by which the issues can be most effectively identified and then resolved. However, MASP recognises that some clients face barriers to doing so and will therefore:

- accept complaints and appeals in a variety of means; and
- take reasonable actions to assist that client to clarify the issues in their complaint or appeal.

### **Acknowledgement of complaint**

MASP will acknowledge receipt of all complaints and appeals within 2 working days. This acknowledgement should advise the client of the process that MASP will follow.

### **Investigation of complaint or consideration of the appeal**

The procedure should assign a manager responsible for ensuring that MASP responds appropriately to the complaint or appeal by investigating the matter and/or reconsidering any decision made.

This person should not be directly involved in the complaint or appeal – i.e. be the original decision-maker or the person whose conduct has given rise to the complaint.

### **Outcome of complaint or appeal**

Responses to complaints and appeals must:

- be in writing;
- explain the outcome of the complaint or appeal and the reasons for MASP's decision; and
- advise the client of their right to refer the matter to the Housing Registrar or DHHS Housing Appeals Office (as appropriate).

### **Investigation by the Housing Registrar**

MASP staff must co-operate with any such investigation by the Housing Registrar.

### **Privacy and confidentiality**

MASP must comply with the [Privacy and Confidentiality Policy] when undertaking this process.

### **Register of complaints**

MASP will maintain a register of complaints made and appeals lodged which complies with the requirements of the Housing Registrar.

### **Review**

MASP will use the outcome of complaints and appeals to improve MASP's service delivery and minimise future complaints and appeals by the following:

- Consideration of outcomes of complaints at team meetings (on a de-identified and non-judgmental basis);
- Quarterly reporting of complaints data to the [Board/ Executive];
- Regular consideration of complaints data by Tenant Reference Group (or similar).