



## COMPLAINTS AND APPEALS (by tenants and prospective tenants) Policy and Procedure

<b>QA REFERENCE</b>	P&T P&P No 03
<b>INTRODUCED</b>	28 <sup>th</sup> March 2019
<b>LAST REVIEWED</b>	18 <sup>th</sup> August 2020
<b>NEXT REVIEWED</b>	18 <sup>th</sup> August 2023
<b>RESPONSIBILITY</b>	Property and Tenancy Management are responsible for the review and currency of this policy and associated procedures.
<b>APPROVED</b>	Approved by the Chief Executive Officer on 18 <sup>th</sup> August 2020.  <i>This policy and procedure is valid from the date of introduction and remains in force, as amended from time to time, until such time as formally revoked by resolution at a meeting of the Operational Leadership Group.</i>
<b>ENDORSED</b>	Endorsed by the Operational Leadership Group on 18 <sup>th</sup> August 2020.
<b>REFERENCES –</b>	
<b>Related Legislative Acts and other sources of Authority</b>	<ul style="list-style-type: none"> <li>• Housing Act 1983 (Vic)</li> <li>• Residential Tenancies Act 1997</li> </ul>
<b>Related Standards, Guidelines and other References</b>	<ul style="list-style-type: none"> <li>• Performance Standards for Registered Housing Agencies</li> <li>• DHHS Victorian Housing Register Operational Guidelines</li> <li>• Guidelines for Registered Housing Agencies published by DHHS</li> </ul>
<b>Related MASP Policy and Procedure Documents</b>	<ul style="list-style-type: none"> <li>• Accessibility Modifications – P&amp;T P&amp;P No 04</li> <li>• Allocations via VHR – P&amp;T P&amp;P No 07</li> <li>• Allocation - Internal – P&amp;T P&amp;P No 06</li> <li>• Bonds Management - P&amp;T P&amp;P No 11</li> <li>• Code of Conduct – HRM P&amp;P No 12</li> <li>• Conflict of Interest – HRM P&amp;P No 28</li> <li>• Eligibility - P&amp;T P&amp;P No 10</li> <li>• Inspections - P&amp;T P&amp;P No 42</li> <li>• Maintenance and Repairs - P&amp;T P&amp;P No 08</li> <li>• Privacy and Information Security – Tenants – P&amp;T P&amp;P No 13</li> <li>• Property Damage by Tenant - P&amp;T P&amp;P No 02</li> <li>• Rent Arrears Management and Evictions - P&amp;T P&amp;P No 09</li> <li>• Rent Setting and Collection – P&amp;T P&amp;P No 05</li> </ul>
<b>Related MASP Instructions and Guidelines</b>	<ul style="list-style-type: none"> <li>• Being a Good Neighbour - P&amp;T B&amp;P No 05</li> <li>• COVID 19 Maintenance P&amp;T I&amp;G No 01</li> <li>• Urgent After-Hours Repairs – P&amp;T I&amp;G No 02</li> </ul>
<b>Related MASP Forms and Templates</b>	<ul style="list-style-type: none"> <li>• Complaints or Appeals CWG F&amp;T No 07</li> <li>• Condition Report – Entry – P&amp;T ED</li> <li>• Condition Report – Exit – P&amp;T ED</li> <li>• Residential Rental Agreement – P&amp;T ED</li> <li>• COVID 19 Health Declaration Contractor Maintenance Worker – P&amp;T F&amp;T No 06</li> <li>• COVID 19 Health Declaration MASP tenant – P&amp;T F&amp;T No 03</li> <li>• COVID 19 Letter to contractor or tradesman – P&amp;T F&amp;T No 05</li> </ul>

<b>ACRONYMS/DEFINITIONS</b>	
<b>Applicant</b>	A person who applies for social housing via the VHR
<b>Consent</b>	Consent includes express consent (given explicitly, either orally or in writing) and implicit consent (where in the circumstances it can reasonably be inferred). It requires four key elements: <ul style="list-style-type: none"> <li>• the individual is adequately informed before giving consent</li> <li>• the individual gives consent voluntarily</li> <li>• the consent is current and specific, and</li> <li>• the individual has the capacity to understand and communicate their consent.</li> </ul>
<b>DHHS</b>	The Victorian Department of Health and Human Services
<b>Health information</b>	Health information includes personal information about a person's current or previous health or disability, or about their expressed wishes for future provision of health services to them, or about a health service provided or to be provided to them
<b>Personal information</b>	Personal information means information or an opinion about an identified person, or a person who is reasonably identifiable, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.
<b>Sensitive information</b>	Sensitive information includes: health information (as defined); personal information about a person's race or ethnicity, political opinions or affiliation, religious beliefs or affiliation, membership of a trade union or professional association, sexual orientation or practices, or genetic or biometric information.
<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).
<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
<b>VHR Agency</b>	A registered housing agency under the Housing Act 1983 (Vic); <ul style="list-style-type: none"> <li>• DHHS; and</li> <li>• a designated service provider (as defined in the Housing Act 1983).</li> </ul>
<b>MASP</b> <b>Tenants</b> <b>Household members</b>	Mallee Accommodation and Support Program Ltd The person who signed the Residential Tenancy Agreement Other people who have been authorised by MASP to reside at the property

## **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**

### **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.

### **Transparency and accessibility**

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

## **PROCEDURES**

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

### **Complaints coordination**

MASP will appoint a manager 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).

### **Transparency and accessibility**

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