

**Indigo Junction is committed to ensuring that client's rights and responsibilities are upheld according to Indigo Junction's Service Delivery Policies, Privacy Legislation, Equal Opportunity legislation and the Residential Tenancy Act**

**All Indigo Junction Policies are to be read in conjunction with the organisations overarching policy commitment statement and the Specialist Homelessness Services (SHS) service standards**

## 1.0 PURPOSE

To ensure that any clients concerns about Indigo Junction's decisions are dealt with in a fair and open manner before an Appeals Committee. A client has the right to appeal most of Indigo Junction's decisions.

## 2.0 DECISIONS OPEN TO APPEAL

Most decisions concerning community housing can be appealed, such as but not limited to:

- An application for accommodation;
- Removal from the rental housing Expression of Interest List;
- Transfer applications;
- Rental arrears; and
- Tenants liability for repairs or any other charges.

### Exceptions

Decisions that have general application and therefore apply to all clients cannot be appealed.

Clients accessing services other than housing who have followed the complaints process and wish to appeal a final decision will be requested to, submit in writing, their wish to appeal a decision. They will be supported with information relating to external agencies that can provide them with support including but not limited to:

- HaDSCO;
- EOC; and
- Citizens Advice Bureau.

## 3.0 PRINCIPLES

Indigo Junction's appeal mechanism will be governed by principles of natural justice or procedural fairness. This means that the decision will be reviewed fairly, equitably and without prejudice.

The rules of natural justice (procedural fairness) require:

- That all persons be given the right to be heard before decisions are taken which affect their rights, interests and legitimate expectations.
- The person be entitled to be made aware of any matters which the decision maker uses in the decision making process.
- The person be given the reason for a particular decision being reached and have the opportunity to respond.
- The right to reasonable notice (to give the person time to prepare or answer the case).
- The right for the person to have the case heard in a convenient place.
- The right for the person to appear and have representation by an advocate.
- That any hearing be fair and unbiased.

## 4.0 PRACTICE

- All Indigo Junction clients in accommodation are provided a Tenants Handbook which outlines grievances and appeals.
- Indigo Junction's appeal mechanism will offer clients an efficient, fair and inexpensive way of appealing an unfavourable decision.
- An Appeals Committee will have a mix of appropriate members with a minimum of three people including one representative from management and a person independent of Indigo Junction.
- On receipt of the appeal documents, each Committee member is to ascertain whether they are able to hear the appeal without bias. Conflict of interest must be advised immediately (within 24 hours of receipt of the appeals material), so that a substitute can be arranged. Where there may be perceived conflict of interest (e.g. If a person who made the decision is the Management member) another Management or equivalent member should take the place on the Appeals Committee.
- Details of Conflict of Interest will be added to the Conflict of Interest register.
- When it has all the relevant facts, the Committee will discuss all the evidence and then make its decision, documenting the reasons the decision was reached. This will be signed by all the Committee members.
- Decisions of the Appeal Committee are final and binding.
- The Appeal Committee must inform the appellant in writing within seven days of the outcome of their Appeal by sending a "Result of Appeal" letter.
- Tenant Liability appellants will be advised that they can proceed to the Small Dispute Division of the Local Court.

- Total time of providing written decision to the appellant should not exceed 30 days of the appeal being lodged.
- A copy of all communication with the appellant will kept for record keeping purposes on the client's file and/or in the CHINTARO database.
- The organisation will have an appeals procedure document will clearly define processes, support mechanisms and timeframes for both parties in an appeals process.
- Indigo Junction will ensure that the effectiveness of the appeals process is regularly monitored. The quarterly report to the Board must provide information about the number and nature of appeal applications received, their outcomes and any trends (while maintaining client confidentiality).
- The organisation may seek legal representation should a dispute be settled in court.

## **Associated Indigo Junction policies to this policy:**

- Employees, Volunteers and Others Grievances (HR1001)
- Complaints, Grievances and Disputes (HR1003)
- Privacy and Confidentiality (GO0001)
- Service Access (SD3001)


## **Associated Indigo Junction procedures to this policy:**

- Client Appeals (HR1016)

## **Policy Context: this policy relates to**

Applicable Standards or other external obligations	SHS Standard 8 – Complaints Management NCH Standard 3.6 – Complaints and Appeals NRC 1f – Tenant and Housing Services
Applicable legislation	Residential Tenancies Act 1987 (WA) Housing Act 1980 (WA)
Applicable contractual obligations	

## **Policy Contact Person: CEO**

Approval Signature	
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