

Purpose

This policy defines Evolve Housing Vic Limited's (EHVL) approach to managing Appeals received from housing Applicants and Tenants, and determining which decisions can be appealed.

POLICY REFERENCE	VHS003.1
POLICY OWNER	General Manager, Resident Services
APPROVED BY	Evolve Housing Ltd CEO
APPROVAL DATE	1 Mar 2022
REVIEW DATE	1 Mar 2025

APPEALS POLICY

1. Scope

This policy applies to all housing Applicants, Tenants and ex-Tenants of EHVL.

An Appeal is a disagreement by an Applicant or Tenant with a decision made by EHVL that affects their application for housing, or their tenancy, and which the Applicant or Tenant has requested be reviewed. An Appeal is not a Complaint.

This policy does not apply to Complaints which are covered by EHVL's Complaints Management Policy, or to Neighbour Disputes which are covered by EHVL's Neighbour Disputes Policy.

2. Policy Statement

EHVL is committed to the fair and effective management of Appeals.

This policy outlines the approach of EHVL in managing Appeals lodged by Applicants and Tenants. An Applicant or Tenant has the right to lodge an Appeal with EHVL if they disagree with a decision EHVL has made that the Applicant or Tenant believes may affect their application for housing, or their tenancy. Applicants and Tenants will not be disadvantaged by lodging an Appeal.

The objective of the Appeals process is to ensure that:

- There is a fair mechanism for decisions to be reviewed if those decisions cannot be considered by other bodies, such as the Victorian Civil and Administrative Tribunal (VCAT);
- The correct decision has been made in each individual case under

review. EHVL also considers the Appeals process as an opportunity to:

- Gain feedback from Tenants and Applicants;
- Demonstrate that EHVL is open to receiving the views of Tenants and Applicants; and
- Review and improve EHVL's policies and procedures where necessary.

2.1 Appealing a decision

Applicants and Tenants can appeal decisions made by EHVL, including decisions about eligibility for community housing and offers of housing, decisions to decline an application or to transfer a Tenant, and decisions about eligibility for a rental subsidy. All Appeals must be lodged with EHVL within 3 months of the Applicant or Tenant being notified by Evolve of the original decision.

Where possible, Applicants and Tenants who are not satisfied with an EHVL decision are encouraged to initially speak to the EHVL staff member who advised them of the decision (or another staff member). If they are still not satisfied with the decision, there are two levels of Appeal available (assuming the matter

is able to be appealed):

- The first level involves an internal review by EHVL;
- The second level involves an independent review by an independent authority.

2.2 First Level Appeals

First level Appeals should be made in writing using the EHVL Appeals form available from EHVL's office. Applicants and Tenants are encouraged to ask an EHVL staff member for advice on whether their issue can be appealed, as not all issues are eligible to be reviewed (refer to list below). The staff member may also help the individual to complete the form and provide other assistance. The staff member who was involved in making the decision which is being appealed, will not be involved in providing this assistance. If EHVL receives a written Appeal from an Applicant or Tenant, EHVL will respond to that individual within two (2) business days, acknowledging receipt of the Appeal.

In most cases, first-level Appeals will be decided within twenty (20) working days from the date EHVL receives an Applicant's or Tenant's written application for review. Exceptions to this timing may be where EHVL is waiting on further information from the Applicant or Tenant, or another person or organisation.

The internal review will be conducted by an EHVL staff member who was not involved in making the original decision. The recommendations of that officer will then be considered by a more senior member of staff, who will make the actual decision on the first level appeal. The Applicant or Tenant making the appeal will be notified in writing of the decision of EHVL resulting from the first level Appeal process.

2.3 Second Level Appeals

If an Applicant or Tenant believes the decision made by EHVL in the first-level review is incorrect and they remain dissatisfied, they can seek review of the decision from one of the following independent authorities:

- If a Tenant has lodged an Appeal with EVHL and the Tenant is not satisfied with the outcome, a Tenant can contact the Victorian Registrar of Housing Agencies for assistance;
- The Department of Families, Fairness and Housing investigates Appeals or requests for review about applications for housing under the Victorian Housing Register;
- The Victorian Civil and Administration Tribunal has jurisdiction in relation to Appeals regarding tenancy disputes;
- The Victorian Ombudsman receives and investigates Appeals about the Victorian Housing Register or concerns about how the Housing Registrar has responded to a Appeal;
- The Victorian Equal Opportunity and Human Rights Commission helps resolve Appeals for people who have been discriminated against, sexually harassed, victimized or vilified.

2.4 Matters which can be Appealed

EHVL Applicants and Tenants may be able to appeal decisions regarding the following matters:

2.4.1 Social housing provider eligibility

- General eligibility for or removal from a waiting list or the Victorian Housing Register
- Backdating of an eligibility date
- Eligibility of people classified as unsatisfactory or ineligible former residents

3.4.2. Housing entitlements

- Size and type of dwelling
- Modifications or special features of dwelling needed for medical reasons
- Location need entitlements

3.4.3. Priority housing eligibility

- Eligibility for priority housing

- Need for specific location or housing type

3.4.4 Succession of tenancy

- Eligibility to be granted succession of tenancy

3.4.5 Offers of Property

- Whether an offer is considered 'reasonable' (eg. type, location, size)
- Whether an Applicant's or Tenant's reason for not accepting an offer is reasonable

3.4.6 Transfers

- Eligibility for a transfer
- Category of transfer approval granted
- Eligibility for priority transfer
- Location approved for a transfer
- Relocation of a resident for management purposes
- Transfer of residents under relocation powers

3.4.7 Rental Subsidy assessment

- Calculation of, change to, or cancellation of rental subsidy
- Water charges related to subsidy

3.4.8 Modifications to a property

- Need for modifications for disability/medical reasons only (not maintenance or upgrade issues)

3.4.9 Offers of a property transfer

- Whether a 'reasonable' offer has been made and the offer counted for purposes of the offers policy
- Offers made to Tenants under relocation powers

2.5 Matters which cannot be appealed

There are a number of matters which Applicants and Tenants are not able to appeal. These matters include:

- Decisions that are not directly related to the Applicant or Tenant or the household;
- Matters that are the responsibility of other bodies or tribunals (such as repairs and maintenance which are the responsibility of VCAT);
- EHVL policies;
- Internal administrative and funding matters of EHVL;
- Complaints about the way EHVL provides or has provided a service;
- Programs not related to the provision of a service;
- Decisions about providing more than the maximum service or benefit available under EHVL policy.

3. DEFINITIONS

- Appeal – a disagreement by a Tenant or Applicant with a decision made by EHVL that affects their application for housing, or their tenancy, and which the Tenant or Applicant has requested be reviewed.
- Complaint- an expression of dissatisfaction with the standard or type of service provided by EHVL, which is made by an external person or organisation (Complainant), and where the Complainant had expected or is requesting a different outcome or result.
- Neighbour Dispute - a dispute between two EHVL Residents, which involves a possible breach by at least one Resident of their Residential Tenancy Agreement, and where an unsuccessful attempt has been made by the two parties to resolve the problem through either discussion or mediation
- Victorian Housing Register - a single list of approved applicants waiting for social housing. When a social housing provider approves an applicant for social housing, the provider places them on the Victorian Housing Register. DFFH Housing and community housing organisations use this register to

offer housing when a suitable property becomes available.

- Property – the Property or residential premises as described in the Residential Tenancy Agreement between EHVL and the Tenant
- Resident – a person who resides on a permanent basis in a Property which is owned or managed by EHVL under a Residential Tenancy Agreement.
- Residential Tenancy Agreement (or Tenancy Agreement) – a written agreement between EHVL and a Tenant, which governs the terms on which that Tenant occupies the Property described in the Agreement.
- Tenant – a person who signs the Residential Tenancy Agreement with EHVL and who has certain rights and obligations under that Agreement. (A Tenant is also a Resident.)

4. RELATED RESOURCES

- EHVL Complaints Management Policy
- EHVL Neighbour Disputes Policy
- *Residential Tenancies Act 1997* (Vic)
- housingregistrarcomplaints@dtf.vic.gov.au

This policy is subject to change from time to time at the discretion of EHVL. Any approvals required under this policy will be granted in accordance with the Evolve Housing group Delegations of Authority Policy. If you have any specific questions regarding this policy, please contact EHVL on 1800 693 865 or email your enquiry to myevolve@evolvehousing.com.au.

5. VERSION CONTROL

VERSION	Date Approved	Author	Key Changes
1.0	1/03/2022	GAL	Policy adopted