	POLICY AND PROCEDURE | CEACA LIMITED – APPEALS POLICY	
CEACA Supporting Wheatbelt Communities	Document Code	CEACA-PP-033
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1. PURPOSE

The purpose of this policy is to outline our approach when a CEACA Limited ("CEACA") tenant appeals a decision we have made, or the outcome of a complaint. This policy aims to ensure that we process appeals fairly, efficiently, and effectively so that we:

- Have easy and accessible options for appealing a decision;
- Respond to appeals in a consistent, timely, fair, and reasonable way;
- Use information provided through the appeals process to improve our services and report on outcomes.

2. SCOPE

This policy applies to our tenants, clients, neighbours of our tenants, housing applicants, service delivery partners, maintenance contractors, stakeholders and members of the community impacted by our tenants or services. This policy does not cover the following matters which cannot be appealed:

- Issuing of a Notice of Termination under the *Residential Tenancies Act 1987*, application to court or tribunal and the subsequent granting of an Order;
- Decisions related to another tenancy;
- Decisions that are required for compliance with legislation or regulation;
- CEACA policies, other than the application of a policy to a person's personal circumstances;
- Decisions made by an external party.

3. POLICY STATEMENT

CEACA is committed to providing a fair and transparent process for appeals about our decisions. An appeal is a request for CEACA to review a decision or the outcome of a complaint where a decision made by CEACA is believed to be unfair, unreasonable and/or inconsistent with our policies and procedures, and/or we did not consider relevant information.

- We will ensure that people are listened to, treated with respect, and actively involved in the process where possible and as appropriate.
- We accept appeals in a variety of ways including from recognised representatives such as carers, next of kin or advocates (with consent).
- We will ensure that information on how to appeal is readily available, easy to understand for everyone and includes information on how to access relevant external authorities or advocacy services. This policy is made available on our website.
- We will respond to appeals efficiently and objectively, ensuring principles of procedural fairness are adhered to.
- We will ensure that the person handling the appeal is different from the staff member/s who handled and were involved in the original decision.
- Conflicts of interest, whether actual or perceived, will be managed responsibly.
- We recognise that many people may feel insecure and vulnerable and at times may feel reluctant to exercise their right to appeal. We will ensure that people are not adversely affected because an appeal has been made by them or on their behalf.

- We will consider deferring any actions that might have significant detrimental impact on someone who makes an appeal (such as termination action) until the appeal has been finalised.
- All information will be treated as confidential in accordance with our Privacy Policy. Personal information will not be divulged to a third party without the permission of the person making the appeal unless we have a duty of care to do so.
- We will approach appeals without assigning blame and with the objective of reaching a mutually acceptable outcome. An appeal may be withdrawn at any time; however, we will ensure this has not been done under duress.
- We will always provide an outcome and the reason for our decision.
- The outcome of appeals will be used to support our continuous improvement and how we can improve our services.

4. HOW TO APPEAL

An appeal can be made in the following ways and will be accepted via an authorised representative, carer support person, next of kin or advocate where we have consent.

- In person - Regus Offices, Level 2, Building C, 355 Scarborough Beach Rd, Osborne Park WA 6017.
- In writing - C/- Regus Office, PO Box 1257, Osborne Park WA 6017.
- By phone - (08) 9441 4815.
- By email - info@ceaca.org.au;
- By completing a form on our website.

5. WHAT TENANTS CAN AND CANNOT APPEAL

5.1 WHAT TENANTS CAN APPEAL

Tenants have the right to appeal decisions made by CEACA regarding various issues, such as:

- **Assessment of tenant liability charges:** Tenants can appeal decisions regarding the assessment of charges they are liable for.
- **Decisions not allowing another tenant to be added to a tenancy:** Tenants can appeal if they believe they should not be allowed to add another tenant to their tenancy.
- **Disputes regarding priority housing or rental subsidies:** Tenants can dispute decisions regarding priority housing or rental subsidies if they believe the policy was not correctly applied or that their circumstances were not considered.
- Incorrect issuance of the 1C Termination Notice according to the *Residential Tenancies Act* 1987 (e.g. incorrect notice period).
- Insufficient evidence supporting the Termination Notice.
- Extenuating circumstances affecting compliance with lease terms (e.g. medical emergency).
- Claims of retaliation in issuing the Termination Notice.

Tenants should ensure they provide all relevant information when lodging an appeal to ensure their case is thoroughly reviewed.

5.2 WHAT TENANTS CANNOT APPEAL

- Routine administrative decisions that do not directly affect the Tenant's lease.
- Termination based on clearly defined breaches.
- Valid notices issued according to law and lease terms cannot be contested.

6. RESPONDING TO AN APPEAL

6.1 RESPONSIVENESS

CEACA will acknowledge receipt of an appeal within 2 business days. Appeals will be assessed and prioritised in accordance with the urgency and/or seriousness of the issues raised. If a matter concerns an immediate risk to safety or security the response will be immediate and escalated appropriately. If there is no immediate risk, we aim to review and respond to an appeal within 30 business days. We are committed to keeping people informed as soon as possible of the following:

- Our appeals process.
- The expected timeframes for resolving appeals.
- The progress of the appeal and reasons for any delay.
- Opportunities to provide feedback though the process.
- The possible or likely outcome of the appeal.

We will advise people as soon as possible if we are unable to address any part of their appeal and provide advice about where such issues and/or appeals may be directed (if known and appropriate).

6.2 CONFIDENTIALITY

We will protect the identity of people making an appeal where this is practical and appropriate. Personal information that identifies individuals will only be disclosed or used by CEACA as permitted under the relevant privacy laws, and for the purposes of addressing the appeal and any follow up actions.

6.3 APPEAL PROCESS

The investigation will be carried out by a CEACA Manager not involved in the original decision in consultation with their Managing Agents. The investigation involves reviewing all information relating to the original decision and may involve speaking to relevant parties about their experience and the outcomes being sought. The Manager shall work with all parties to understand the cause of the appeal and options for resolution.

Our appeals process will check that:

- procedural fairness was applied;
- policy was interpreted correctly and fairly when making the decision;
- where a decision identifies a gap or potential service improvement, the decision maker should seek to initiate a policy and/or procedure review;
- all relevant information including individual circumstances was fairly and properly considered;
- any new, relevant information is considered;
- is aligned with our National Housing Service Standards.

6.4 OUTCOME

Appeals will result in one of the following outcomes:

- the original decision is upheld and the decision stands;
- the original decision is overturned, and a new decision is made;
- the original decision is partly overturned and amended;
- an alternative solution is found.

We will inform parties of the outcome and provide an explanation and opportunity to discuss the findings. If after receiving the decision of an appeal and it is believed the decision is not right, we will refer people to appropriate external agencies, such as the Ombudsman, Tenancy Advice and Education Service (TAES) or Circle Green Telephone Service.

7. RESPONSIBILITIES

All directors, managers, staff and managing agents are to be aware of this policy and receive and refer to appeals in accordance with this policy. Staff will facilitate the making of an appeal in a supportive way. Staff will not attempt to dissuade people from making an appeal.

7.1 MANAGERS

- Ensure that all staff are appropriately trained and aware of this policy.
- Ensure that staff record and process appeals in accordance with this policy.
- Advise if external support is required.
- Make reports to external authorities as required.
- Investigate, review, resolve and respond to appeals in accordance with this policy.

7.2 CHIEF EXECUTIVE OFFICER

- Ensure that staff understand this policy.
- Ensure that information learned from appeals supports strategic decision making and continuous improvement activities.
- Ensure that any appeals about safety, abuse and neglect received are referred to the appropriate authorities, in line with our obligations.
- Identify trends and systemic issues.

7.3 MANAGING AGENTS

CEACA engage the services of managing agents to assist with management of their properties and their primary responsibility is to ensure that CEACA complies with the *Residential Tenancies Act* 1987. The Managing Agents will be involved in reviewing all appeals, unless they are the subject of the appeal.
The Managing Agent has no control over the decisions of CEACA Ltd.

8. SCHEDULE REVIEW

This policy will be reviewed every two years, following any significant restructure, or in response to legislative or regulatory changes. Consultation will be undertaken across service areas and input welcomed from persons who have been involved in the operation of appeals.

9. REFERENCES & RELATED DOCUMENTS

- Residential Tenancies Act 1987 (WA)
- Privacy Act (Cth) 1988
- Residential Tenancies Regulations (WA) 1989
- Carers Recognition Act (WA) 2004
- CEACA Privacy Policy
- CEACA Feedback & Complaints Policy
- CEACA Appeals Process Explained
- CEACA Housing Appeals Request