




GRIEVANCE, COMPLAINTS, APPEALS AND COMPLIMENTS

DOCUMENT DETAILS	
DOCUMENT NAME	Grievance, Complaints, Appeals and Compliments Policy
NRS PERFORMANCE OUTCOME	Tenant and Housing Services
APPROVAL	Board of Management
VERSION	1.0
STATUS	Final Version
ISSUED	17 th January 2017
NEXT REVIEW	17 th January 2019

APPROVAL – BOARD OF MANAGEMENT	
CHAIR	CHRISTOPHER RINGS 
SIGNED DATE	09/02/2017

1. RATIONALE

This policy outlines IDAA's responsibility in the way grievances, complaints, appeals and compliments are received and recorded.

2. LEGISLATION AND OTHER POLICIES

IDAA will comply with the Residential Tenancies Act 1995.

3. DEFINITIONS

- Grievance – an informal, verbal statement of concern
- Complaint – a formal written statement of concern or dispute (not being a decision made by IDAA, court or tribunal)
- Appeal – a formal application for have a decision made by IDAA reviewed
- Compliment – a formal or informal statement of gratitude or praise
- SACAT – South Australian Civil and Administrative Tribunal

4. GRIEVANCES

Grievances may be relayed to any IDAA staff member.

IDAA will log all grievances against the tenant(s) in an electronic file.

IDAA will give the grievant an opportunity to escalate the matter to a complaint.

5. COMPLAINTS

Complaints shall be received in writing from the complainant.

All complaints shall be recorded on the IDAA Complaints Register and noted in each tenants' electronic file.

IDAA will attempt to resolve all complaints within 30 days of receiving them.

IDAA will notify the complainant of the action taken by IDAA and the resolution of the complaint.

6. APPEALS

IDAA applicants or tenants (the appellants) have the right to appeal a decision made by IDAA.

Appellants will not be disadvantaged by lodging an appeal.

IDAA will act in a transparent and objective manner in the receiving, investigation and response of an appeal.

The appellant can appeal:

- A decision relating to a dispute with another IDAA tenant
- A decision relating to a dispute between the appellant and IDAA
- A decision made by IDAA that the appellant believes is unreasonable, oppressive or unjust

The IDAA Appeal Panel will consider amongst other things, decisions relating to:

- The process used to make a decision
- Whether the decision is consistent with IDAA policy
- Rental applications
- Tenancy matters
- Disputes between neighbours

The IDAA Appeal Panel will not consider:

- Matters concerning an eviction made as a part of a Court or South Australian Civil and Administrative Tribunal (SACAT)
- Tenant debts beyond defaulted repayment plan agreements
- Government policy
- Decisions relating to tenant rent arrears

Only the person who is directly impacted by the original decision may initiate appeal proceedings.

An application of appeal should only be lodged after there has been a genuine attempt to resolve the issue through mediation or conciliation.

An application of appeal must be received by IDAA within 30 days of the incident, decision or action.

An appeal can be withdrawn at any time.

An application for appeal must be made on the prescribed application form as per Appendix 1.

7. THE APPEAL COMMITTEE

IDAA will appoint an Appeal Committee at the Annual General Meeting each year.

The Appeal Committee will consist of a minimum of five (5) people, from which three (3) will be chosen, each time an appeal arises, to form an internal Appeal Panel. The selected Appeal Panel members must be available to conduct the appeal in its entirety to ensure that the principles of natural justice are observed.

The Appeal Committee will consist of the following group specific criteria: a Board member, senior staff member of another housing organisation and Board members of other housing associations.

An Appeal Committee Coordinator will be appointed from the Appeal Committee's members.

The Association delegates its authority to hear appeals and make decisions about these appeals to the internal Appeals Committee in the event of an appeal being lodged.

8. Preparing for an Appeal

IDAA will keep a register of appeals to their Appeal Committee and of any matters which are appealed to SACAT.

On receipt of an appeal the Chief Executive Officer will pass on the appeal to the Appeals Coordinator.

The Appeal Committee Coordinator will, within 5 days of receipt of the appeal application:

- Enter details about the appeal in the confidential Appeal Register
- Acknowledge to the appellant that the appeal has been received
- Notify the Appeal Committee and the respondent that an appeal has been lodged

The Appeal Committee Coordinator and the other Appeal Committee members will meet within 14 days of receiving an appeal application to decide which three members will form the internal Appeal Panel to hear the appeal. They will also decide who will take on the role of Appeal Panel Convenor. They will ensure that the members chosen will not have been involved in the dispute in the past, and will not have a conflict of interest in the matter.

The Appeal Panel convenor will distribute the documentation relevant to the appeal to the appellant and the respondent(s). Each party must freely give this relevant information.

The Appeal Panel Coordinator will distribute documentation relevant to the appeal to the appellant and to the respondent. All parties must have the same information.

The Appeal Panel may convene to review all information provided to determine if further information needs to be collected prior to the hearing, and if necessary, has the right to access any relevant and appropriate information necessary for the appeal hearing.

The Appeal Panel will set a time and place for the hearing of the appeal, which must take place within 56 days of the lodgement of the appeal. The hearing must be held at a time that is convenient to all parties and adequate notice must be given (at least 14 days).

9. The Appeal Procedure

The appeal hearing will include:

- The three chosen internal Appeal Panel members (including the Appeal Panel Convenor, plus the Independent Appeal Panel Convenor (if being used))
- The appellant
- The respondent
- Appellant's and respondent's support person(s) and advocate(s)

The internal Appeal Panel will take all reasonable steps to ensure that the appeal process is completed as quickly as possible.

An internal Appeal Panel will hear and consider all relevant written and verbal information from all parties relating to the appeal. The internal Appeal Panel may request any relevant and appropriate information, documents, witnesses or assistance that members need to come to a decision.

Each party is able to present any relevant information that may assist him/her and has the right to have a friend and/or advocate assist with the appeal hearing.

Any witnesses interviewed by the internal Appeal Panel will be present only for the time he/she is giving information to the panel.

The appellant may withdraw his/her appeal at any time. In this case, the appeal stops and the original decision can then be carried out.

Confidentiality will be maintained throughout the appeal process including if the appellant withdraws an appeal. All evidence will be considered confidential unless otherwise agreed by all parties.

If IDAA does not respond to a request for an appeal in accordance with this policy, the appellant has the right to appeal directly to SACAT.

Where a mediation/conciliation process is initiated during the appeal process, the timeframe set out in this policy will be frozen – i.e. the mediation/conciliation will take place, after which the appeal process will re-commence from where it left off prior to the mediation/conciliation.

All Appeal Panel proceedings will be accurately recorded and the record will be kept in a safe place, along with all the information relevant to the appeal.

When the internal Appeal Panel is satisfied that it has heard and considered all the relevant information, it will make a decision about the appeal. If a decision cannot be reached unanimously, then the decision shall be that of the majority of members of the Appeal Panel.

If the Appeal Panel is unable to make a decision at the initial hearing it can adjourn and reconvene at a later date but no later than 14 days after the initial hearing.

Within 5 days of the hearing, the appeal Panel Convenor will provide a written report of the appeal to the Chief Executive Office, Board, appellant and the respondent.

The appeal report will include:

- Date, time and location
- Attendees
- Original decision making group or individual
- Mediation attempts/alternative dispute resolution attempts prior to the appeal
- Original decision to be reviewed
- Reason/s for original decision, i.e. what facts, correspondence, rules, policies considered
- Findings regarding the review of the original decision making process (e.g. did all parties have an opportunity to respond to all issues/complaints, were all parties given reasonable timeframes to have input into the original decision making process)
- Any perceived and/or disclosed conflict of interest with the original decision
- A summary of any other information presented at the appeal hearing
- The steps the hearing of the appeal took, including how and when the internal Appeal Panel met and what information was heard
- The internal Appeal Panel's decision
- All of the reasons for the decision (including regulations, rules, policies)

The appellant must be advised in writing that they have the right to appeal to SACAT should he/she be unhappy with the appeal outcome or process.

10. Implementing the Appeal Decision

The IDAA Board/Management will implement the decision, or monitor whether a decision has been implemented.

IF a matter is further appealed to SACAT, no decision made by an internal Appeal Panel will be acted upon until finalisation of the SACAT appeal.

11. Appeal to the Housing Appeal Panel

The appellant is able to appeal to SACAT within 30 days of receiving the internal Appeal Panel's decision.

The appellant will inform the Board/Management if he/she is appealing against the matter to SACAT.

12. Compliments

IDAA will keep a record of all written compliments in the Compliments Register.

APPENDIX 1 – APPLICATION FOR APPEAL FORM

For assistance in completing this form, please contact the IDAA office on (08) 83377432.

Please attach copies of any relevant documentation to this application that may support your case or show that the decision of IDAA may be incorrect.

Please advise IDAA of changes to your contact details or circumstances that may affect the decision.

Upon completion, please email to admin@idaa.org.au or post to IDAA, PO Box 7, Greenacres SA 5086.

YOUR DETAILS

Surname First Name

Street Address

Suburb Postcode

Mobile Home/Work

Email

HAS ANYONE HELPED YOU COMPLETE THIS FORM?	YES	NO
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Name	
Organisation	
Address	
Suburb	Postcode
Mobile	Postcode
Email	

I/We

Of

Wish to lodge an appeal with IDAA

I/We are making an application for appeal in relation to the following matter:

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Name and contact details of Respondent (Person who made the original decision)

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The reason for my application is as follows:

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Please describe any steps that have been taken to resolve this matter:

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Signed Date

Signed Date