



Housing Appeals
Committee

Annual Overview 2016-17





Yasmina Kovacevic, acting Director

From the Director

On behalf of the HAC, I am pleased to introduce our 'year in review' summary report for 2016/17. This year, our report covers key performance measures, a statistical report of our core business activities and innovative developments in modernising our service accessibility. In addition to these standardised reporting areas, we have collated a selection of de-identified appeal cases heard during the year and presented them in a case study format. In 2016/17, we focused on developing strategies to further break down barriers and reassure clients and stakeholders of the value and benefit in the appeals process. I hope that you find this year's report insightful and informative.

The HAC is the external appeals body for NSW social housing clients. We can hear appeals about most decisions under the broader social housing policy framework and certain Affordable Housing decisions as outlined in the Ministerial Guidelines for Affordable Housing.

This year we focused on inclusion of the registered Aboriginal community housing providers in the HAC appeals mechanism, with phase 1 of the project completed and key publications and resources completed by June 2017. Phase 2 of the project will continue into the 2017/18 year covering publications distribution, information sessions for staff and tenant briefings to ensure they are aware of their right to appeal to the HAC.

This year we also focused on client perspectives, including direct stakeholder responses from our Customer Satisfaction Survey completed in March 2017. We took a closer look at what a client can expect from the HAC process through de-identified appeal case studies. Following a client's trajectory through the appeals process offers a closer perspective of the complexity of cases that come before the HAC, the value we add to the sector and most importantly, the benefit to clients of presenting their case to an independent review body.

“ The Housing Appeals Committee (HAC) Annual Overview provides information on appeal statistics and updates on our operations, performance and innovation during the reporting year ”

In 2016/17 we received 458 appeal requests, of which 97 did not proceed to a hearing. The cases that did not proceed to a hearing were:

- matters that were out of HAC jurisdiction, were referred to another tribunal or body for action
- matters that required an internal review prior to the HAC appeal, or
- matters that were successfully resolved through contact between the HAC director and the housing provider.

In 2016-17, the top three decisions appealed to the HAC were:

1. urgent housing requests (Priority housing),
2. requests to succeed a tenancy (Recognition as a Tenant) and,
3. offers of alternative accommodation and rent subsidy decisions at equal numbers.

This trend has remained steady over recent years; a direct reflection of the Sydney metropolitan private rental market and clients seeking a housing solution that meets their needs. More recent construction development across Sydney metropolitan has led to a substantial increase in the supply of private rental accommodation. Despite this activity, the cost of private rentals in well connected localities remained relatively high for people on low income who must make difficult choices around accommodation standards, location and amenity.

Relocation: offers of alternative accommodation

Increased appeal activity in this domain was partly triggered by the direct referral of all appeals from relocating FACS tenants living in Millers Point. It is important to note that tenants could not appeal whether they should move but rather, the suitability of the alternative offered property under the offers of accommodation housing policy criteria.

Priority housing

Low income households in NSW, particularly those in Sydney, have not experienced any significant reprieve from the additional supply of private rental dwellings over the recent months. This is because there has been no significant downward movement in the cost of rents, despite the injection of new stock by way of

construction particularly evident in apartment style developments in the Sydney metropolitan area.

The median weekly rent across the greater Sydney metropolitan region increased by \$20 as at March 2017 quarter of 2016-17 reporting year¹. This increase would no doubt have a significant impact on low income households. Areas well connected to train lines, schools, jobs, and health services were in high demand by clients seeking priority housing assistance. In many cases, lack of affordable housing relative to income levels was highlighted as the most important factor on their appeal submissions.

The private rental market presents an uneven playing field for clients on low income and statutory benefits as they are quite often competing with working professionals or young families with at least one wage earner. In this regard, there are a number of FACS initiatives that aim to address this barrier. The Private Rental Brokerage Service aims to directly assist social housing clients to locate suitable and affordable rental accommodation in the private sector by negotiating with real estate agents and other services to maximise their chances of being accepted for a rental property. This effective service continues to be delivered by FACS officers across NSW. In cases where the Committee agreed with the housing provider's decision on priority housing cases, a direct referral request was made to the FACS Private Rental Brokerage Service.

Eligibility for social housing

This year the HAC heard 21 cases about eligibility to be on the general waiting list for social housing. Where HAC found clients not eligible on income due to low to moderate income from wages, a number of referrals were made to community housing providers who deliver the affordable housing program. It was interesting to note that many clients had low levels of understanding about affordable housing in NSW but when given the information during their hearing, felt enthusiastic about applying for this type of housing assistance.

Yasmina Kovacevic, acting Director

¹ http://www.housing.nsw.gov.au/__data/assets/pdf_file/0011/419636/Rent-and-Sales-Report-No-119-Mar-2017.pdf

Key Performance Outcomes



1. Timeframes

Hearing timeframes

The HAC aims to hear appeals within 28 days of the receipt of appeal applications. In 2016/17, the median number of days between the receipt of an appeal and the hearing date was 14, and the average was 14.95. This result is outstanding with clients having their appeal heard in an efficient and timely manner.

Appeal decisions completed

The HAC aims to complete the appeal decision within 14 days of the hearing date. An appeal decision can be a confirmation of the original decision, a recommendation to change the decision in full or in part, or in some cases, a resolved appeal decision.

In 2016/17, the median number of days for completed appeal decisions was six and the average was 10.12 days. The HAC once again achieved this important performance target and in doing so, provided timely outcomes to clients on social housing appealable matters.

2. Continuous Improvement in service delivery

Innovation in the HAC

We launched our HAC appeal online service in late March 2017; a completely digital mechanism for appeal lodgement. This has led to greater accessibility and

visibility of the appeals mechanism for people across NSW. As at 30 June 2017, 38 people lodged a HAC appeal online. Surprisingly, 50% of online appeals were from regionally based clients, significantly higher than the overall proportion of regional appellants (24%). Although low in numbers and early days, this could be evidence of better accessibility to the HAC appeals process for clients in regional areas. The online appeal process is not intended to replace existing modes of appeal lodgement and we will continue to accept appeals via email, post and in person.

Customer Satisfaction Survey

The HAC Customer Satisfaction Survey was conducted in March 2017, following careful project planning that included obtaining ethics approval for the research strategy. The survey was open for one month, with survey links distributed to broad stakeholder groups. All clients that accessed the HAC in the previous year were contacted and invited to complete the survey.

Overall, the results showed that clients were satisfied with their interaction with HAC (88%) especially in the provision of clear and useful information in relation to appeals and housing related enquiries.

The support for the independence of the 2nd tier appeals process, at 82%, confirmed that the role of the HAC as an independent body is highly regarded by the sector.

Inclusion of Registered Aboriginal Community Housing Providers in the appeal mechanism

As part of Provider Assessment and Registration System (PARS) and the National Regulatory System for Community Housing (NRSCH) registration process, Aboriginal community housing providers are required to participate in the NSW social housing external appeals mechanism, managed by the HAC. Currently these organisations did not have existing working relationships with the HAC and have limited to nil knowledge of the external appeals mechanism. Clients of these providers would most likely not be aware of, or have limited information on their appeal rights.

The HAC has specifically developed a range of publications for these providers and their clients. The publications include banner, poster, flyer, appeal forms and factsheet. These will give providers high quality, consistent information about appeals for display in their client facing office areas. Aboriginal clients across NSW will have access to simple and clear information about what they can do if they are unhappy with a decision made by their housing providers. The publications were ready to be distributed in June 2017. It is expected that a state wide mail out will be undertaken in 2017/18, followed by agreement

on communication strategy between the HAC and the Aboriginal Housing Office.

3. Promoting continuous improvement in housing provider decision making

In 2016/17, the HAC continued to provide decision making skills-based training to the NSW social housing sector. 108 social housing frontline staff completed the Good Decision Making in Social Housing workshop and a further 51 senior managers completed the masterclass on Discretionary Decision Making for Senior Management.

4. Promoting policy and procedural improvement

The HAC continued to have quarterly recurrent meetings with FACS Housing Statewide Services and used this platform to provide structured feedback on policy and systemic issues to the public housing sector. In response to HAC feedback, the process of referring Recognition of a Tenant 1st appeals to the HAC has been strengthened. FACS accepted suggested improvements to the relocation offers process, following increased activity in this appeal category. The HAC also participated in policy input and reviews of current policy.

Table 1: HAC Good Decision Making workshop in 2016/17

Training Module	Location	Participants
Good Decision Making	FACS Housing - Maroubra	11
	FACS Housing - Hurstville	12
	FACS Housing - Orange	9
	FACS Housing - Dubbo	10
	FACS Housing - Maroubra	8
	FACS Housing - Strawberry Hills	28
	MA Housing - Blacktown	12
	Link Housing - Chatswood	18
TOTAL		108

Table 2: HAC Discretionary Decision Making for Senior Management in 2016/17

Training Module	Location	Participants
Discretionary Decision Making for Senior Management	Evolve Housing	10
	FAC Housing - Burwood	8
	Uniting Conference - Brighton Beach	12
	FACS Housing - Strawberry Hills	9
	Argyle Housing - Bowral	12
TOTAL		51

“
The training was informative and useful, providing me with more confidence in decision making”

The HAC provided feedback to Community Housing providers through direct meetings and Quarterly Federation Exchange, which is a platform of networking, training delivery and information sharing for community housing providers organised by NSW Federation of Housing Associations. The HAC had a standing item on the Quarterly Federation Exchange and has covered topics including feedback on client experience on appeals, and importance of accessibility and transparency of appeals information.

5. Community forums and presentations

This year, the HAC participated and contributed to eight community forums, events and presentations. The HAC delivered a metropolitan forum for support agencies on 22 March 2017 and the details are outlined below.

HAC forum 2017

In March 2017 HAC held an information forum in Hurstville for community and support agencies in the greater South Eastern areas of Sydney, as part of the business plan for stakeholder engagement and communication strategy. The forum was attended by about 100 participants with a diverse background from a range of about 50 government, non-government and community based agencies. The objective was to inform stakeholders on how best they can support people through the appeals process. The forum involved a half day session with presentations from the Committee detailing some interesting and common appeal cases they sat on as well as interactive case study discussions and the opportunity for attendees to ask specific questions regarding issues their clients face.

The forum was deemed extremely successful with feedback from the forum being overwhelmingly positive about the information presented and broadened knowledge that they gained. The concerns raised included feedback regarding lack of knowledge and understanding of the appeals process, issues of lack of communication at the housing provider initial decision making and at the 1st tier appeals process, what their role is during appeals, capacity of assistance/support they could provide during appeals, and overall barriers for their clients in engaging with the decision making process on the whole.

HAC will now use this feedback to increase interaction with the stakeholders and ensure that external agencies particularly are better engaged in assisting their clients in the appeals process. This will include more targeted visits and presentations to support advocacy agencies to increase transparency and awareness of the rights of their clients to an appeals process, and how best to assist them.

“Great forum to meet other people and learn new information”

“It was all very clear and informative, excellent information, very helpful”

“I didn’t know the HAC existed and that housing tenants have this independent support”



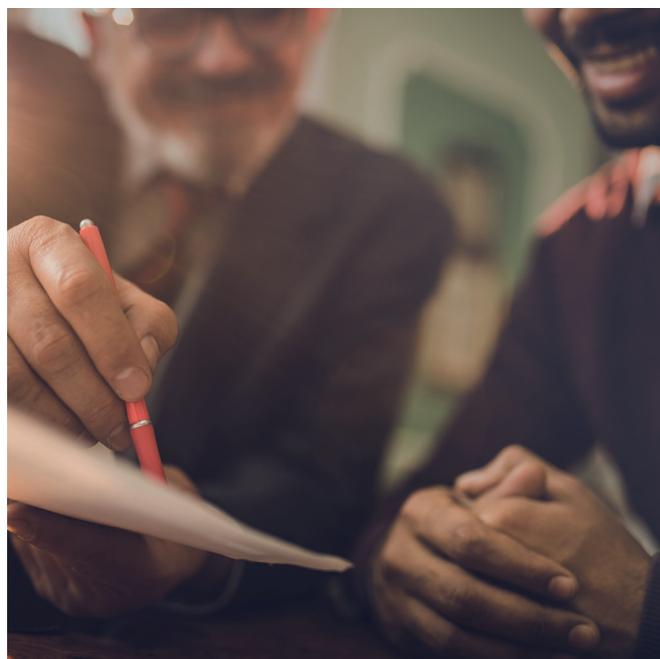
6. Maintain strong and professional HAC membership

The independent HAC members completed a total of 336 appeal decisions in the 2016-17 year. They put forward 127 recommendations for a new decision and a further 31 recommendations to change part of the housing provider's decision. All but three cases were agreed to in full or in part during the year, a fantastic result for clients and testament to the sector confidence in the HAC.

The Committee participated in skills based workshops, presentations and external conferences, with the objective of further building on their expertise and capabilities in high level reviews and decision making within the housing policy framework.

Table 3: Workshops/Conferences attended by the Committee in 2016/17

Workshop/conference	Location	No. of members attending
FACS online application	Burwood	10
St George community housing - overview of projects and service delivery	Hurstville	10
COAT conference	Sydney Convention Center	3
Legal Writing and Reasoning	Sydney Masonic Center	10
FACS policy	In house	10



“ All but three cases were agreed to in full or in part during the year, a fantastic result for clients and testament to the sector confidence in the HAC ”

The independent members – decision makers on HAC appeals

In 2016/17, the Committee consisted of six chairs and eight members.

- Adrian Williams**
- Alicia Jillard**
- Claudia Kennedy**
- Julie Hourigan Ruse**
- Susan Fenwick**

Tacye Bowen (term ended 21 June 2017)

The role of the presiding chair involves leading the hearing process, consulting with sitting members on hearing outcomes, finalising written decisions and liaising with Housing Providers to discuss Committee recommendations and procedural issues.

The role of the member involves assisting the Chair with conducting appeal process, and preparing hearing notes.

Members during 2016/17 were:

- Alan Clarke**
- Anny Druett**
- Blanch Lake**
- Catherine White**
- Neva Collings**
- Nick Illek**
- Mark Powell**
- Paul Gallagher**



Tacye Bowen: Presiding Chairperson

One of the presiding chairs, Tacye Bowen, had her term expire on 21 June 2017, which completed her lengthy tenure on the HAC, with her very first appointment in 1999.

Tacye was the resident expert in all things community housing, mentoring other chairs and members through their induction process and providing expertise across the range of housing policy decisions under appeal. In her time on the Committee, Tacye completed a total of 1104 appeals.



Julie Hourigan Ruse: Presiding Chairperson

Highest qualifications: Masters in Law, Human Rights and Social Justice, Graduate Diploma in Legal Practice, Associate Diploma in Business

Julie is a current HAC presiding chairperson and the Chief Executive Officer for NSW Family Services Inc. (FAMS), a peak body for not-for-profit organisations working with vulnerable children, young people, and families in NSW. Previously Julie worked with the Women’s Domestic Violence Court Advocacy Service NSW, Department of Primary Industries, NSW Coal Compensation Board and the Disability Discrimination Legal Centre. Julie has held roles of Director and Chairperson on the Board of Shelter NSW. Julie is an experienced chairperson with relevant tribunal and board experience.



From left to right: Susan Fenwick, Nick Illek, Claudia Kennedy, Yasmina Kovacevic (A/Director), Paul Gallagher, Catherine White, Alicia Jillard, Anny Druett, Julie Hourigan Ruse, Adrian Williams (Absent: Alan Clark, Blanch Lake, Neva Collings)



**Adrian Williams:
Presiding Chairperson**

Highest qualifications:
Master of Health Law,
Bachelor of Laws, Bachelor
of Arts Master of Health Law,
Bachelor of Laws, Bachelor
of Arts

Adrian is a current HAC presiding chairperson and assessor with Victims Services, NSW Justice. Previous roles include presiding legal member of the Queensland Mental Health, Guardianship and Administration Review Tribunal, and sessional lecturer at Queensland University of Technology. He has expertise in mental health, disability, administrative and migration law, education, ethics and public speaking. Adrian is an experienced chairperson with cross jurisdictional tribunal experience.



**Claudia Kennedy:
Presiding Chairperson**

Highest qualifications:
Master of Arts (Social
Policy), Diploma of
Rehabilitation Counselling,
Diploma of Education

Claudia is a current HAC presiding chairperson and a senior professional member of the Guardianship Division of NSW Civil and Administrative Tribunal. Claudia's previous roles include high-level national disability policy negotiations for the development of the National Disability Strategy, and a regulatory and audit role making accreditation decisions about rehabilitation providers for WorkCover. Claudia led research for community care solutions for people who are homeless or living in squalor and is a qualified rehabilitation counsellor with over 35 years experience working with high needs clients. Claudia is an experienced chairperson with cross jurisdictional tribunal experience.



**Susan Fenwick:
Presiding Chairperson,
Regional NSW**

Highest qualifications:
Diploma in Business
Administration, Diploma
in Law

Susan is a current presiding chairperson on the HAC and is a general member on the NSW Civil and Administrative Tribunal presiding over cases across the residential tenancy, commercial and home building disputes divisions. Susan has her own business supporting employees of international mining companies settle into unfamiliar regional NSW locations. Susan's previous experience covers international experience in tribunals and social housing, including managing programs of the Audit Commission into public services in London, UK. Susan is an experienced chairperson with extensive international and regional NSW experience.



**Alicia Jillard:
Presiding Chairperson,
Regional NSW**

Highest qualifications:
Bachelor of Arts; Bachelor
of Laws; Graduate Diploma
in Legal Practice

Alicia is a current presiding chairperson on the HAC and has been a solicitor with Domestic Violence Advocacy Service (Women's Legal Services NSW) for the past eight years, including roles in law reform, sector development and legal education. She held previous roles at the Warringa Baiya Aboriginal Women's Legal Centre, in private legal practice, NSW Law Access Service, and completed practical legal training with the NSW Aboriginal Legal Service. She has expertise in dealing with clients in acute housing need and distress, representing victims of domestic violence and sexual assault in courts and tribunals, and significant experience using interpreters and working with clients of diverse backgrounds and abilities. Alicia is interested in urban design and speaks two foreign languages, French and Spanish.

Statistical Report 2016-17



Key Statistics

1. Appeal activities/ outputs

458
appeals received

97
ineligible appeals

336
appeals heard

2. Diversity of clients

(who appealed to the HAC)

8% from Aboriginal clients

50% from clients with a culturally and linguistically diverse background

Household types

57% from the single household

20% from the single parent household

21% from clients aged from 36 to 45

25% from clients aged between 46 to 55

20% from clients aged from 56 to 65

Public or community housing clients

8% from community housing clients

3. Diversity of appeal issues

(why clients appealed)

28.9% were priority housing appeals

27.7% were Recognition as a Tenant

12.5% were offers of accommodation appeals

12.5% were rental subsidy

4. Appeal outcomes

(what the HAC achieved)

47% with recommendation for full or part change in decision, or alternative resolution

96% of recommended appeals were approved in full or in part by housing providers

The HAC received 458² appeal requests during 2016/17, which is almost the same as in the previous year, which was 456.

1. Appeal requests that did not proceed to a hearing

In 2016/17, 97 appeal requests³ did not proceed to a hearing. As shown in Table 4, Internal Review Required has continued to be the most common reason for requests not proceeding to a hearing. The proportion of Not an Appealable Issue has dropped from 29% in 2015/16 to 18% this year. This may be an indicator of better promotion of information on appealable issues across the housing sector.

Table 4: Ineligible appeal requests in 2016/17

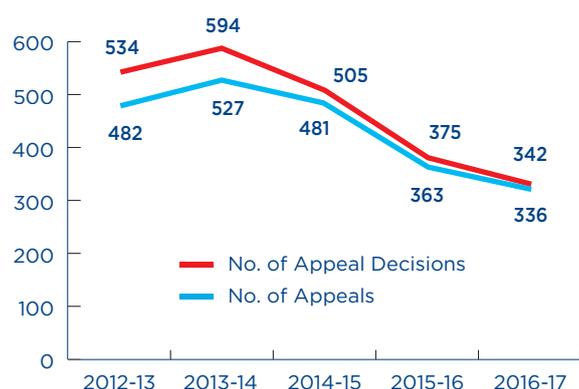
	Number received	Percentage
Internal review required	44	45%
Not an appealable issue	17	18%
Out of timeframe for appeal lodgement	7	7%
Resolved*	19	20%
Two or more reasons	10	10%
TOTAL	97	100%

* Includes appeals withdrawn at client request

2. Appeals heard

Chart 1 shows both the number of appeals heard and decision made in the last five years.

Chart 1: Appeals heard and appeals decisions - historical analysis



The HAC conducted 336 appeals in 2016/17. Table 5 shows the number of each appeal type by public and community housing providers.

As shown in Table 5, the most common appeal type was priority housing (28.9%), followed by succession of tenancy (27.7%), which combined, accounted for nearly 60% of the appeals heard. Both Offers of Accommodation and Rental Subsidy represented 12.5% of appeals, ranking in the third place.

Public housing vs. community housing

Table 5 also shows that the majority of appeals heard were from public housing clients (92%), which was consistent with the previous years.

Table 5: Number of appeals heard by appeal and provider type

Appeal type	Public Housing	Community Housing	Total/Percentage
Antisocial Behaviour	4	0	4 (1.2%)
Housing Register Eligibility	19	2	21 (6.25%)
Offers of Accommodation	40	2	42 (12.5%)
Priority Housing	94	3	97 (28.9%)
Rental Subsidy	30	12	42 (12.5%)
Section 149	5	1	6 (1.7%)
Recognition as a Tenant	93	0	93 (27.7%)
Transfer	14	5	19 (5.65%)
Other applicant matters	4	0	4 (1.2%)
Other tenancy matters	6	2	8 (2.4%)
TOTAL	309 (92%)	27 (8%)	336 (100%)

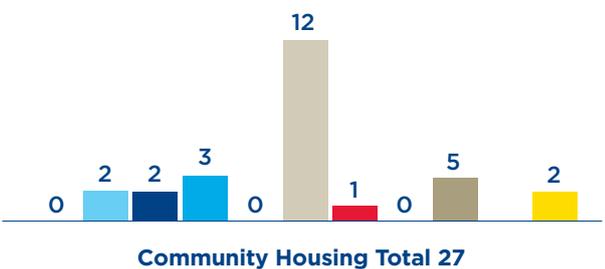
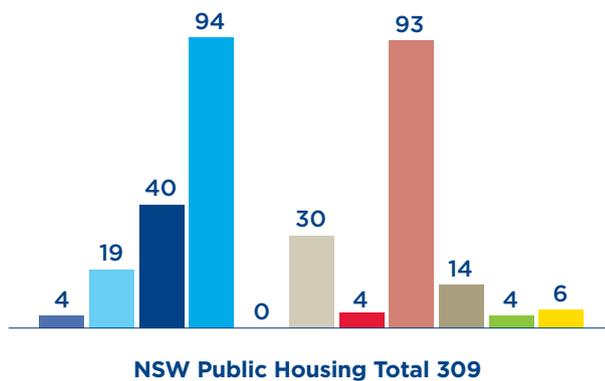
² Some of the appeal requests proceeded to a hearing in 2017/18.

³ Among the 97 appeal requests that did not proceed to a hearing, 5 of those were received in the previous year 2015/16.

An analysis of appeal numbers across different appeal types between public housing and community housing providers, identified that the most common appeal in public housing continued to be Priority Housing (94), followed by Recognition as a Tenant (93), which accounted for 30% of the appeals respectively.

Looking at community housing appeals, it is interesting to note that the percentage of Priority Housing appeals have dropped from 32% in the previous year as the most common appeal type, to 11% as one of the least common appeal types this year. The percentage of Rental Subsidy appeals has jumped from 16% in the previous year to 44%, becoming the most common appeal type this year. We could not draw any definite conclusion about this change given the small number of appeals.

Chart 2: Number of appeal types by public housing and community housing



- Antisocial Behaviour
- Housing Register Eligibility
- Offers of Accommodation
- Priority Housing
- Private Rental Subsidy
- Rental Subsidy
- Section 149
- Succession of Tenancy
- Transfer
- Other applicant matters
- Other tenancy matters

3. In focus

3.1 Appeals from Aboriginal and Torres Straits Islander (ATSI) clients

Table 6 shows the number and percentage of appeals from different ethnic backgrounds. Appeals from ATSI clients this year (8%) were slightly lower than the previous year (9%). This figure was consistent with the percentage of ATSI social housing tenants (9.8%) as shown in the FACS statistics at 30 June 2016.

Table 6: Appeals Heard - Ethnic background

	Number	Percentage
Aboriginal	27	8%
CALD	168	50%
Others	141	42%
TOTAL	336	100%

During 2016/17, the HAC specifically designed publications for registered Aboriginal housing providers to give them high quality, consistent information about appeals for display in their client facing office areas. Aboriginal clients across NSW will have access to simple and clear information about what they can do if they are unhappy with a decision made by their housing providers. A series of HAC information sessions is being planned for 2017/18. More information about this project can be found under the section on Continuous Improvement in service delivery.

We anticipate receiving an increased number of appeals from Aboriginal clients in 2017/18 as a result of this project.

3.2 Appeals from clients from Culturally and Linguistically Diverse backgrounds

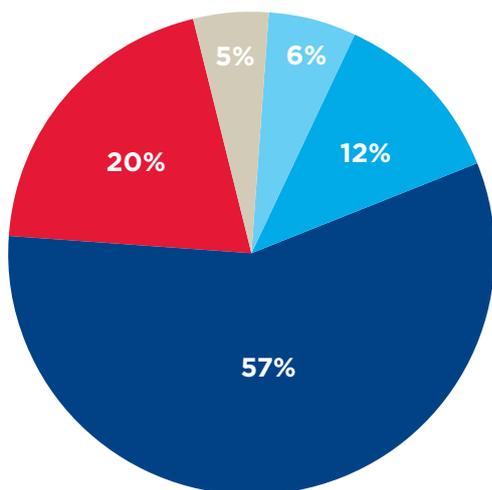
As shown in Table 6, the proportion of appeals heard from clients with Culturally and Linguistically Diverse backgrounds (CALD) accounted for half of the appeals heard. In recent years, the percentage of CALD appellants has fluctuated between 43% and 50% and this year has reached the top end figure again since 2012/13.

Among the 168 hearings from CALD appellants, 54% of them (91) required language interpreter services. In total, HAC sourced interpreter services for 23 different languages. The top five language groups requested from appellants were Arabic, Chinese, Dari, Farsi and Assyrian.

3.3 Appeals from household types

As shown in Chart 3, the greatest proportion of appeals continued to come from single person households (57%) followed by single parent households (20%). And their most common appeal was Recognition as a Tenant followed by Priority Housing. This is consistent with the finding from previous years. It is interesting to note that Offers of Accommodation has replaced Transfer as the third most common appeal matter. This is partly attributed to the final implementation stage of a management transfer program⁴.

Chart 3: Number and percentage of appeals from different household types

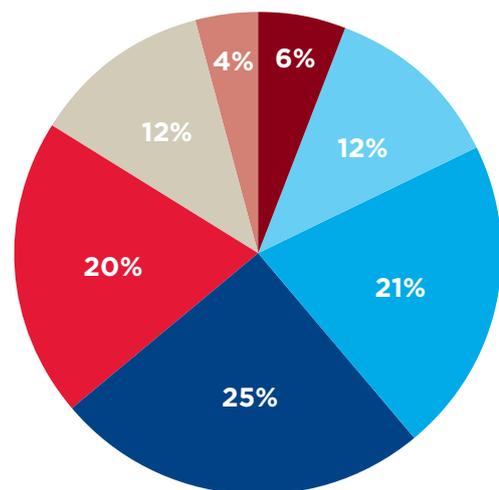


- Appellant and Other*
- Couple
- Couple with children
- Single
- Transfer

3.4 Appeals by age groups

Compared to the previous year, there has been no change to the ranking of appeals by age groups, with the largest proportion coming from clients aged from 46 to 55 years. It is interesting to note that the percentage of appeals from young people aged 18 to 25 has increased from 4% to 6%. This may be attributed to the promotion of appeals to youth support agencies in the HAC forum.

Chart 4: Percentage of appeals by age groups



- 18-25
- 26-35
- 36-45
- 46-55
- 56-65
- 66-75
- Over 75
- Unknown

“ Appeals from young people aged 18 to 25 has increased from 4% to 6% ”

⁴ Clients could not appeal for management transfer, but can appeal for suitability of offers of alternative accommodation under the transfer program.

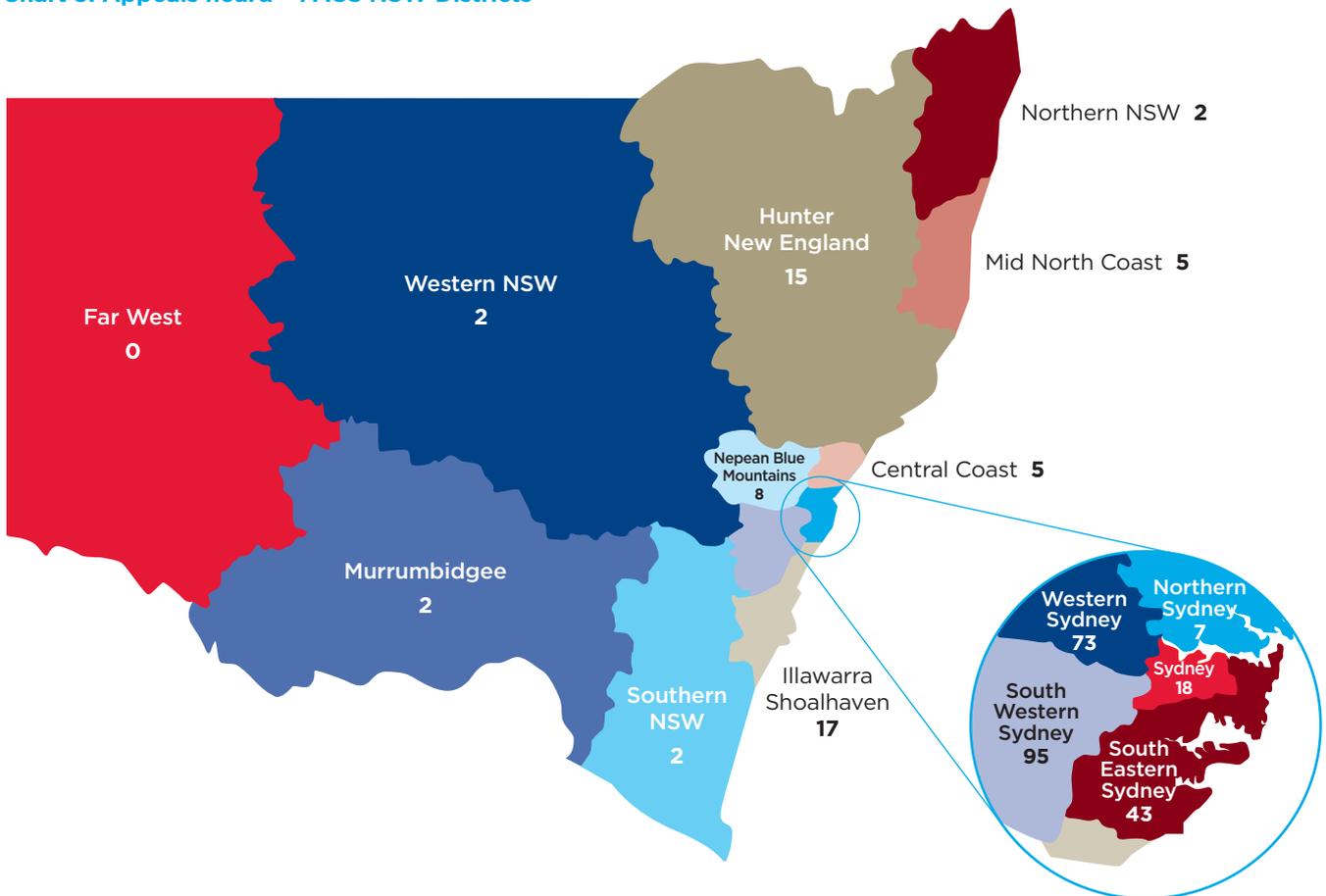
3.5 Appeals from FACS Districts

There were 15 FACS Districts across NSW in 2016/17. Chart 5 shows the distribution of appeals across those 15 Districts. It is encouraging to see that the HAC received 2 appeals from Murrumbidgee District where there was no appeals received from the previous year. The proportion of appeals from Regional NSW as a whole has also increased from 15% in 2015/16 to 24% this year. The increase number of appeals from Regional NSW could be attributed to the availability of online appeal application, which has provided greater access to appeals for people living in regional areas.

“ Regional NSW as a whole has also increased from 15% in 2015-16 to 24% this year”



Chart 5: Appeals heard – FACS NSW Districts



As shown in Table 7 below, HAC continued to receive the majority of appeals from Sydney metropolitan districts due to high concentration of public housing properties.

Table 7: Public housing appeals heard by NSW Region

NSW Region	Number	Percentage
Metropolitan Sydney	236	76%
Regional NSW	58	19%
Housing Contact Center	15	5%
TOTAL	309	100%

4. Appeal decision and final outcomes

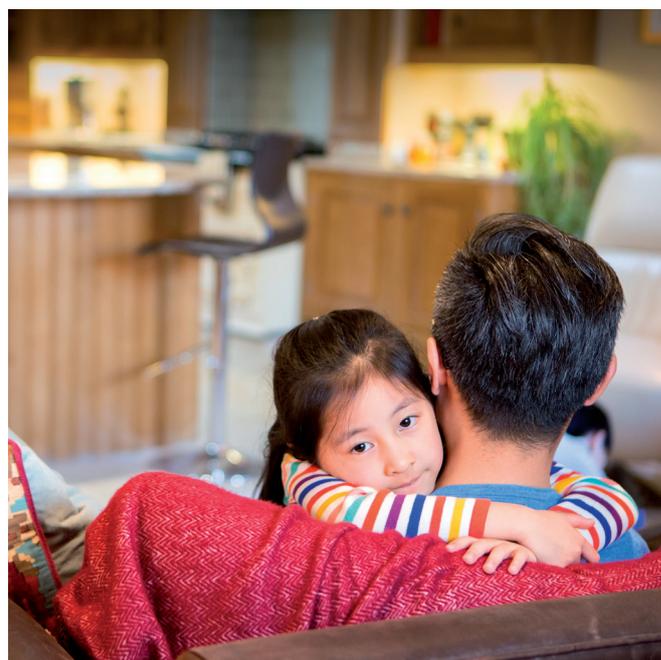
4.1 Appeal decisions

Table 8 shows the number and percentage of different appeal decisions by provider types. In total, the HAC referred 47% of all appeals to housing providers with a recommendation to change the decision in full or in part, which was slightly lower than that in 2015/16 (52%). The recommendation rate to FACS Housing has decreased from 51% to 46%. In contrast, Community Housing received a higher recommendation rate (59%) compared to 55% in 2015/16 and 52% in 2014/15.

Table 8: Appeal decisions following the hearing

Appeal Results	Public Housing	Community Housing	Total
Declined-agree with housing provider	158 (51%)	10 (37%)	168 (50%)
Recommendation to change the decision	116 (37.5%)	11 (40.5%)	127 (37.8%)
Recommended alternative resolution or part change decision	26 (8.5%)	5 (18.5%)	31 (9.2%)
Resolved ⁵	9 (3%)	1 (4%)	10 (3%)
TOTAL	309	27	336 (100%)

⁵ This includes matters being resolved whilst being adjourned or following a hearing and withdrawal of appeals from clients after cases had been heard for varying reasons.



“ The HAC referred 47% of appeals to housing providers to change the decision in full or in part ”



“ The HAC continued to receive high approval rate from housing providers”

Table 9 shows the proportion of cases where HAC agreed with the provider for the previous 5 year reporting periods.

Table 10 outlines reasons for recommendations to change a decision and their corresponding numbers. The HAC holds regular meetings with Public Housing and Community Housing providers to provide feedback on their decision making process for continuous improvement. The HAC also continued to provide feedback on systemic issues including social housing operational policies and procedures to build a foundation for better decision making for clients.

4.2 Outcomes of recommendations to change a decision

The HAC continued to receive high approval rate from the housing provider (96%) for the recommendation to change a decision in 2016/17. During the year, only 3 cases were not agreed by the provider. In some of these cases, the client circumstances had changed following the HAC recommendation.

Table 9: Percentage of cases where HAC agreed with the provider - historical analysis

Year	Public Housing	Community Housing
2012/13	66%	53%
2013/14	63%	45%
2014/15	54%	46%
2015/16	45%	42%
2016/17	51%	37%

Table 10: Reasons for recommending a change of decision

Reason for recommendation	Count
Inadequate consideration was given to the available information when the original decision was made	57
New information has been provided or additional information is available since the original decision	53
The procedure used to reach the original decision was not fair or reasonable	36
The original decision involved a poor interpretation of the housing provider's policy	39
The original decision was based on incorrect information	9
TOTAL	194⁶

Table 11: Final outcomes from housing providers to recommendations

Outcome	Public Housing	Community Housing	Total
Approved	132	17	149 (96%)
Declined	3	0	3 (2%)
Resolved	3	0	3 (2%)
TOTAL	138	17	155 (100%)

⁶ The total number excluded reasons for adjourned cases. The total number of reasons is greater than the total number of outcomes in Table 11, as one case may have more than one reason for recommending a change of decision.

Case Study 1:



Victor

Backdating of housing application and urgent housing

Victor is a young man who had been institutionalised for most of his life and needed somewhere to call his own. Due to difficulty contacting him over the years his application for social housing was closed. After exiting incarceration Victor was struggling to get the recognition to have his social housing application reactivated and backdated to when he originally applied many years before. Victor was finding the situation overwhelming and was struggling to understand the policies, rules and procedures that he needed to follow to have his application backdated. Telling one's story repeatedly can be exhausting and also confronting. It wasn't until Victor's mother started to speak and act on her son's behalf that his situation started to change. His mother helped him to gather documentation that was required to have his application backdated. Victor was also seeking a review of his urgent housing need.

Victor and his mother met with the Housing Appeals Committee and discussed his case and recent housing history at length. The Committee had earlier received relevant papers from Victor's file. They also weighed up the new supporting documentation to reach a decision.

Committee findings: The Committee examined all of Victor's documentation and the new evidence that was submitted. As Victor was recommended for a spinal operation and would need significant rehabilitation afterwards for a few months, the Committee looked at his future care needs. Victor also needed to facilitate contact with his three young children. Based on the strong evidence put forward explaining why Victor had failed to advise the housing provider, the Committee recommended Victor's reactivation and backdating of his housing application. The housing provider agreed with the Committee's recommendations, following some further discussions around the agreed locational need for his urgent housing approval.

Case Study 2:



Julie

Rent Subsidy Calculation – Backdating

Julie is a chronically ill Aboriginal woman who is reliant on oxygen for her daily functioning. She lives in a social housing property with her eight year old granddaughter Sophie. Julie's daughter Mary (also Sophie's mother) has post traumatic stress disorder and is unable to care for the child. Sophie came to live with her grandmother. Julie's daughter Mary visits the property each day but only stays two nights a week to assist her mother with the care of her daughter Sophie. Julie has been charged rent for her daughter Mary as though she is a permanent household member. Julie and her grand daughter are the only people who have resided at the property since the start of the tenancy. Mary resides with her sister in another property. After unsuccessful discussions with the housing provider regarding the rent she was being charged, Julie submitted a 1st Tier Appeal to have her rent recalculated based only on her income and backdated to the start of her tenancy. Having her rent recalculated would assist with her affordability

to continue to live in the property and care for her granddaughter comfortably without financial pressure. The worry and stress of this situation has been affecting Julie's health. Julie's appeal was declined and she then submitted a 2nd Tier appeal with the Housing Appeals Committee to have her case reassessed.

Committee findings: After examining all the file information and evidence, the Committee found an administrative error had occurred early in the decision making process. The housing provider assumed the daughter Mary was a permanent household member based on a misunderstanding with one of the forms Julie provided. With these findings the Committee recommended for Julie's rent to be backdated to remove the debt which had accumulated due to adding Mary to the household, and adjusted from when she started her tenancy. The housing provider agreed with the recommendation in full.

Case Study 3:



Jasmine

Priority Housing Eligibility

Jasmine has multiple medical conditions and lives with her eight year old son Michael. She has been on the general waiting list since 2016. Jasmine is living in a private rental property which she moved into with her partner who has since left. She is struggling to pay the rent and is being assisted by a family member, who is now unable to support her with paying rent. Her son has a physical, lifelong disability, needs routine and has a companion pet. Her son can only manage to walk short distances. Jasmine relies heavily on her family to transport her to medical appointments, interviews and view private rental properties. Jasmine also cares for her aging parents whose needs are increasing, and they do not have the capacity as previously to help her.

Committee findings: After speaking with Jasmine and her support worker, the Committee closely reviewed all the information on her housing file. The Committee found that she cannot resolve her own housing need in the private rental market and recommended she be approved for priority housing for a specific location, due to the multiple medical appointments she attends and her carer role to her son. The Committee also noted that at the time of the appeal, the NDIS had not yet rolled out to Jasmine's area and that there would be a delay in applying for and ultimately receiving an NDIS support package for Michael. The housing provider accepted the recommendation in full.

The year ahead



The HAC will be undertaking a recruitment process for new members. It is expected that following the recruitment phase and final decisions on successful candidates, new members will be appointed to the role in the second half of the 2017/18 year.

The customer satisfaction survey analysis will be used to inform a comprehensive review of the HAC customer service standards and functions. As part of this review, the HAC will also establish a benchmark for its quality standards in customer service in addition to existing performance indicators.

Work is underway to ensure community housing providers, advocacy and support agency websites have a direct link to the HAC website. Annual desktop audits will be carried out to ensure visibility of this important function across the sector.

The FACS website offers a direct link to the HAC website from its Housing Home page. This is used as a benchmark in training and discussions with housing providers around the importance of digital transparency and accessibility to the independent appeals mechanism.

With the recent launch of the HAC appeal online process, clients and advocates have an additional mode of appeal lodgement that is particularly useful for rural communities, as well as clients with disabilities and language issues.

The HAC online appeal process will be further enhanced to simplify client interface and integration with internal systems.

We need to improve and build on our existing database system in response to the changing social housing sector. This will include a capacity to report against certain client outcome domains for those clients coming to the HAC. Better reporting on current housing circumstances at the time of appeal and procedural improvements following feedback to providers will also be incorporated in this project. The end result will be a more sophisticated database system that can respond to a range of research questions and data analyses.

The year ahead will be defined by further improvements to our internal data systems, digital innovation and changing the way we work with our stakeholders and clients to provide an even better service to people in NSW.

Yasmina Kovacevic, acting Director

Committee Members and Staff 2016-17



Housing Appeals
Committee



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