



Housing Appeals
Committee

Annual Overview 2013-14



Message from the Director

I am pleased to present the Annual Overview for the Housing Appeals Committee for 2013-14.

The Housing Appeals Committee promotes client and government confidence that social housing providers are making the right policy decisions and that clients have an effective avenue for appeal. The Committee provides independent advice to social housing providers to improve the consistency, efficiency and transparency of decisions relating to access and eligibility for social housing.

One of the achievements this year was the development of the NSW Housing Appeals Committee Charter and the new NSW Social Housing External Appeals Policy Framework. These documents provide clear direction about the Committee's role and jurisdiction and a strong foundation for the Committee's work into the future in a multi-provider social housing system.

As in previous years the shortage of affordable accommodation to meet people's housing needs continues to be reflected in appeals. At a time of increasing demand for social housing, providers are making decisions to meet the complex needs of vulnerable people. The Committee provides a useful independent lens into these decisions and plays a constructive role in providing advice to housing providers. We work closely with both public and community housing providers by providing feedback and advice, including training on good decision making for their staff, aimed at improving access and eligibility decision making.

No appeals process is useful if those it is designed for are not aware of it or able to access it. The Committee has engaged with client, advocacy and support bodies to provide education about the appeals process and how advocates and support services can assist their clients. Where possible we participate in community forums and events that bring these groups together. We also conducted our own very successful Annual Forum in Newcastle this year that was well attended by support services and advocates from the Hunter and Central Coast areas.



None of the Committee's work happens without the dedication of the Committee members and staff. We are fortunate to have Committee members with a high level of skill, judgement and expertise. This year there were significant changes in membership as some long standing members moved onto other roles. These included the former Executive Chairperson Lynden Esdaile, who led the Committee from its inception, along with the Deputy Chairperson, Lynn Houlahan and other members. These members have made an outstanding contribution to the development of a robust social housing appeals system.

Special thanks are due to the current Committee's Presiding and other members who, as a collective, bring high level expertise, skills and dedication to their work.

Among all this change the Secretariat staff have not missed a beat. I thank them for their ongoing commitment to their work, their great service and efficiency and their capacity to manage grace under pressure.

Maggie Smyth
Director

Key Performance Outcomes

Performance measuring

The Housing Appeals Committee strives to maintain a high standard of service for all appeals.

Hearing timeframes: The Committee aims to hear all appeals within 28 days of the receipt of the appeal application.

The median number of days between the receipt of an appeal and the hearing date for 2013-14 was 15 days.

Timeframes for the completion of appeal reports:

The Presiding Chairperson writes a detailed report outlining reasons for the Committee's recommendations following the committee hearing. The Committee aims to complete the report within 14 days of the hearing.

The median number of days between the hearing date and the completion of the report for 2013-14 was approximately 7 days.

Continuous improvement in service delivery

As part of striving to maintain a high standard of service delivery the Secretariat commenced a review of internal processes and procedures in May 2014. This project identifies opportunities to enhance the merits review service and manage fluctuations in appeal numbers during the year. This project will continue during 2014-15.

Promoting continuous improvement in housing provider decision making

The Charter includes an important role for the Committee in providing advice on systemic issues to improve the consistency, efficiency and transparency of appealable access and eligibility decisions. As part of this role the Housing Appeals Committee delivered a series of Good Decision Making in Social Housing workshops to FACS Housing NSW and community housing providers' team leaders and staff. These workshops were delivered to over 100 participants during the year.

Promoting policy and procedural improvement

The Housing Appeals Committee continues to regularly liaise with FACS Housing NSW and community housing providers. This provides an opportunity to discuss any systemic policy issues and provide feedback on new policy development.

Community forums and presentations

In March 2014, the Housing Appeals Committee held a Community Agencies Information Forum in Newcastle that received wide interest from the Hunter and Central Coast regions attracting more than 80 participants from key government and non government agencies including support workers and advocates.



Key Performance Outcomes

The Housing Appeals Committee also presented at community education forums organised by other bodies. Presentations had a particular focus on Aboriginal and multicultural organisations, for example the Mt Druitt Migrant Interagency – Migrant Resource Centre, and South Western Sydney Koori Interagency. Organisations that assist people with disabilities were also a focus – for example the Disability Advocacy Association – State of Housing Conference.

Maintain a strong and professional committee

Several long standing committee members retired at the end of their terms, during the year, including some who had been with the Committee for multiple terms. Following a competitive selection process in 2013-14 six new members were nominated by the former Minister for Family and Community Services and appointed by Cabinet to the Housing Appeals Committee.

The Committee has 15 part time members comprising three Chairpersons and 12 members. Committee members have extensive knowledge and well developed skills in merits review, social housing, community services, health, law, psychology and social welfare. The diversity of skills and the breadth of experience ensure a knowledgeable, impartial and independent assessment of appellants housing needs and review of social housing provider decisions.

Committee training days are integral to maintaining the Committee's knowledge and awareness of merits review, housing provider policies and current issues, as well as the development of initiatives to improve service delivery.

During 2013-14 Committee members participated in four training days.

Implementation of the HAC Strategic Review Recommendations

During 2013-14 the recommendations from the Strategic Review of the Housing Appeals Committee were implemented. The review examined the most appropriate arrangements to manage social housing appeals into the future. As a result of this review:

- a new Director, Housing Appeals Committee position was created and filled;
- a new NSW Social Housing External Appeals Policy Framework was developed by Family and Community Services; and



Top: From left to right: Julie Hourigan- Ruse, Maggie Smyth and Tacye Bowen.

Above: From left to right Alan Clarke, Nick Illek, Julie Hourigan-Ruse, Tacye Bowen, Blanch Lake, Mark Powell, Maggie Smyth, Adrian Williams, Susan Fenwick, Paul Gallagher, Anny Druett and Catherine White. Absent: Alicia Jillard, Claudia Kennedy, Jill Moir and Neva Collings.

- a new NSW Housing Appeals Committee Charter was developed and issued by the former Minister for Family and Community Services.

We will continue to work on the development of the scope of appealable issues and procedures for managing external appeals and the implementation of the NSW Social Housing External Appeals Policy Framework and Charter during 2014-15.

Statistical update – 2013-14

The Housing Appeals Committee received 627 applications for appeal during 2013-14. Of these, over 80% – 502 applications were eligible for a second tier appeal review.

Almost 20% (125 appeals) did not proceed to a hearing. The majority were not eligible as the housing provider's internal first tier appeal had not been completed or they were not matters that the Committee could review.¹ In addition some matters were resolved promptly without the need for a hearing.

This year the Housing Appeals Committee reviewed the way we report on our activities to coincide with the implementation of the NSW Housing Appeals Committee Charter. In recent years the Committee has reported on decisions reviewed. One appeal may have involved more than one decision, for example, an appeal relating to priority housing may also involve a client's locational need and this was counted as two decisions. This year where an appeal is lodged it is counted once, even if it involves more than one decision.

Table 1 shows appeals heard from 2009-2014 by housing provider type based on the number of appeals heard.

To enable comparison with previous years **Table 2** provides statistical data using both methods of calculation.

During 2013-14 the Committee conducted 527 hearings compared to 482 in 2012-13. This is an increase of almost 10%.

Table 1: Appeals heard by housing provider type based on the number of appeals heard

Year	FACS Housing NSW	Community Housing	Aboriginal Housing Office	Total
2009-10	357	13	1	371
2010-11	324	16		340
2011-12	351	31	1	383
2012-13	452	30		482
2013-14	485	42		527

Table 2: Number of appeals and decisions

Year	Appeals	Decisions ²
2009-10	371	375
2010-11	340	355
2011-12	383	434
2012-13	482	543
2013-14	527	594

¹ Note where a social housing provider has not completed their review within the time frames specified in their policy and there are no extenuating circumstances for the delay the Committee is able to hear the appeal.

² Includes figures as reported in Housing Appeals Committee Annual Overview 2009-13.



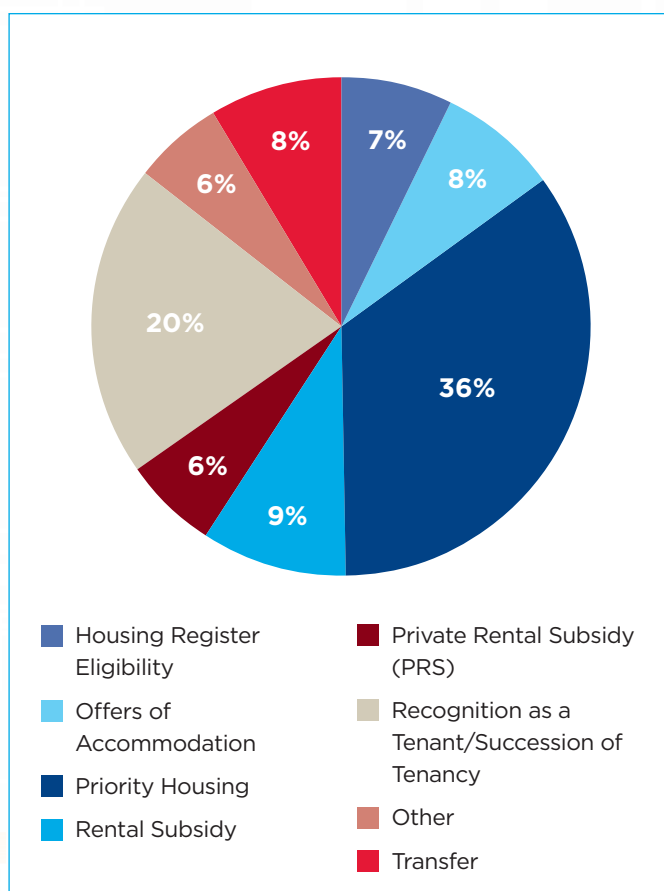
Types of Appeals Heard

Social housing applicants and tenants can appeal a range of decisions for example general eligibility, entitlement to priority housing and calculation of their rental subsidy.

Figure 1 illustrates the different types of appeals heard by the Committee during 2013-14. Priority Housing represents almost 36% of all appeals heard.

36% of appeals heard by the Committee related to priority housing assistance

Figure 1: Types of appeals heard³



Appeals from clients of community housing providers represented 8% of all appeals heard. It is generally expected that the number of community housing

appeals will be proportionately lower than appeals from FACS Housing NSW clients due to the proportionate size of the sector. Community housing tenancies represent just over 18%⁴ of all households living in social housing.

An increase in accelerated appeals accounts for the overall increase in appeal numbers during 2013-14. FACS Housing NSW introduced an accelerated appeals process in early 2013. This process allows unsuccessful first tier appeal cases, with client consent, to be escalated to the Housing Appeals Committee for a review of specific matters. These include Recognition as a Tenant⁵ and cancellation of Private Rental Subsidy appeals. The aim of using an accelerated appeals process is to conduct a prompt review to determine whether FACS Housing NSW has made the right decision and to ensure that the client's circumstances have been fully considered prior to seeking action to terminate a tenancy or discontinue a private rental subsidy.

The introduction of the accelerated appeals process has been a significant factor in the increase in appeals about recognition as a tenant entitlement during 2013-14. The Committee heard 106 appeals of this type this year compared to 29 in 2012-13. Recognition as a Tenant appeals made up approximately 20% of all appeals heard.

Rent subsidy appeals represent 9% of all appeals heard. These figures are consistent with the previous year.

Characteristics of Appellants

Ethnicity

Table 4 provides details about the ethnic background of appellants and shows the large number of appeals from clients from a culturally and linguistically diverse (CALD) background.

Interpreter services were required in 28% of all appeals heard by the Committee.

The Housing Appeals Committee continues to receive a small number of appeals from people of Aboriginal and Torres Strait Islander descent. This figure may not be a true representation as in many cases the Committee relies on the appellant to self identify if they have not confirmed their Aboriginality with their social housing provider.

³ Note: an appeal can be about more than one decision. Figure 1 is based on the primary appeal issue only.

⁴ Source: Family and Community Services Annual Report 2012-13.

⁵ Community housing providers and FACS Housing NSW use different terminology to describe the policy associated with the transfer of a tenancy to another eligible household member. Community housing providers refer to this policy as Succession of Tenancy.

Statistical update – 2013-14

Table 3: Appeals heard – types of appeals by housing provider type

	FACS Housing NSW	Community Housing	Total
Absence from dwelling	2	1	3
Additional Occupant	7	1	8
Former tenancy debt	6		6
Housing Register Eligibility	39		39
Locational Need	3		3
Mutual Exchange	1		1
Offers of Accommodation	34	7	41
Priority Housing	171	12	183
Rental Subsidy	39	10	49
Rentstart	5		5
Private Rental Subsidy (PRS)	33		33
Section 149 Relocation	1	1	2
Recognition as a Tenant/ Succession of Tenancy	106	1	107
Tenure Category	2	1	3
Transfer	36	8	44
Total:	485	42	527

Table 4: Appeals Heard – Ethnic background

	Number	Percentage
Aboriginal	32	6%
CALD	244	46%
English speaking	211	40%
Not recorded	40	8%
Total:	527	100%



46% of appeals heard by the Committee were from clients of a culturally and linguistically diverse background



Household Complement

As shown in **Figure 2** 50% of appeals heard were from a single person household.

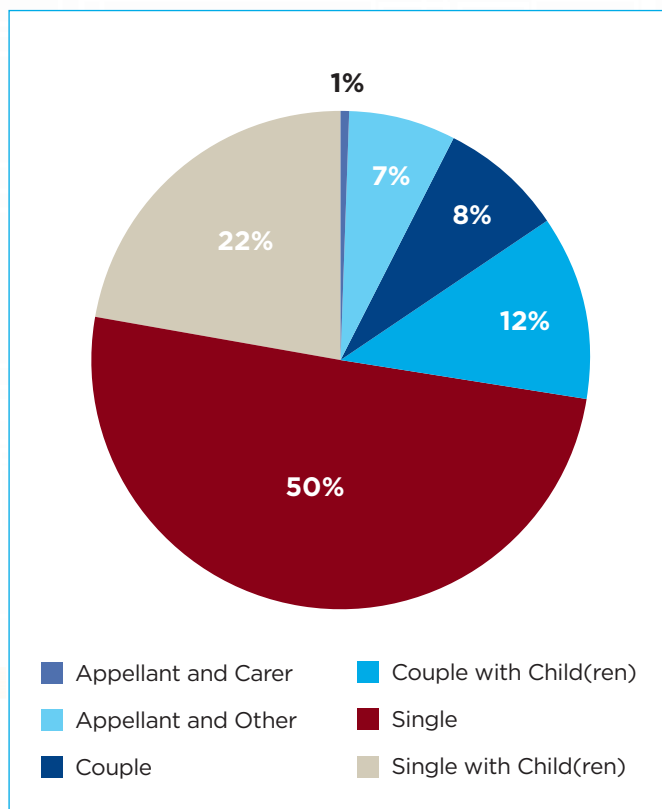
Single households made up over 40% of all priority housing appeals heard during 2013-14. This figure reflects the considerable difficulty experienced by single households in accessing affordable housing in the private rental market, particularly in metropolitan areas.

Age

Approximately 47% of appellants were between the ages of 36-54 years with over 35% being over the age of 55 years. Young people aged 25 years or less represented 5% of all appeals heard.

50% of appeals heard were from a single person household

Figure 2: Household complement



District Appeal Characteristics (public housing appeals only)

A total of 485 appeals were heard from clients of FACS Housing NSW.

In September 2013, FACS created fifteen new districts to enable more localised planning and decision-making and improve links between senior service delivery management and frontline staff. The following statistics are based on the new district structure.

All appeals received from the Housing Contact Centre (HCC) related to Rentstart assistance.

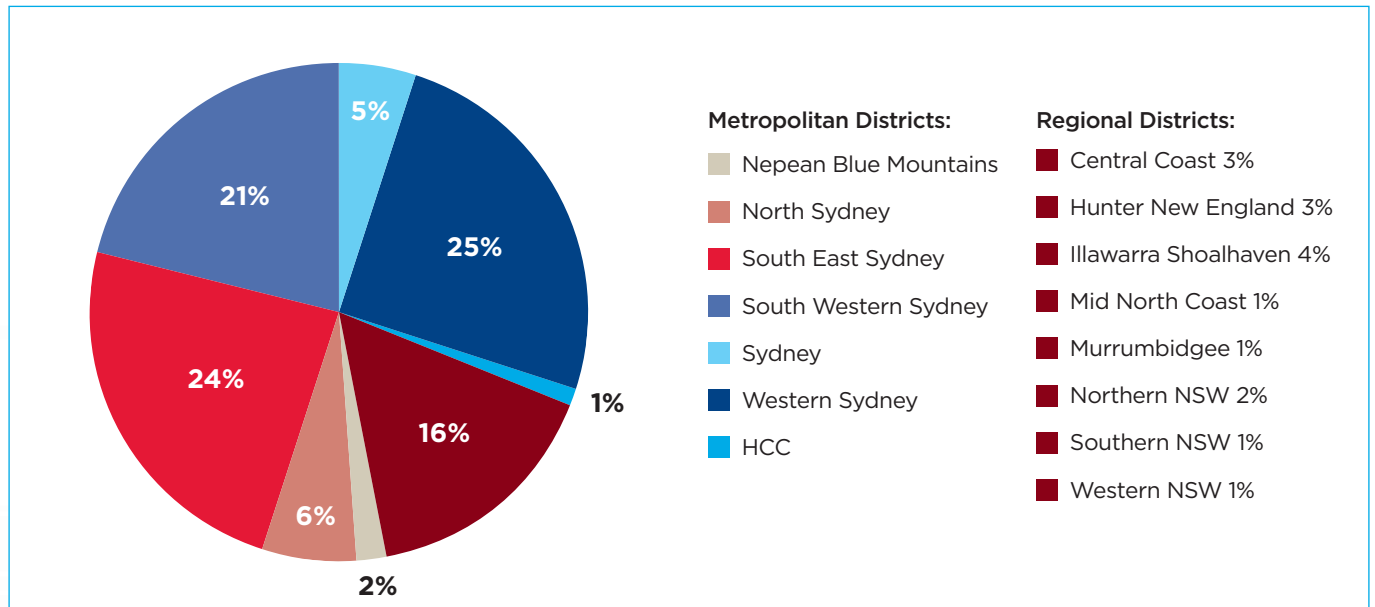
As can be seen from **Figure 3**, FACS districts located in the metropolitan area received a greater percentage of appeals. That is not surprising as metropolitan districts receive a higher volume of applications and therefore make a larger number of decisions.

Metropolitan districts are also characterised by high demand and competition for available affordable private rental options. Priority housing appeals represented almost 45% of appeals received for the Western Sydney, South Eastern Sydney and South Western Sydney FACS districts.

Most districts, metropolitan and regional, had a proportionately higher percentage of appeals relating to a client's entitlement to recognition as a tenant. As previously indicated this may be attributed to the accelerated appeals process for recognition as a tenant appeals.

During 2013-14 no appeals were received regarding public housing from the Far West District as housing services in that district are delivered through the community housing sector.

Figure 3: Percentage of appeals heard by District



Hearing Outcomes

The Committee upheld the original decision in 62% of appeals heard during 2013-14 with 36% of appeals referred to the social housing provider with a recommendation for a change of decision in full or part. At the time of writing one appeal was adjourned pending further information from the housing provider. Four matters were withdrawn after the Committee hearing and seven matters were resolved. This was generally because the housing provider had resolved the client's housing issue prior to the Committee outcome.

Table 5 provides details of the hearing outcome based on the housing provider type. Whilst the number of appeals from community housing clients is significantly lower than clients of FACS Housing NSW the proportion of matters referred for a change of decision in full or part is fairly consistent.

Table 5: Hearing outcomes by housing provider type

	FACS Housing NSW	Community Housing	Total
Adjourned		1	1
Declined	305	19	324
Recommended change in full	149	20	169
Recommended alternative resolution	6		6
Recommended part change decision	15	1	16
Withdrawn Post-Hearing	4		4
Resolved	6	1	7
Total:	485	42	527

84% of appeals heard by the Committee were from clients in the Sydney metropolitan area



The Committee may record multiple reasons for a recommendation to change a decision. **Table 6** is based on the primary reason for the recommendation. The above figures vary from 2012-13 statistics as they are based on all appeals referred back to the housing provider with a recommendation of a change of decision, in full or part. The previous years figures were based on a sample of cases.

36% of appeals heard were referred to the housing provider with a recommendation to a change of decision in part or full

Outcomes of recommendations to change a decision

The Housing Appeals Committee does not have determinative powers. As shown in **Table 7** this year 191 matters were referred to housing providers with a recommendation to change a decision, in part or full.

During 2013-14 the Committee's recommendation was not supported in 18 matters, less than 10% of all matters referred with a recommendation to change a decision either in full or part.

Table 7 shows the outcomes of matters based on the housing provider type. At the time of writing eight matters were pending a response from the housing provider.

Table 6: Reasons for recommending a change of decision

	Number of appeals	Percentage
Inadequate consideration was given to the available information when the original decision was made	75	39%
New information has been provided or additional information is available since the original decision	68	36%
The procedure used to reach the original decision was not fair or reasonable	19	10%
The original decision involved a poor interpretation of the housing provider's policy	17	9%
The original decision was based on incorrect information	12	6%
Total:	191	100%

Table 7: Outcome of recommendation by housing provider type

	HNSW	Community Housing	Total	Percentage
Approved	143	18	161	84%
Partial Approval	1		1	<1%
Closed – Changed circumstances post hearing	1		1	<1%
Declined	17	1	18	9%
Pending	6	2	8	4%
Resolved	2		2	1%
Total:	170	21	191	100%

The Year Ahead

Ineligible appeal applications

During 2013-14 almost 20% of appeal applications received were not eligible for review by the Housing Appeals Committee. **Table 8** illustrates the reasons applications were not listed for a hearing with the Committee.

Clients who are not eligible to have their appeal reviewed by the Housing Appeals Committee are referred to the relevant social housing provider or jurisdiction to resolve their issue.

Table 8: Ineligible appeal applications

	Number Received	Percentage
Closed – no contact from client	1	1%
Internal review required	50	40%
Not within the scope of appealable issues	38	30%
Out of timeframe for appeal lodgement	14	11%
Resolved pre-hearing	19	15%
Withdrawn at client request	3	3%
Total:	125	100%

The developments of 2013-14 have set new challenges for the year ahead. We will focus on:

- Promoting compliance with the NSW Housing Appeals Committee Charter and the NSW Social Housing External Appeals Policy Framework;
- Developing a new strategy to guide how we engage with our stakeholders and develop relationships;
- Working with advocacy groups and agencies that support clients so they understand the Committee's role and scope; and
- Implementing new continuous improvement and performance monitoring strategies to enhance the way we deliver our services.





Housing Appeals Committee Members and Staff

Director: Maggie Smyth

Executive Assistant : Melanie Schnur

Presiding Chairs: Tacye Bowen, Julie Hourigan-Ruse and Jill Moir

Members: Adrian Williams, Alan Clarke, Alicia Jillard, Anny Druett, Blanch Lake, Claudia Kennedy, Mark Powell, Neva Collings, Nick Illek, Susan Fenwick, Catherine White and Paul Gallagher.

A/Registrar: Karren Antony

Secretariat Staff:

Sudesh Kumaran, Siniua Su'a, Hugh Griffiths and Jenny Rowe.

Freecall: 1800 629 794

Office Hours: 8.30am to 4.30pm

Monday to Friday

Address: Office 5-6 Ground Floor
1-17 Elsie Street, Burwood

Postal address: PO Box 1030 Westfield
BURWOOD NSW 2134

Phone: (02) 8741 2555

Fax: (02) 8741 2566

Email: hac@facs.nsw.gov.au

www.hac.nsw.gov.au

Prepared by Karren Antony A/Registrar.