

# Appeals Policy (New Zealand)

## 1. Purpose

This Appeals Policy Statement guides applicants for housing, tenants and third parties on decisions that are able to be appealed and the review and appeals process undertaken by HOME IN PLACE (NEW ZEALAND) LIMITED (HOME in PLACE NZ) when handling appeals. It also guides employees on the procedures to be followed when a complaint is received.

## 2. Scope

This policy covers appeals about HOME in PLACE NZ decisions made in relations to Complaints:

- made by Tenants about any property, services, or worker related to HOME in PLACE NZ;
- made by third parties about any property, services, Tenants, or Workers related to HOME in PLACE NZ;
- made by Tenants or third parties in relation to any contractors or subcontractors working on behalf of HOME in PLACE NZ; and
- decisions regarding applications for housing.

This policy applies to complaints made about workers including contractors, by tenants or applicants for housing homes managed by HOME in PLACE NZ.

## 3. Policy Statement

HOME in PLACE NZ is committed to providing the highest standard of customer centred services to our tenants and applicants. We recognise applicants for housing assistance and our tenants have the right to request a review of a decision made by HOME in PLACE NZ about their eligibility for housing, allocation of housing or their tenancy.

If an applicant or tenant believes a decision made by HOME in PLACE NZ is wrong or unfair or if they disagree with the decision and believe it may affect their application for housing or their tenancy, they may appeal the decision through our internal review process.

HOME in PLACE NZ is committed to a transparent and objective review of decisions and will ensure appeals are managed promptly and in accordance with the principles of procedural fairness.

Our review and appeals processes acknowledge the responsibilities of tenants, respects the rights of tenants, considers our obligations as a landlord and aims to achieve fair and equitable outcomes for applicants, tenants and stakeholders.

The following are not Appealable Decisions:

- Decisions not directly related to the person or household;
- Matters which are the responsibility of other tribunals and courts e.g., New Zealand Tenancy Tribunal
- HOME in PLACE NZ's policies;
- Matters for which clients cannot make application to Community Housing Providers;
- Internal administrative and funding matters of the Community Housing Provider; or
- Programmes not related to the provision of a service.

## How to lodge an appeal

If a Tenant or applicant seeks a review of a decision made by HOME in PLACE NZ, they will complete an AppealsForm which outlines the issue they would like reviewed and why. In most cases, the application must be lodged within three (3) months of the original decision being made however timeframes for some appeals are shorter.

Appeals will be acknowledged by a staff member within two working days.

An internal review of the decision will be conducted by a senior executive staff member. As part of the review, the senior executive manager will consider:

- information submitted by the client or tenant;
- all relevant information on file; and
- any new information that was not available to the original decision maker.

If it appears that the original decision is likely to be maintained, the senior executive staff member will contact the applicant or tenant to discuss the issue and provide opportunity for the applicant or tenant to produce additional relevant information.

The senior executive staff member will consider all the available information to decide whether the original decision should be:

- maintained; or
- changed in full; or
- changed in part.

and a response will be given within 28 days clearly outlining if the decision has been upheld or not upheld, and the reason for this decision.

Where the senior executive staff member identifies any corrective actions arising from the appeal, an action plan is to be developed and implemented as soon as is practical.

## Quality focus

HOME in PLACE NZ is committed to a culture of excellence through continuous improvement and regularly reviews and monitors the effectiveness of our complaints and appeals process.

Information about our complaints and appeals process is clearly documented and available to tenants and applicants through our tenant handbook and by request through the [‘Contact Us’](#) page on the [HOME in PLACE NZ website](#) or contacting their local office.

## Privacy

HOME in PLACE NZ manages personal information of applicants and tenants in accordance with the Privacy Act 2020 and the privacy principles and codes of practice regarding the collection, use, disclosure, storage, and access to personal information.

HOME in PLACE information systems and data security meets ISO/IEC 27000 series, Information security management systems standards to protect personal information.

## 4. Responsibilities

All HOME in PLACE workers have an obligation to:

- familiarise themselves with and ensure they have a clear understanding of HOME in PLACE policies and procedures,
- observe and implement such policies, and associated procedures in delivering services to HOME in PLACE clients,
- inform HOME in PLACE’s clients of the impact of this policy on them and assist them to understand their rights and obligations, as required,
- identify issues that require amendment to this policy document and complete the relevant documentation to propose any amendments, and
- report breaches of HOME in PLACE’s policies or procedures.

The relevant Group Executive Manager is ultimately responsible to:

- ensure all stakeholders within their area of responsibility are informed about HOME in PLACE Policies and Procedures,
- ensure appropriate processes and controls are implemented to enable the correct application of and adherence to relevant policies and procedures, and
- ensure appropriate processes and controls are implemented to enable breaches of approved HOME in PLACE’s Policy and Procedures to be reported and managed.

## 5. Implementation and Review

This policy is listed on HOME in PLACE's Controlled Documents Register and is a controlled document requiring approval of any changes. It may not be amended or shared outside HOME in PLACE without approval. The policy is reviewed regularly and published on HOME in PLACE's SharePoint intranet once approved. Employees receive communications and training on new and reviewed policies and procedures.

HOME in PLACE complies with relevant contractual compliance obligations and jurisdictional laws and regulations when implementing this policy. Confirmation of internal compliance with this policy is undertaken regularly.

It is the responsibility of HOME in PLACE Group Executive Services ([GESAdmin@homeinplace.org](mailto:GESAdmin@homeinplace.org)) to maintain and update the HOME in PLACE's Master Policy Document, Policy Directory and the Policy Review Register, administer the review and approval process and inform and distribute new and amended policies and procedures once approved (refer PROC-011 Policy and Procedure Development Approval).

HOME in PLACE Workers should refer to [SharePoint Company Documents Policy and Procedure site](#) for the latest version which takes precedent over any uncontrolled version. If this document is printed, downloaded, or saved elsewhere from this site it becomes an uncontrolled version.

For further information contact the Responsible Officer listed under Document Information.

## 6. Resources and related documents

### *Related documents*

- NZ Complaints Handling Policy and Procedures
- Appeals form

### *Related legislation/standards*

- [Residential Tenancies Act 1986](#)
- [Privacy Act 2020](#)
- [Health and Safety at Work Act 2015](#)
- [Public and Community Housing Management Act 1992](#)
- [Public and Community Housing Management \(Community Housing Provider\) Regulations 2014.](#)
- [Community Housing Regulatory Performance Standards and Guidelines](#)
- NZ Office of the Ombudsman's Guides to effective complaint handling good decision making.

## 7. Definitions

Please refer to HOME in PLACE Glossary of Definitions for Policies and Procedures. Terms and definitions identified below are specific to this policy and are critical to its effectiveness:

Term	Definition
<b>Appeals</b>	A Community housing appeal is defined as ‘any expression of dissatisfaction with a decision made by a social housing provider to provide or not provide a service (such as housing, transfer or priority on the housing register) or, a decision relating to a tenant or service user’s dissatisfaction of a decision made by the organisation.’ An application for a decision to be reversed or overturned. Includes but is not limited to: <ul style="list-style-type: none"> <li>• Allocation decisions;</li> <li>• Level of rent or rent subsidy;</li> <li>• Eligibility for a housing transfer;</li> <li>• Permission to undertake modifications;</li> <li>• Permission to keep pets;</li> <li>• Calculation of water charges;</li> </ul>
<b>Compass</b>	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)) and as a charity with the <a href="#">Australian Charities and Not-for-profit Commission (ACNC)</a> .
<b>Complainant</b>	Person with a Complaint ongoing with HOME in PLACE.
<b>Complaints</b>	An expression of dissatisfaction with an aspect of the services provided by [Organisation], where the complainant is unhappy with the standard or type of service. Types of Complaint include: <ul style="list-style-type: none"> <li>• Where HOME in PLACE have failed to provide or there has been a delay or problem in providing a service;</li> <li>• Where HOME in PLACE have failed to follow or have been unfair or inconsistent in applying our policies or procedures.</li> <li>• Where HOME in PLACE have failed to keep Tenants informed, through lack of or insufficient information</li> <li>• Where there has been inappropriate behaviour or attitude from a HOME in PLACE Employee or contractor.</li> </ul>
<b>Director</b>	Has the same meaning as defined in the <a href="#">Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary</a> in Australia and as defined in the <a href="#">Companies Act 1992 Part 1 Section 2 Interpretation</a> .
<b>Employee</b>	A person engaged under an employment agreement or award by any company in the HOME in PLACE Group.
<b>Executive Manager</b>	Many positions within HOME in PLACE include the title “Executive Manager”. Regardless of whether an Executive Manager heads a Business Unit, the delegated authority of each Executive Manager depends on the functions and reporting relationship of the Business Unit for which the Executive Manager is responsible. Executive Managers should refer to the document HOME in PLACE Organisational Chart in Terms of Levels of Delegated Authority for confirmation of the band of authority they hold.
<b>HOME in PLACE</b>	Compass Housing Services Co. Ltd. Trading as HOME in PLACE and includes its related body corporate (as defined by section 9 of the <i>Corporations Act 2001</i> (Cth)). This includes Compass Housing Services Co (Queensland) Ltd Trading as HOME in PLACE and Compass Housing Services Co (Victoria) Ltd Trading as HOME in PLACE both of which are a wholly owned subsidiary of Compass registered in Australia.
<b>HOME in PLACE (New Zealand)</b>	HOME IN PLACE (NEW ZEALAND) LIMITED (formerly Compass Housing Services (NZ) Co Ltd) is registered in New Zealand under the Companies Act and as a charity registered with Charities NZ under the Charities Act

Term	Definition
<b>HOME in PLACE Group</b>	The corporate structure that includes HOME in PLACE (as the Parent Company) and the boards of Subsidiary Companies, Governance Committees and advisory groups as created from time to time.
<b>Independent contractor</b>	means a party engaged directly by HOME in PLACE pursuant to a contract for services. In the context of workforce engagements, this includes sole traders, companies, or partnerships with whom HOME in PLACE enters into an agreement for the provision of specified individuals to supply specific skills, services, or consultancy arrangements. It does not include individuals engaged through labour hire agencies. Independent contractors are not employees of HOME in PLACE.
<b>Officer</b>	Has the same meaning as defined in the <a href="#">Corporations Act 2001 Part 1.2 Division 1 Section 9 Dictionary</a> in Australia and as defined in the <a href="#">Companies Act 1992 Part 1 Section 2 Interpretation</a> in New Zealand
<b>Parent Board</b>	The current directors of HOME in PLACE.
<b>Parent Company</b>	HOME in PLACE
<b>Stakeholder</b>	person or organisation that can affect, be affected by, or perceive themselves to be affected by a decision or activity, may also be called 'interested party'.
<b>Subsidiary Boards</b>	The appointed board of directors of a Subsidiary Company.
<b>Subsidiary Company</b>	A company in which HOME in PLACE owns all or at least a majority of the shares.
<b>User</b>	any person or entity that use HOME in PLACE Information or ICT Assets.
<b>Worker (HOME in PLACE)</b>	<p>has the same meaning as defined in the <a href="#">NSW Work Health and Safety Act 2011 No 10 Subdivision 2 Part 7 Meaning of 'worker' (1)</a> A person is a worker if the person carries out work in any capacity for a person conducting a business or undertaking, including work as:</p> <ul style="list-style-type: none"> <li>• an employee, or</li> <li>• an independent contractor or subcontractor, or</li> <li>• an employee of a contractor or subcontractor, or</li> <li>• an employee of a labour hire company who has been assigned to work in the person's business or undertaking, or</li> <li>• an outworker, or</li> <li>• an apprentice or trainee, or</li> <li>• a student gaining work experience, or</li> <li>• a volunteer, or</li> <li>• a person of a prescribed class.</li> </ul>
<b>Worker (HOME in PLACE QLD)</b>	is 'a person who works under a contract and, in relation to the work, is an employee for the purpose of assessment for PAYG withholding under the Taxation Administration Act 1953 (Cwlth), schedule 1, part 2-5'. This applies to a person for whom PAYG tax instalments are required or would be required to be withheld by their employer.
<b>Worker (HOME in PLACE VIC)</b>	<p>A worker is defined as an individual:</p> <ul style="list-style-type: none"> <li>• who <ul style="list-style-type: none"> <li>– performs work for an employer or</li> <li>– agrees with an employer to perform work</li> </ul> </li> <li>• at the employer's direction, instruction or request, whether under a contract of employment (whether express, implied, oral or in writing) or otherwise or</li> <li>• who is deemed to be a worker by the legislation.</li> </ul>

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