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***REVIEW OF THE HOMESWEST
APPEALS MECHANISM
Volume 2: Findings in Full.***

BY

**SHELTER WA
March 2000**

1. MINISTRY OF HOUSING STATISTICS

The following data was obtained and analysed:

- Tier 2 statistics by region for the period 31 July 1998 through to 30 June 1999;
- Tier 3 statistics for the State for the period 31 July 1998 through to 30 June 1999;
and
- Homeswest stock by region for 1995-1996.

Unfortunately limited data was available regarding details of tenancies. Specifically, no figures could be obtained relating to the number of Aboriginal or Culturally and Linguistically Diverse background (CaLD) tenancies for the various regions. In addition, while information was available on the overall percentage of Homeswest tenants that are Aboriginal, no such data was available for CaLD tenancies.

For the period 31/7/98 - 30/6/99

Tier 2

Region	Total no. appeals received	Av % of appeals received	Total no. of appeals received - Aboriginal	% of appeals received - Aboriginal	Total no. of appeals received - CaLD	% appeals received - CaLD	Av % Appeals upheld/ partial - all regions*	Av % Appeals upheld/ partial - by region*	Av % Appeals dismissed - all regions**	Av % Appeals dismissed - by region**	Av % -attendance -all regions**	Av % -attendance -by region**
Mirrrookaa	656	33.7	104	15.8	150	22.9	45.6	42.1	52.5	57.9	74.1	79.6
Fremantle	431	21.9	77	17.9	61	14.2	45.6	48.4	52.5	51.1	74.1	82.2
Cannington	294	14.7	86	29.4	30	10.2	45.6	42.1	52.5	54.3	74.1	75.2
Total-metro.	1381.0		267.0		241.0							
Albany	44	2.2	18	40.3	0	0	45.6	64.0	52.5	34.6	74.1	27.4
Bunbury	64	3.2	15	23.6	0	0	45.6	65.8	52.5	32.8	74.1	47.5
Kalgoorlie	117	5.8	46	39.6	0	0	45.6	57.4	52.5	30.6	74.1	70.0
Geraldton	106	5.2	57	54.1	0	0	45.6	60.6	52.5	39.4	74.1	38.7
S. Hedland	176	8.9	62	35.0	1	0.6	45.6	33.6	52.5	60.6	74.1	76.8
Broome	78	4.0	48.0	61.6	0	0	45.6	52.9	52.5	47.1	74.1	67.6
Total-regional	585.0		246.0		1.0							
Total	2551.0		759.0		243.0							

Tier 3

Av % of appeals received - Aboriginal	Av % appeals received - CaLD	Av % Appeals upheld/ partial****	Av % Appeals dismissed***
30.9	22.6	21.8	64.8

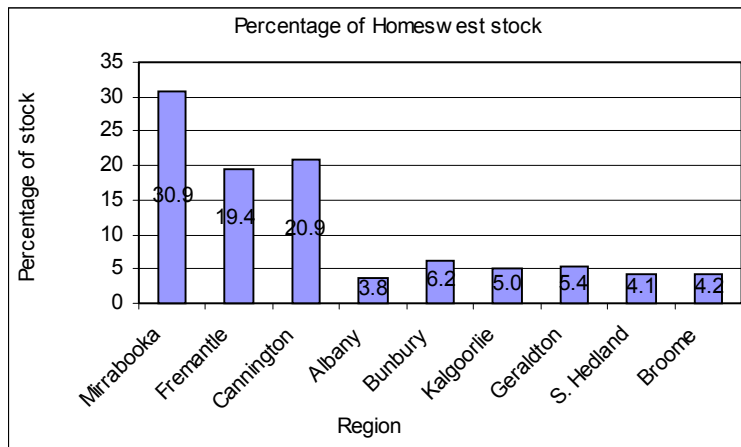
NB. A small number are adjourned for additional information or because it belongs to another region.

* Figures relate to sittings held for the period.

** Figures relate to sitting decisions for the period.

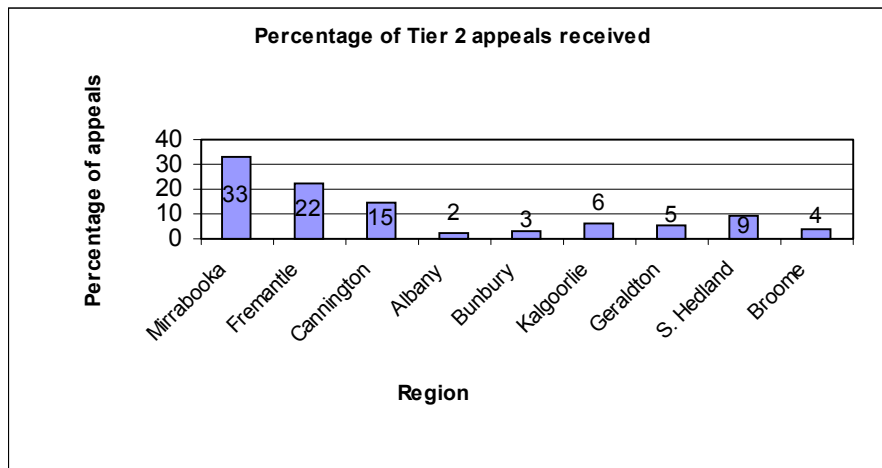
1.1 HOMESWEST STOCK

A total of 71.2% of stock is located in the metropolitan region, with the highest concentration in the Mirrabooka region (30.9%).



1.2 APPEALS RECEIVED

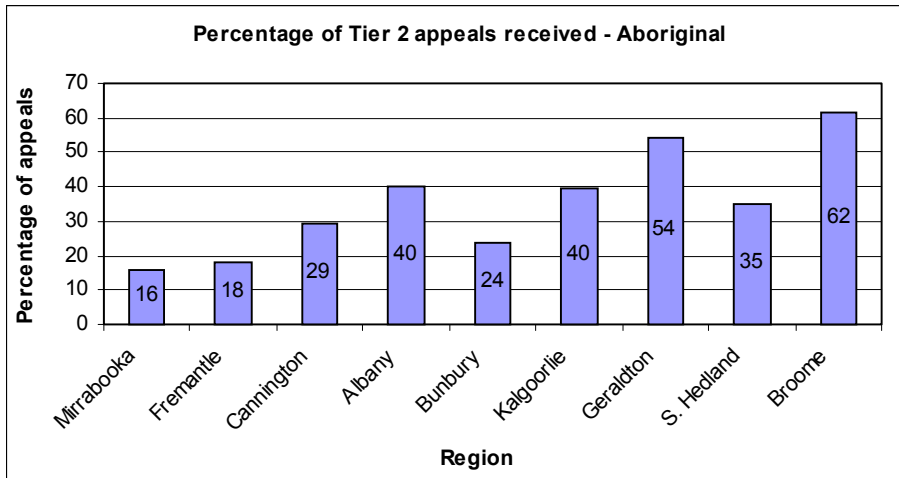
At Tier 2, a total of 1966 appeals were received across all regions. Of these, the Mirrabooka region received the majority (33.4%), with the most regional appeals being in South Hedland (9.0%). Significantly, while Cannington has 20.9% of Homeswest stock, they only received 15% of appeals and while South Hedland has 4.1% of the stock, it received 9% of appeals. While Bunbury has 6.2% of stock, it only received 3% of appeals.



1.2.1 Aboriginal

A significant proportion of Tier 2 appeals across all regions are for Aboriginal tenancies. Regional areas where there is a high proportion of Aboriginal appeals include, Broome (62%),

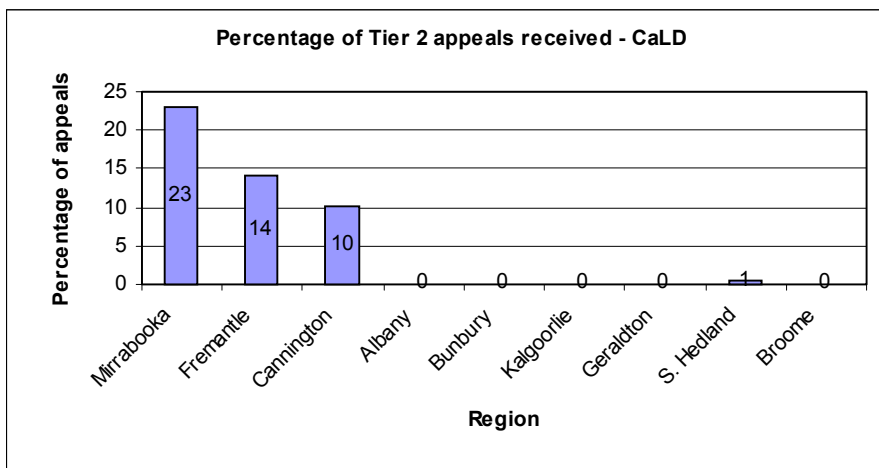
followed by Geraldton (54%) and Kalgoorlie (40%). In the metropolitan area, Cannington has the highest proportion (29%) followed by Fremantle (18%).



On average, Aboriginal appeals made up 30.9% of appeals received. However, no regional data was available.

1.2.2 Culturally and Linguistically Diverse Backgrounds (CaLD)

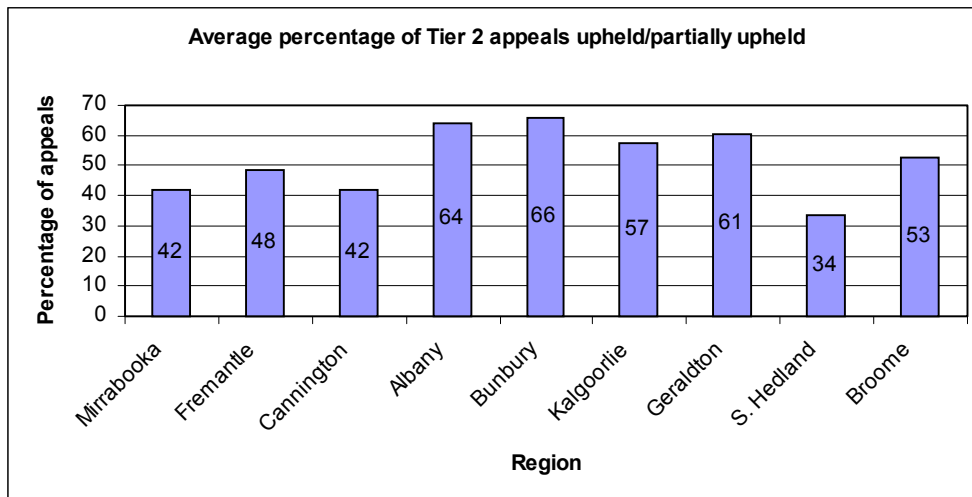
With the exception of South Hedland where of the Tier 2 appeals received, only 1% were from CaLD clients, no other regional area received any appeals from CaLD clients during this period. In the metropolitan area, Mirrabooka has the highest proportion of CaLD appeals (23%), followed by Fremantle (14%).



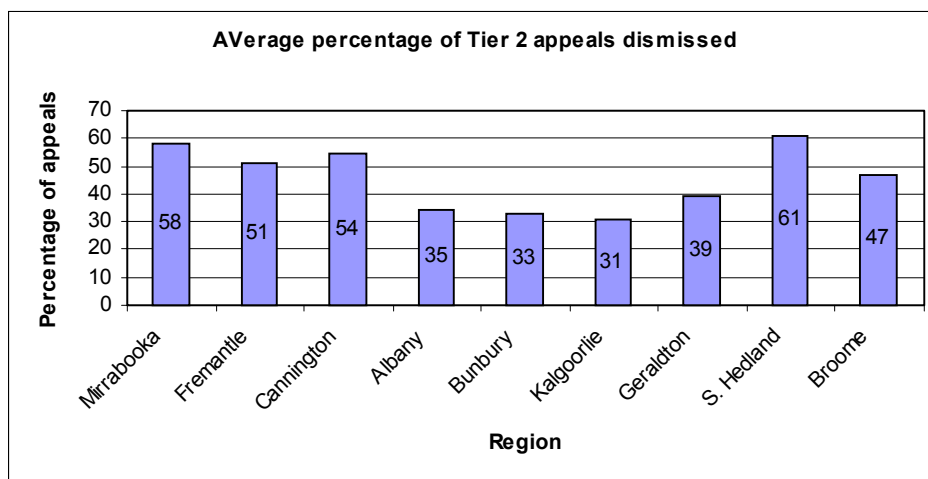
On average, 22.6% of Tier 3 appeals received were from CaLD tenancies, however, no regional information was available.

1.3 DISMISSALS

The state average for Tier 2 appeals upheld or partially upheld for this period was 45.6%, with all metropolitan regions being close to this average. All regional areas, except South Hedland (34%), had a higher than average percentage of appeals upheld/partially upheld in this period.



With regards to dismissals, the state average for this period was 52.5% with the patterns mirroring those of appeals upheld/partially upheld.



At Tier 3, an average of 21.8% of appeals were upheld or partially upheld with 64.8% being dismissed.

1.4 ATTENDANCE

The average attendance of appellants at Tier 2 across all regions was 74.1%. Mirrabooka (80%) and Fremantle (82%) had a higher than average attendance and Albany (27%), Bunbury (48%) and Geraldton (39%) having a significantly lower attendance rate.

2. SURVEY RESULTS

2.1 APPELLANTS

2.1.1 Background

The sample group comprised a total of 48 appellants, 24 of which had appealed to Tier 3. Each of the six Ministry of Housing regional offices randomly selected 4 people who had appealed at Tier 2 and 4 who had appealed at Tier 3. The contact details, including addresses and telephone numbers, were then forwarded to central office and in turn, Shelter WA.

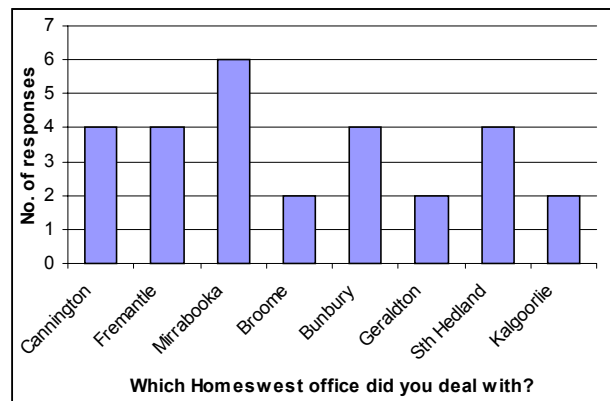
A letter was sent to all 48 appellants explaining the purpose of the review and indicating that a Shelter WA employee would be telephoning to see whether the person was prepared to complete a survey over the phone.

Of the 48 appellants, only 28 (58%) surveys were completed. This was largely due to the person not being able to be contacted either because they had moved or because the telephone had been disconnected (33%). In addition, 4 (8%) of respondents indicated that they did not want to complete the survey.

2.1.2 Profile of respondents

Location

Of the 28 respondents, there 50% had dealt with a regional office and 50% had dealt with a metropolitan office. Specifically, the following table provides details of the Homeswest offices dealt with by the respondents.



Ethnicity

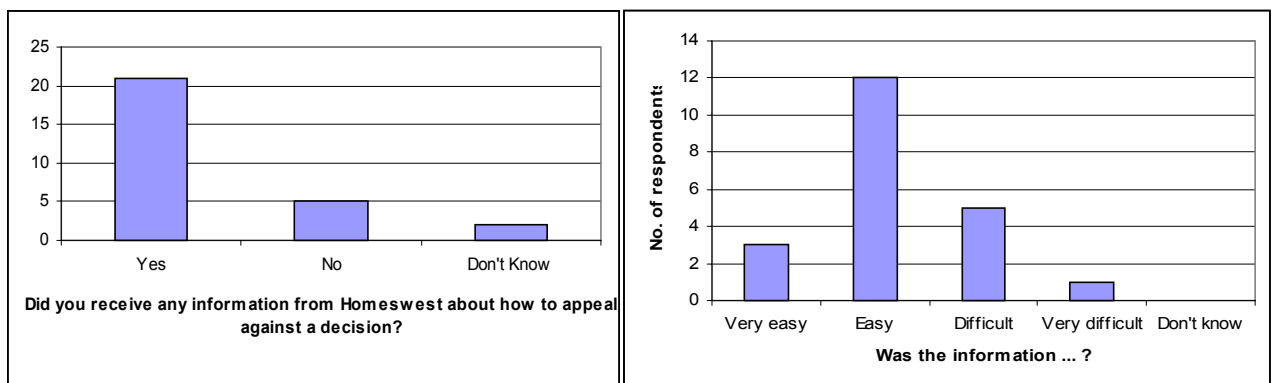
A total of 11 respondents were born in another country and 17 were born in Australia. Five respondents identified as being Aboriginal or Torres Strait Islander.

Of the 28 respondents, 21 indicated that they raised the issue, 4 stated that it was raised by Homeswest and 3 weren't sure. However, while it has had little impact on the overall results, a small error in the administering of the survey needs to be noted. That is, the 4 who indicated that the issues was raised by Homeswest did not go on to answer the 2 linked questions relating to how it was raised (ie. in writing, over the phone) and how easy or difficult it was to understand the issue.

2.1.3 Before the Appeal

Receipt of information about how to appeal

In relation to the receipt of information about how to appeal, 21 (75%) had received information, 5 (18%) had not and 2 (7%) weren't sure. Of the 21 that did receive information, 19 indicated that they received written information and 2 indicated that they had received both written and verbal information. For the 21 who received information, 15 indicated that it was easy (12) or very easy (3) to understand, with 6 stating that it was either difficult (5) or very difficult (1).



Preparing for the appeal

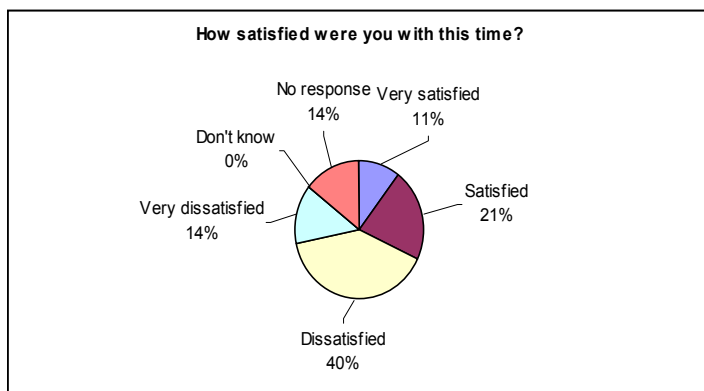
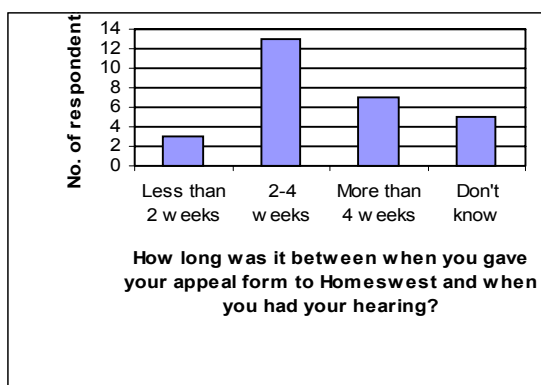
Of the 17 people who indicated that they had help in preparing for the appeal, 5 were assisted by an advocate, 10 by a friend/relative, 1 by a Member of Parliament and 1 by a

carer. The assistance received was reported as being very helpful (8) or helpful (7) by 88%, with only 2 people (12%) indicating that it was unhelpful. However, it is significant that of the 11 who did not have any assistance, 6 did not know where they could get help with their appeal.

The vast majority (24) indicated that they knew they were able to attach supporting information (for example, medical certificates). The filling in of the appeal forms was deemed to be either very easy (1) or easy (21) by 79% respondents, with 21% finding it either difficult (3) or very difficult (3).

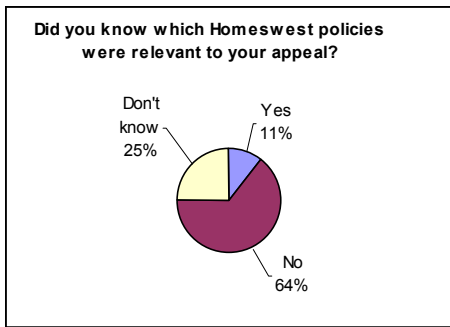
Waiting times

Of the 28 respondents, 16 indicated that the appeal was held less than 2 weeks (3) or 2-4 weeks (13) after lodgement of the appeal form. Another 5 indicated they were not sure. Significantly, 7 indicated that it was longer than 4 weeks. A total of 9 (32%) indicated that they were either very satisfied (3) or satisfied (6) with the time, with 15 (54%) stating that they were either dissatisfied (11) or very dissatisfied (4) and 4 (14%) did not respond to this question.



Knowledge of policies relevant to the appeal

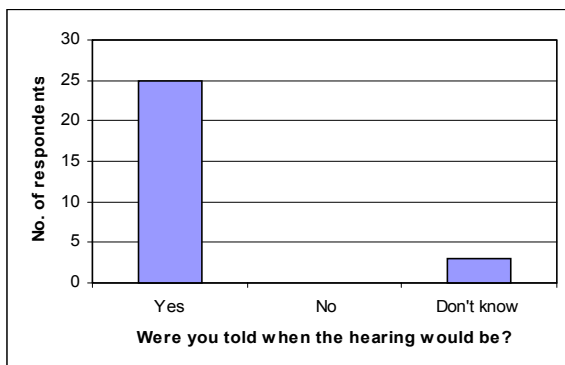
A total of 25 (89%) of all respondents either didn't know or were unsure about which Homeswest policies were relevant to their appeal.



2.1.4 The Tier 2 appeal

Notice of the hearing

The vast majority of respondents, that is 25 (89%) were told when the hearing would be with only 3 (11%) indicating that they weren't sure whether they were told or not. Of the 25 who were told, all indicated that they had enough notice for the hearing.



Location

Given that only 5 respondents indicated that the hearing was held by phone, it is not possible to extrapolate comments relating specifically to this group.

Attendance

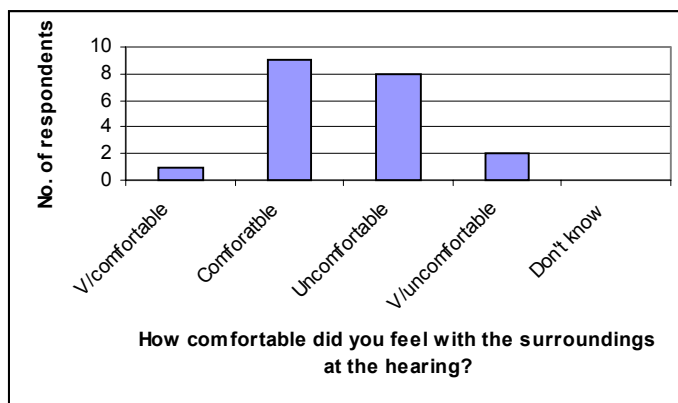
A total of 20 respondents indicated that they attended the hearing, one of which had previously stated that their hearing was held by phone. Four respondents did not attend and provided the following reasons for this:

- Was sick for first appeal, second appeal they did not ask appellant to come.

- Appellant was in hospital.
- Husband attended.
- No need as Homeswest were supplied with all of the information.

The surroundings

A total of 20 respondents attended the hearing with 50% feeling either very comfortable (1) or comfortable (9) with surrounding and 50% feeling either uncomfortable (8) or very uncomfortable (2).



Of the 10 who indicated that they were uncomfortable/very uncomfortable with the surroundings, the reasons varied with 6 comments relating to the actions of the committee members, 4 relating to the physical environment and two specific comments.

In relation to the committee members, comments were as follows:

- The Committee seemed to have already decided x 2
- Appellants didn't think the committee believed what they were saying x 2
- Didn't think the Committee were listening
- Homeswest members were quoting policy numbers without explaining

In relation to the physical environment, comments were as follows:

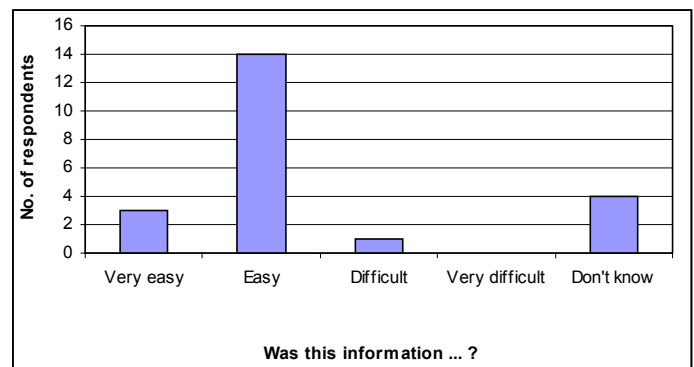
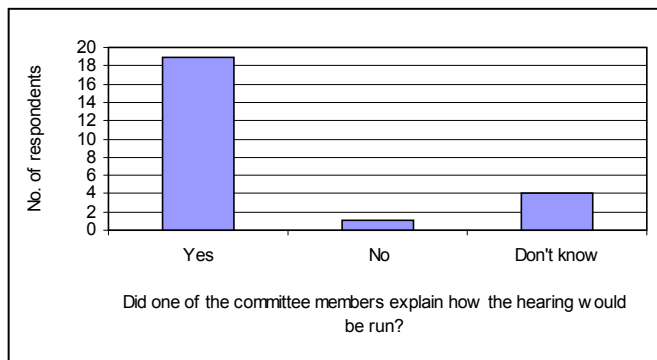
- New surroundings in which the appellant had never been
- Had to walk through the Manager's office
- It wasn't well sign posted
- The room was too big –members already sitting there

In addition, the following specific comments were made:

- The community representative was an old friend of appellant which made them feel uncomfortable.
- Because there was no interpreter and the appellant couldn't explain everything they wanted to.

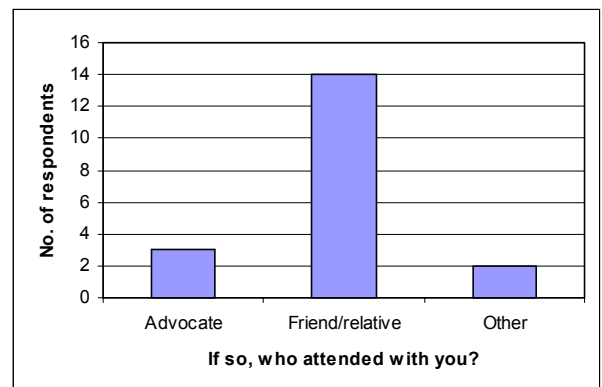
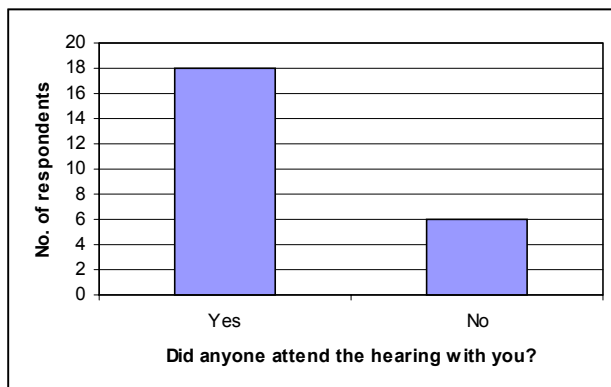
Explaining the proceedings

Of the 24 respondents who either attended in person or were present via telephone, a total of 19 respondents (79%) indicated that one of the committee members explained how the hearing would be run, with 1 (4%) stating that it wasn't explained and 4 (17%) were unsure. Only 1 person indicated that it was difficult to understand this explanation, with 17 stating that it was either easy (14) or very easy (3).



Accompanied at the hearing

Eighteen of the respondents indicated that someone accompanied them at the hearing, with 2 being accompanied by an advocate, 13 by a friend/relative, 1 by an advocate and friend, 1 by an interpreter and 1 by a carer.



Fairness

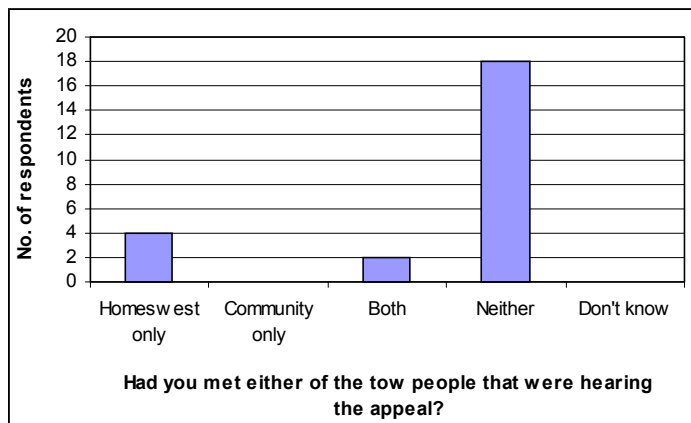
A series of questions were asked regarding whether the hearing was fair including whether:

- the appellant had met either of the people hearing the appeal;
- the committee members understood the case;
- the committee members seemed to care about the case;
- both committee members asked questions during proceedings; and
- the appellant had a chance to say what they wanted to say.

These questions were followed by a question about whether or not the appellant believed they had a fair hearing.

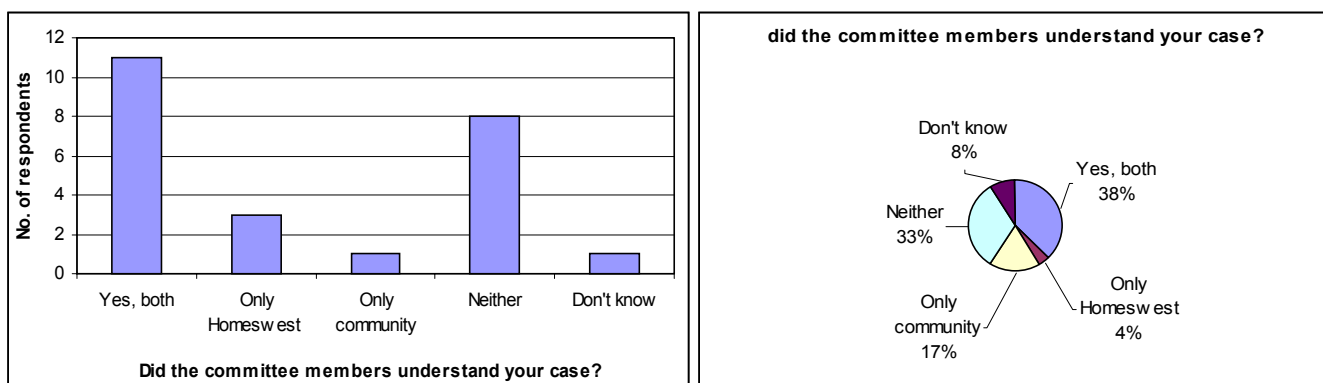
Whether the committee members were known to the appellants

Of the 24 respondents present (either in person or over the phone), 18 indicated that they had not met either of the committee members, 4 had met the Homeswest member only and 2 had met both.



Did the Committee members understand the case

Only 11 of the 24 respondents (46%) stated that both committee members understood their case, 12 (50%) indicated that neither or only one member understood their case and 1 (4%) was unsure.



Nine people provided the following comments in relation to this.

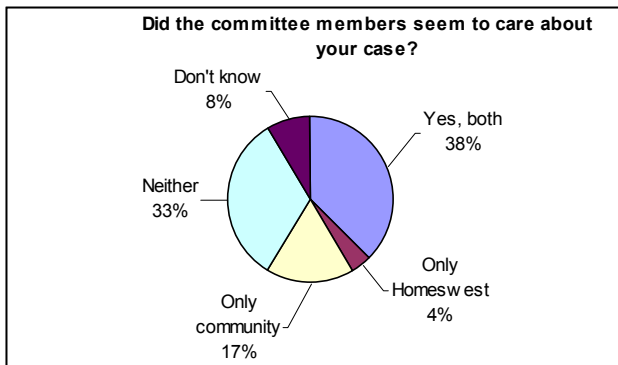
- Comments relating to the outcome of the appeal:
- Wasn't happy with decision
- Happy with decision
- Haven't got house yet

Comments relating to the attitude/behaviour of committee members:

- More like an interrogation than a conference
- [The community member] seemed to understand but couldn't tell
- Appellant feels [the committee members] don't take into consideration whether you bring in doctor's letters or not
- They didn't seem to understand
- Wasn't taken seriously.
- Committee members mentioned issues that appellant didn't raise
- Community member seemed to have no interest.
- Homeswest seemed very biased – didn't want to go against colleagues

Did the committee seem to care about your case

A total of 13 respondents indicated that neither committee member or only one committee member seemed to care about their case, 9 stated that both seemed to care, 2 were unsure and 4 did not respond.

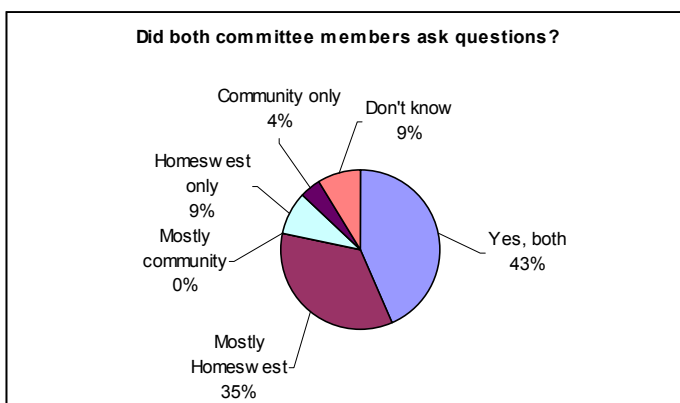


Additional comments were provided by 6 respondents as follows:

- The Homeswest representative wasn't very understanding
- Members could be a bit more caring and sympathetic
- Thought they were 'pretty good'
- Appellant felt they didn't take the case seriously x 2
- Made show of asking question and point of view of tenants, seemed as though they had already made up their mind.

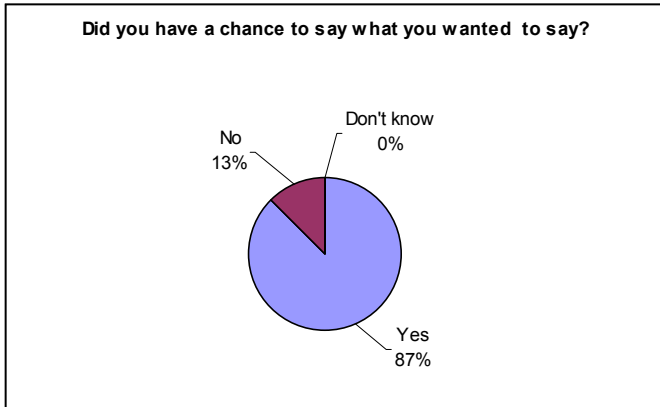
Asking of questions by committee members

Of the 24 respondents present at their appeal, 10 indicated that both committee members asked questions, 10 stated that it was either mostly (8) or only (2) the Homeswest member who asked questions, 1 indicated that only the community member asked questions and 2 were unsure.



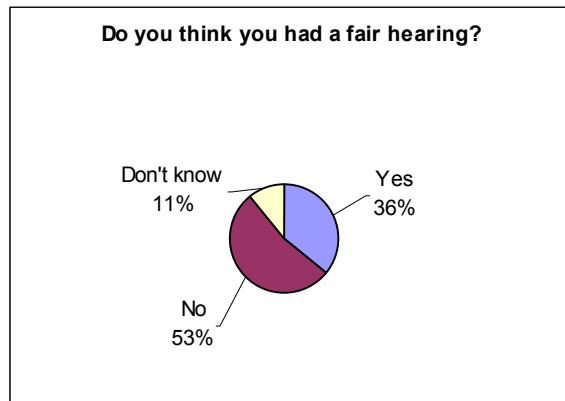
The appellant having a chance to say what they want to

In response to a question about whether appellants had a chance to say what they wanted to, only 3 indicated that they didn't, with 21 stating they did have this opportunity.



Was the hearing fair?

In all, 10 respondents (36%) believed they had a fair hearing, 15 (53%) believed they didn't and 3 (11%) didn't know.



With the exception of 1 respondent who was unsure as to why they didn't believe they had a fair hearing, additional comments were received from all other respondents who did not believe they had a fair hearing. A summary of these comments is provided below:

Comments relating to the behaviour/attitude of appeal members:

- Committee members didn't listen x 2.
- Committee members weren't interested.
- Committee members weren't understanding x 3.
- Felt the committee had already made up their mind/was doomed from the start x 2.
- Appellant felt they weren't believed.
- Appellant felt like they were used as a joke.

- The way the Committee members questioned and met with the appellant was unfair.
- Things weren't explained.
- Appellant felt that committee didn't receive or read relevant and available information.
- The appellant was unsuccessful/dissatisfied with the outcome x 3.

Comments that related to the appellant feeling uneasy/stressed:

- Because appellant very stressed wasn't able to explain things properly.
- Appellant wasn't present to explain their side of things.

Comments relating to flexibility of the proceedings:

- Appellant wanted to take someone with her but they wouldn't allow tenant to change date of hearing.

In addition, 4 people indicated that they weren't sure as to what would have made the hearing better and 4 stated that either nothing else could have been done or that is was fine. A total of 22 provided comments as to what would have made the appeal hearing better, a summary of these comments is provided below:

Comments relating to the behaviour/attitude of the committee members:

- Appellant felt doomed from the start.
- Homeswest (prior to the appeal) and/or the committee members not listening x 2
- Tenant felt that committee members didn't receive or read relevant and available information.
- If they took tenant seriously/were more understanding and caring/had a better attitude x 3
- If they'd had more independent unbiased people hearing appeal – who would have had the intelligence to stand up for victimisation.
- They could explain what they were saying a bit better.

Comments relating to the appellant feeling uneasy/stressed:

- If appellant had an interpreter x 2.
- Tenant was so nervous, felt she wasn't able to explain things.

- If tenant had met the members before.
- If appellant had someone with them at the appeal x 2.
- If there was someone else from Homeswest or the Manager.

Comments relating to the physical environment:

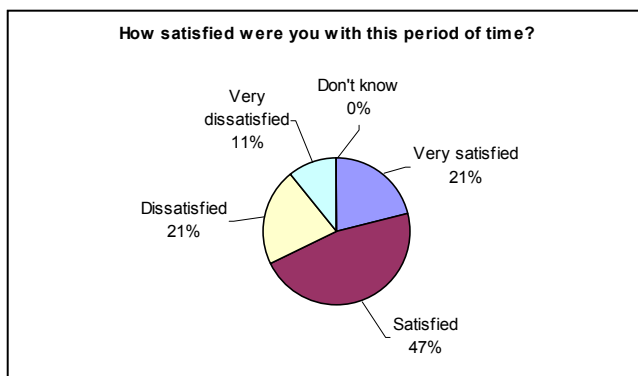
- Was cramped.

2.1.5 After the Tier 2 appeal

Waiting times

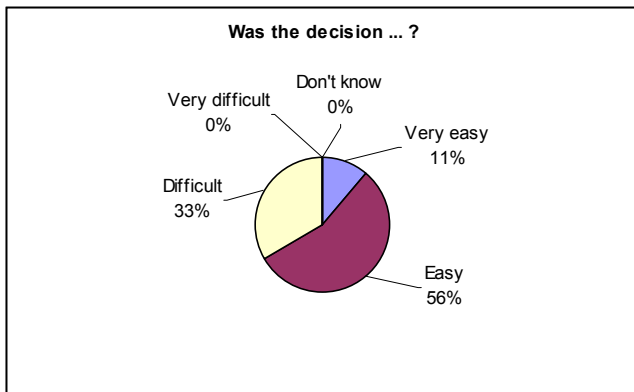
In response to a question about how long it took to get a decision after the appeal, the majority of respondents (19) received a response within a 2 week period (varying from at the appeal hearing to 2 weeks). Two respondents couldn't remember how long it took, 1 was still waiting and 6 waited for between 2 and 8 weeks. For all respondents, the average time taken for a decision to be issued was 13.7 days (not including those who couldn't remember or the one that was still waiting for a decision). If the 19 respondents who received a decision within a 2 week period are taken to be the 'norm', the average time for a decision was still 8.1 days.

A total of 19 (68%) respondents indicated that they were either satisfied or very satisfied with the time with 9 (32%) being dissatisfied or very dissatisfied.



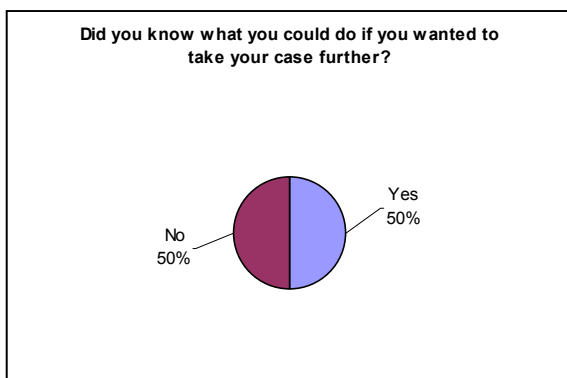
Understanding the decision

A total of 18 respondents found the decision either very easy (3) or easy (15) to understand with 9 stating that it was difficult.

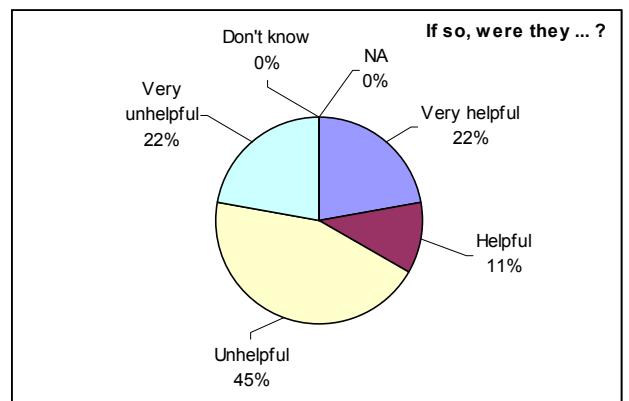
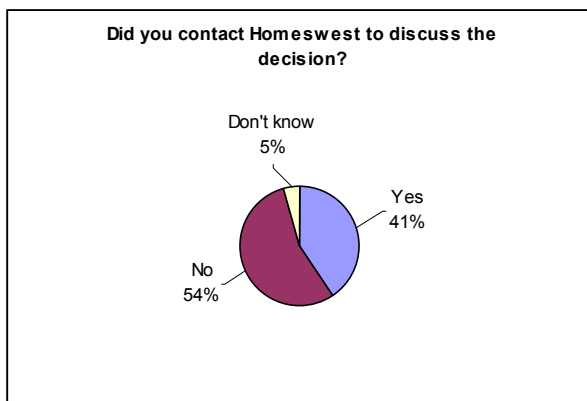


2.1.6 Unsuccessful/partially successful at Tier 2

Of the 22 respondents who were either unsuccessful (17) , partially successful (4) and still awaiting a decision (1), only 50% indicated that they knew what to do if they wanted to take the case further.



Nine (41%) of the 22 respondents indicated that they had contacted Homeswest to discuss the decision, of which 3 stated that they were either very helpful (2) or helpful (1) and 6 that they were either unhelpful (4) or very unhelpful (2).



2.1.7 The Tier 3 appeal

A total of 10 respondents appealed to Tier 3, 10 did not and 2 were unsure as to whether they did or not. Of the 10 who didn't appeal to Tier 3, 7 provided additional comments as to the reason for this. A summary of these comments is provided below:

- Appellant didn't know about next appeal level x 4
- Appellant was so stressed, wasn't able to fill in forms or take them back to get assistance from the migrant resource centre who were helping.
- Appellant was told it wouldn't make any difference.
- Sick and tired of dealing with Homeswest.

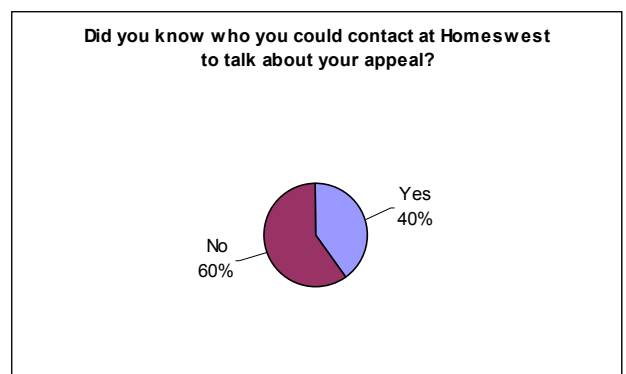
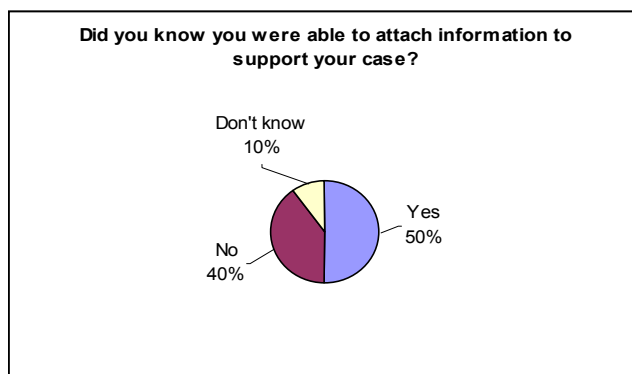
Understanding of Tier 3

Only 6 of the 10 people who appealed at Tier 3 indicated that they understood how Tier 3 worked. The four who did not understand how Tier 3 worked provided the following reasons for this:

- Because it takes place when you are not there
- Because it wasn't explained to appellant x 3.

When the 4 who gave their reason for not appealing as not knowing about Tier 3 are added to the 4 who did appeal to Tier 3 but did not understand how it worked, there is a total of 36% (8) of those who were unsuccessful or partially unsuccessful at Tier 2 who do not understand or know about Tier 3.

In addition, only 50% (5) of those that did appeal to Tier 3 understood that they were able to attach additional information to support their case. Further, only 40% (4) indicated that they knew who they could contact in Homeswest do talk about their appeal.



Shelter WA - Homeswest Appeals Mechanism Review, March 2000

Length of time to get a decision

A total of 7 of the 10 respondents received a decision within a 2 week period (varying from the same day to 2 weeks), with 1 waiting 3 weeks, 1 unsure and 1 still awaiting the outcome. A total of 6 respondents were either satisfied (4) or very satisfied (2) with the time, with 1 being dissatisfied, 1 very dissatisfied, 1 unsure and 1 not responding. Given the small number of respondents it is difficult to extrapolate strong conclusions from this data.

Understanding the decision

The majority (80%) of respondents indicated that the decision was either very easy (2) or easy to understand (6) with 1 person indicating that it was difficult and 1 person wasn't sure.

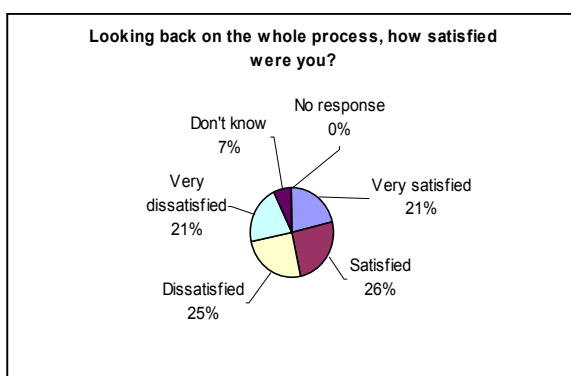
Understanding other options

Of the 5 people who were unsuccessful at Tier 3, 4 indicated that they knew what they could do if they wanted to take the case further and 1 did not. However, given the small number of respondents that fall into this category it is not possible to draw conclusions about respondents level of understanding regarding other options to pursue their case.

2.1.8 General comments about the appeals process

Overall Satisfaction

A total of 46% indicated that were either very satisfied or satisfied (13) and another 46% that they were either dissatisfied or very dissatisfied (13) with 8% (2) being not sure.



Additional comments were provided by 17 respondents, a summary of which is provided below:

- Those who were very dissatisfied or dissatisfied:

- Feeling that the committee had already decided.
- Homeswest were unfriendly/ignored the appellant's problem/didn't listen x 3
- Having to wait a long time for Homeswest responses/process taking too long x 2
- Homeswest didn't recognise medical records.
- Feeling that it wasn't independent.
- Being told one thing then another and Homeswest office (Broome) being very disorganised.
- Being unsatisfied with the outcome x 4
- Those who were very satisfied or satisfied:
 - The appellant's friend was allowed to speak for them.
 - The issue is being resolved/appellant was successful x 5
 - Homeswest were understanding.
 - Appellant got an answer straight away.
 - Process went smoothly.

Preparing for the appeal

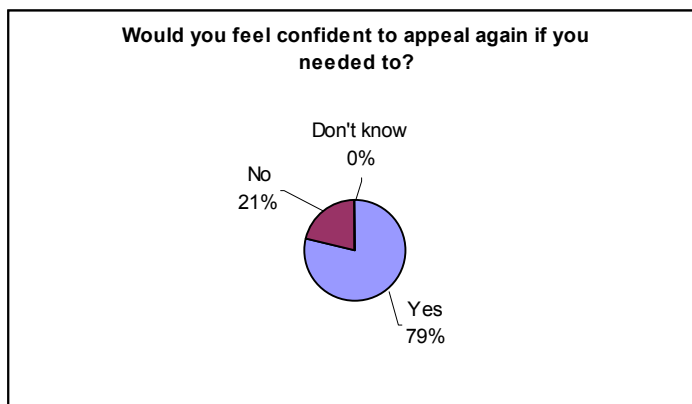
A total of 64% (18) indicated that it was either very easy (3) or easy (15) to prepare for the appeal and 36% (10) stating that it was either difficult (7) or very difficult (3). In addition, 20 people provided additional comments in relation to this issue. A summary of responses is provided below:

- Very easy or easy:
 - Only had to write letter.
 - Had assistance x 4
 - The appellant had all the information.
 - The forms assisted and/or were self explanatory x 3
 - Self confidence of appellant.
 - Appellant felt they could say exactly what they wanted to.
- Difficult
 - assembling all the information.
 - especially Tier 3 – lot of running around for letter and documents.

- Tenant had to organise things.
 - Because of language difficulties and appellant didn't know and understand policies.
 - hard to know what to say.
 - difficult to fill in form.
 - Because they asked for new papers for tenant to bring.
 - A lot of organising.
- Very difficult
 - Because appellant was running around sleeping at other people's places in order to get to the appeal on time.
 - Because of information provided by Homeswest – confusing and misleading.
 - not sure.

Confidence to appeal again

Of the 28 respondents, 79% (22) indicated that they felt confident to appeal again if they needed to with 21% (6) stating that they didn't.



Additional comments relating to this question were received from all 6 people who indicated that they wouldn't feel confident to appeal again. A summary of these comments is provided below:

- Worried that they would get the same result x 2
- Doesn't want to be put down again.
- Doesn't feel comfortable.
- Appellant doesn't trust the system.

- Because they already decide before the appeal.

Improving the appeals process

A total of 22 respondents commented on ways in which the appeals process could be improved. A summary of these responses is provided below:

- Comments relating to the attitude/behaviour of committee members:
 - They should be more caring/understanding/helpful x 4
 - They need to listen/concentrate on the people's problems x 4
 - They should put themselves in appellant's situation.
 - Homeswest need a broader outlook.
 - Homeswest should not mislead people with time frames for housing.
 - One way would be to get more people from Homeswest involved in issue - more people (apart from Accommodation Manager) need to come out and have a look at issue.
 - Homeswest could employ people with more compassion.
 - If using a community representative – then should be someone who knows concept of fair play and who know process of tribunals.
 - Homeswest makes appellant feel inferior.
 - They should have only one person as appellant didn't know why community member was there.
- Comments relating to the physical environment:
 - The area of the meeting could have been bigger and more spacious.
 - Felt cramped.
 - It could be more informal.
- Comments relating to the organisation/access to information:
 - Homeswest need to be more organised.
 - Need to return appeal letters promptly.
 - If they had more information in the office to take home to read regarding Tier 2 and in particular, Tier 3.

- Other comments
 - Prefer if didn't have to go through appeal.
 - Not sure.
 - Can't think of ways to improve it x 6

Other comments

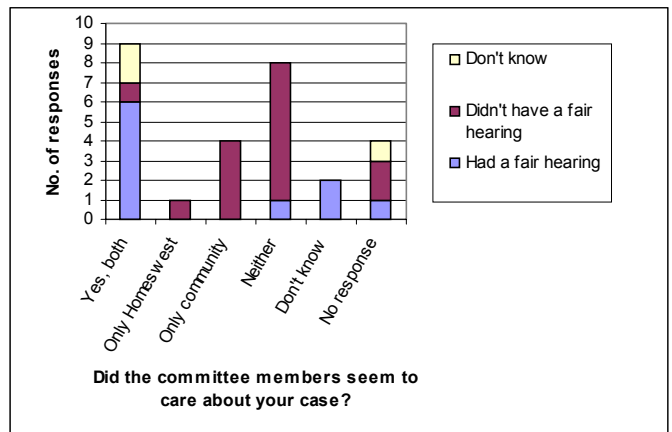
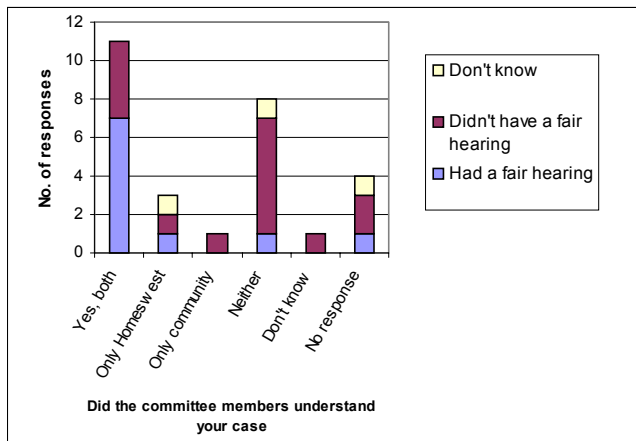
Only 6 respondents provided additional comments, a summary of these is provided below:

- Appellant felt that appeal committee members had already made up their mind before the appeal/mid way through the appeal x 2
- They don't look into the health issues of people.
- They should look deeper into the issue.
- Review panel were good and listened objectively. Homeswest were the opposite, they look at things one sided.
- Homeswest often brought the wrong interpreters so it was difficult to communicate.
- If they solved this problem, it would be very helpful to the appellant's family and their health.
- Homeswest Broome should check housing stocks because they are very disorganised.

2.1.9 Factors impacting on appellants' perceptions of fairness

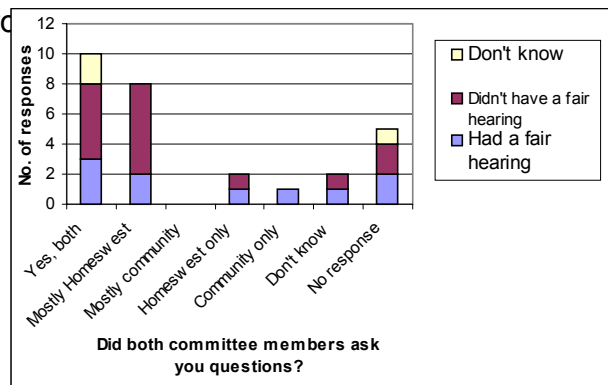
Attitude of committee members

There appears to be a correlation between perceptions of a fair hearing and both those who responded that neither or only one member cared and those that responded that neither or only one member understood the case. Specifically, of the 12 who indicated that neither or only one member understood their case, 8 (66%) also believed they didn't have a fair hearing, 2 (17%) didn't know and only 2 (17%) believed they had a fair hearing. Of the 13 who stated that neither or only one member seemed to care about their case, 12 (92%) stated that they didn't have a fair hearing with only 1 (8%) person indicating they had a fair hearing.



Participation of committee members

With regard to whether both committee members asked questions and perceptions of fairness, there doesn't seem to be an obvious correlation. This is demonstrated in the following chart which shows that of the 11 respondents who indicated that mostly or only one of the members asked questions, 7 also indicated that they didn't believe they had a fair hearing. However, when this is examined in light of the fact that of the 10 people who stated that both committee members asked questions, 5 also stated they didn't have a fair hearing, it is not possible to draw conclusions from

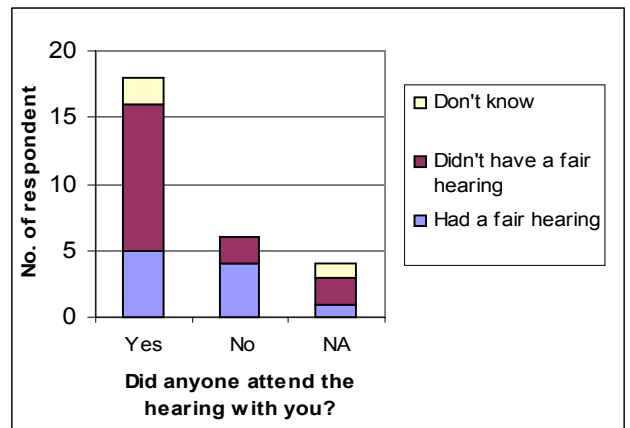
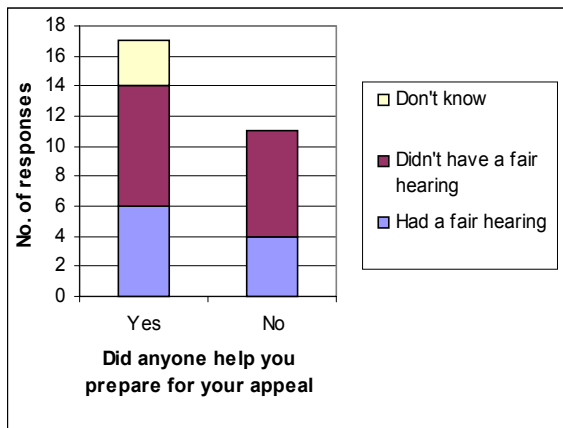


The appellant having a chance to say what they want to

A total of 21 respondents (75%) indicated that they had a chance to say what they wanted to say, with 3 (11%) stating they didn't and 4 (14%) not responding to this question. This clearly indicates that there is no correlation between appellants having an opportunity to put their side of the case and whether or not they believe they had a fair hearing.

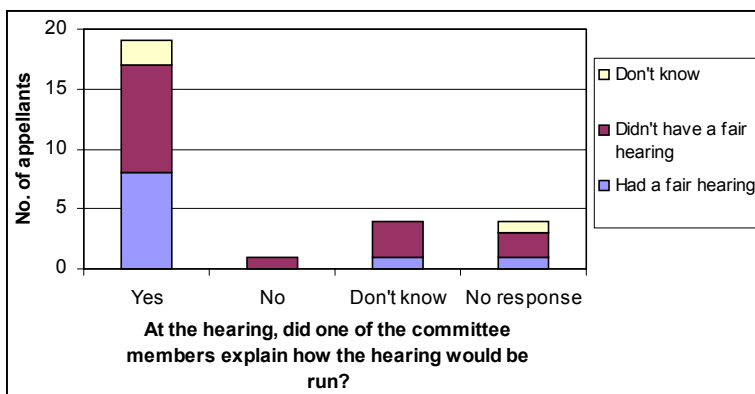
Assistance with the appeal

There doesn't appear to be a correlation between whether respondents feel they had a fair hearing and either having assistance to prepare for the appeal or having someone attend the hearing with the appellant. The lack of correlation can be seen in the following charts that do not show a distinct pattern of distribution between those that had assistance or had someone attend the hearing with them and whether or not they had a fair hearing. Of the 17 who had assistance to prepare for their appeal, 88% (15) indicated that they were either very helpful or helpful with only 12% (2) indicating that they were unhelpful. So while it is clear that obtaining assistance to prepare for the appeal was beneficial to appellants, of itself, this does not appear to be linked to perceptions of fairness.



Explanation of proceedings

The issue of whether proceedings were explained does not seem to be correlated with perceptions of fairness. This can be seen in the following chart that indicates that of the 19 respondents who indicated that proceedings were explained to them, 8 also felt they had a fair hearing, 9 did not and 2 didn't know.

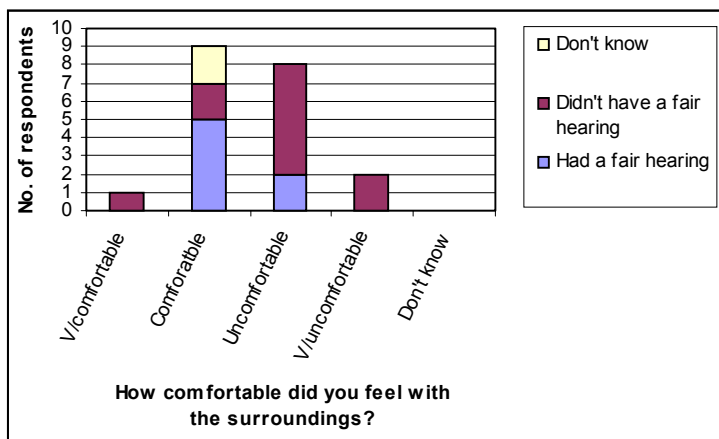


Outcome of the appeal

Given that appellants do not have a right to appear at Tier 3, the questions relating to the fairness of the hearing relate only to Tier 2 appeals. However, the correlation between the outcome of appeal and perceptions of fairness is only meaningful if based on results of the overall outcome, including Tier 3. It is therefore not possible to draw any conclusions in relation to Tier 2 outcomes and perceptions of fairness, but something more usefully explored in relation to overall satisfaction and the outcome of the appeal.

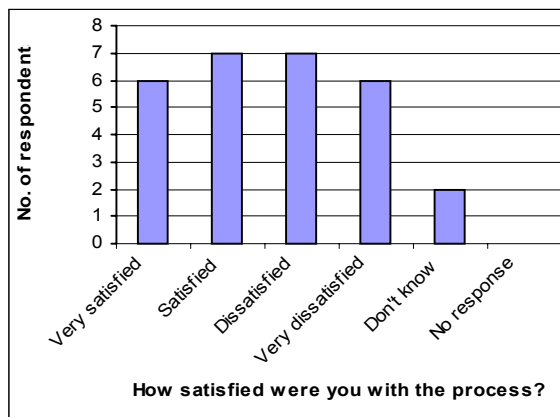
The surroundings

With regards to the level of comfort people felt with the surroundings at the hearing, there appears to be a correlation, with 8 out the 10 people who were either uncomfortable or very uncomfortable also indicating that they didn't feel they had a fair hearing.



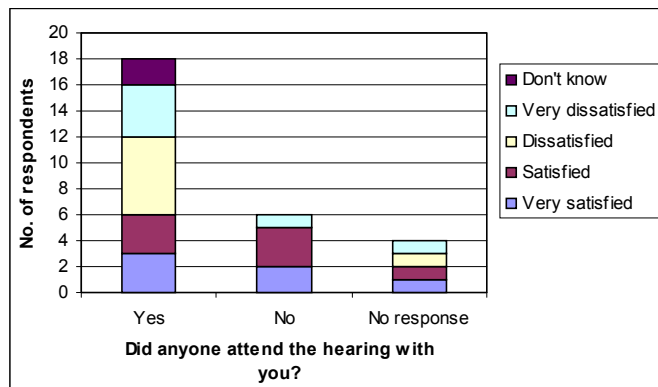
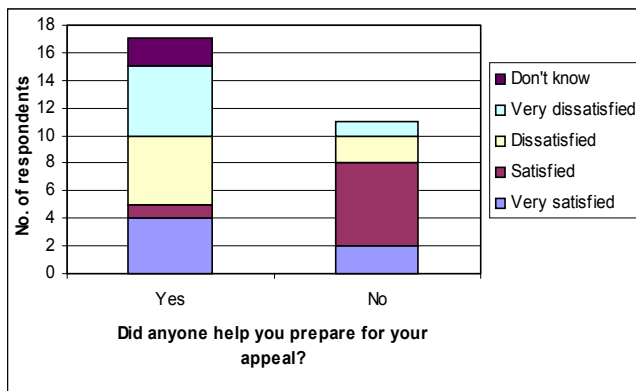
2.1.10 Factors impacting on overall satisfaction

A total of 13 (46.5%) respondents indicated they were either very satisfied or satisfied with the overall process, 13 (46.5%) indicating they were either dissatisfied or very dissatisfied and 2 (7%) being not sure.



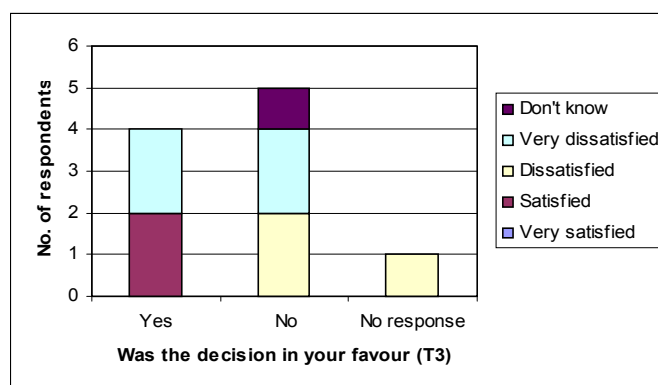
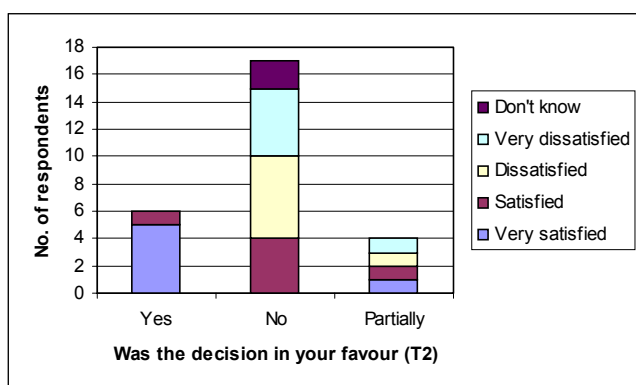
Receiving assistance with the appeal

As was the case with perceptions of fairness, there is no correlation between those who had assistance or those who had someone attend the hearing with them.



Link between satisfaction and outcome of appeal

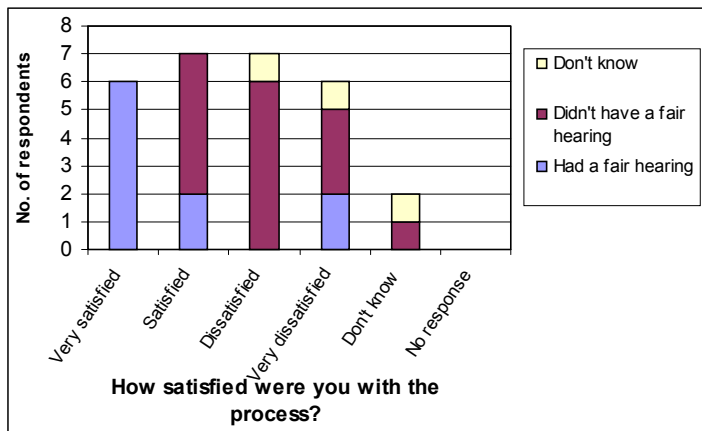
There appears to be a strong link between the outcome of the appeal and the overall level of satisfaction with the appeals process. Of the 13 who were very satisfied or satisfied, 10 (77%) were successful or partially successful at Tier 2, or if unsuccessful at Tier 2, went on to successfully appeal at Tier 3. It should be noted that one respondent who indicated they were satisfied with the overall process was still waiting for a decision at the time of the survey. Conversely, of the 13 who indicated they were either dissatisfied or very dissatisfied with the overall process, 10 (77%) were either unsuccessful at Tier 2 and didn't proceed to Tier 3, or appealed to Tier 3 but were unsuccessful.



Perceptions of fairness

With regards to overall satisfaction of the appeal process, there appears to be some correlation between whether or not appellants believed they had a fair hearing. This can be

seen in the following chart whereby of the 13 people who were either dissatisfied or very dissatisfied, 10 (17%) also believed they didn't have a fair hearing.



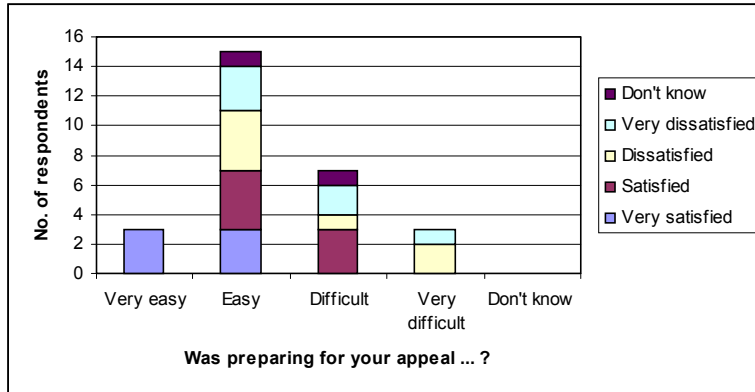
However, it is worth noting that there is a significant proportion of those that were satisfied with the overall process but who also believed they didn't have a fair hearing (5 out of 7). An examination of comments made in relation whether they had a fair hearing and the overall level of satisfaction did not shed any light on this issue. The following is a list of any comments made:

- 1 stated they didn't have a fair hearing because they lost the appeal and provided no comments as to why they were satisfied with the overall process;
- 1 stated they didn't have a fair hearing because they lost but was satisfied with the overall process because their friend was allowed to speak on their behalf;
- 1 indicated that they didn't have a fair hearing because they were stressed and weren't able to explain things properly, they weren't listened to and things weren't explained. However, they provided no comment as to why they were satisfied with the overall process.
- 1 stated that it wasn't a fair hearing as the committee members didn't receive or read relevant and available information but was satisfied with the overall process because 'something is happening, making progress';
- 1 didn't think they had a fair hearing because they were unable to change the hearing date so that a friend could attend with them but provided no explanation as to why they were satisfied with the overall process.

It is difficult to draw conclusions from this data.

Preparing for the appeal

There doesn't seem to be a correlation between overall satisfaction and the degree of difficulty appellants' experienced in preparing for the appeal.



2.1.11 Other factors

Aboriginal and Torres Strait Islanders

Given that 5 respondents were Aboriginal or Torres Strait Islander it is not possible to draw any conclusions specific to this group of people.

Regional variations

Given the strong correlation between the outcome of the appeal and overall satisfaction with the process, it is not difficult to extrapolate regional variations with regards to perceptions of fairness or overall satisfaction.

Culturally and Linguistically Diverse Backgrounds

Given that only 11 respondents indicated they were born outside of Australia, it is not possible to extrapolate specific findings in relation to this group of respondents.

2.2 ADVOCATES

2.2.1 Background

The sample group comprised a total of 24 advocates. Each of the six Ministry of Housing regional offices randomly selected 4 people who had assisted appellants with their appeals during the last 12 months. The contact details, including addresses, were then forwarded to central office and in turn, Shelter WA.

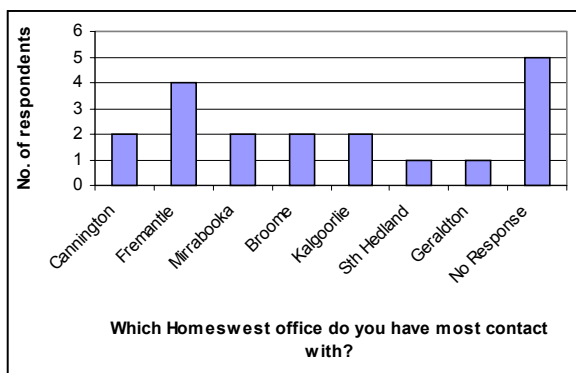
A letter was sent to the 24 advocates explaining the purpose of the review and asking them to complete the enclosed survey.

Initially, only 10 completed surveys were received by the required date. Following this a second letter was sent urging those who had not already completed a survey to do so. This resulted in a further 9 surveys being returned, or a total of 19 (79%).

2.2.2 Profile of Respondents

Location

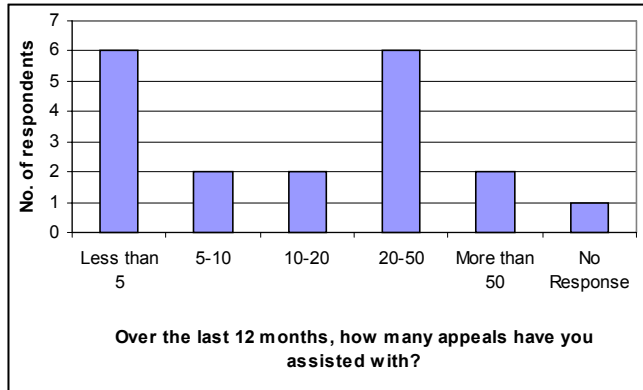
A total of 42% (8) respondents had most contact with metropolitan offices, 32% with regional offices and 26% (5) did not respond to this question. Specifically, the following table provides details of the Homeswest offices dealt with by the respondents.



Ethnicity

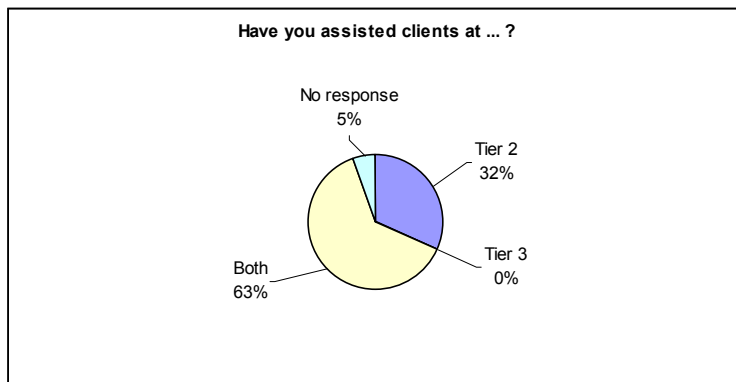
A total of 4 respondents were born in another country, 14 were born in Australia and 1 did not respond. Five respondents identified as being Aboriginal or Torres Strait Islander.

Of the 19 respondents, 32% (6) indicated that they had assisted with less than 5 appeals, and another 32% (6) assisted with between 20-50 appeals. The following chart provides further detail in relation to this issue.



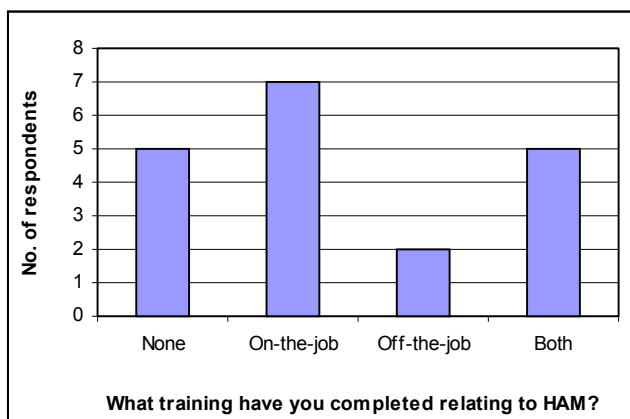
Assistance

A total of 32% (6) respondents have assisted clients at Tier 2 only, with 63% (12) having assisted at both Tier 2 and Tier 3 and 5% (1) did not respond to this question.



2.2.3 Training

In response to a question about whether respondents have completed any training relating to the Homeswest Appeals Mechanism, 74% (14) have completed either on-the-job, off-the-job or both on and off-the-job training and 26% (5) hadn't completed any.



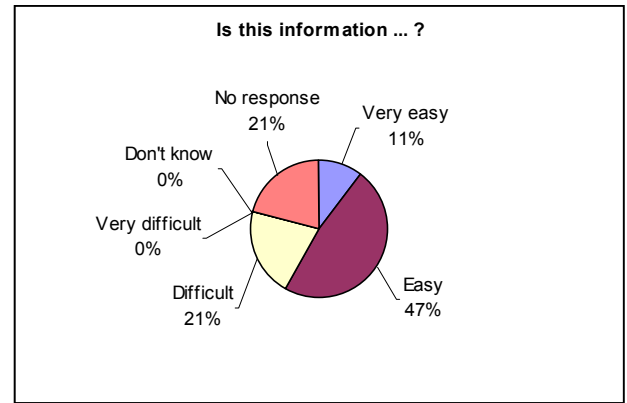
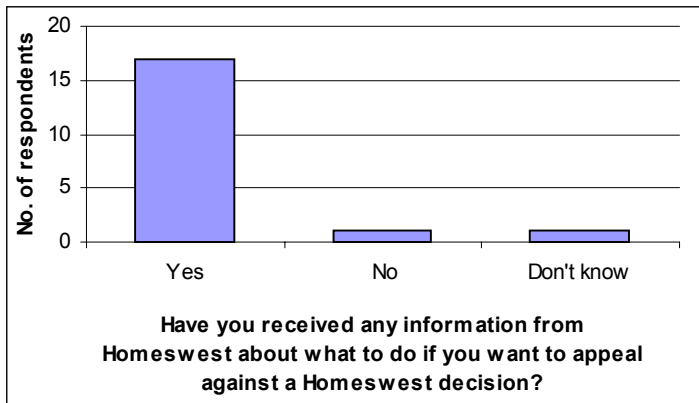
Of the 7 respondents who have completed off-the-job training, the following details were provided about the training completed:

- TAS x 3
- TAS and Homeswest Debt Recovery.
- Homeswest.
- General through public meetings.
- Original HAM training but I have also trained people by workshops.

2.2.4 Before the Tier 2 Appeal

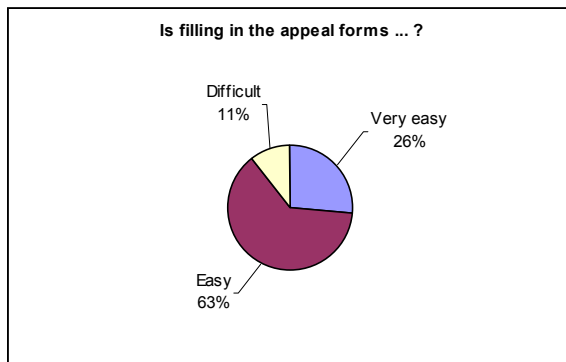
Receipt of information

A total of 89% (17) of respondents indicated that they had received information from Homeswest about how to appeal, with 1 person stating they hadn't and 1 person wasn't sure. However, in the next question which asked respondents to indicate whether the information had been written, verbal or other, only 15 people responded. Of these 15, 11 indicated that it was written information and 4 stated that they had received both written and verbal information. For the 15 who received either written or both written and verbal information, 73% (11) indicated that it was either very easy or easy to understand, with 27% (4) stating that it was difficult.



Preparing for the appeal

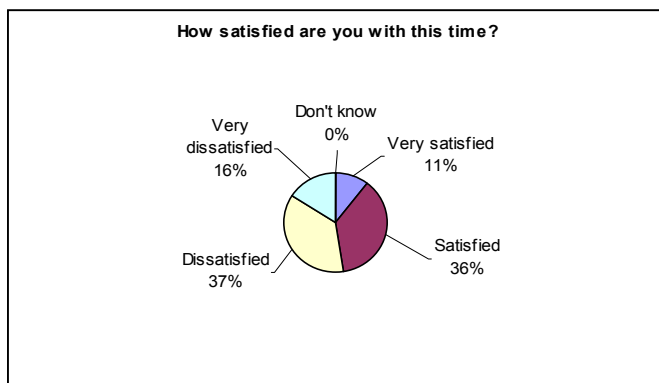
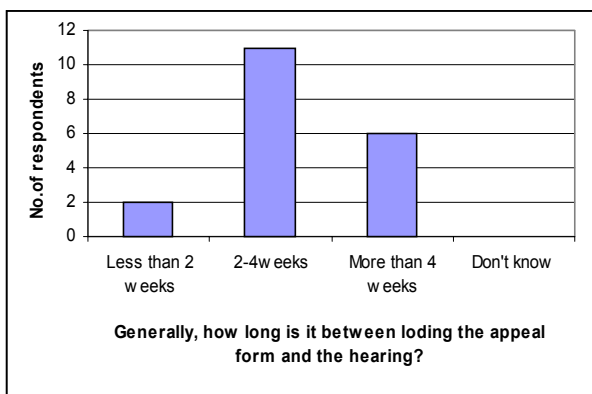
Of the 19 respondents, 89% (17) indicated that filling in the appeal forms is either very easy (5) or easy (12) with only 11% (2) stating that it was difficult.



All 19 respondents indicated that they are aware that they are able to attach information to support the appellant's case, for example medical certificates.

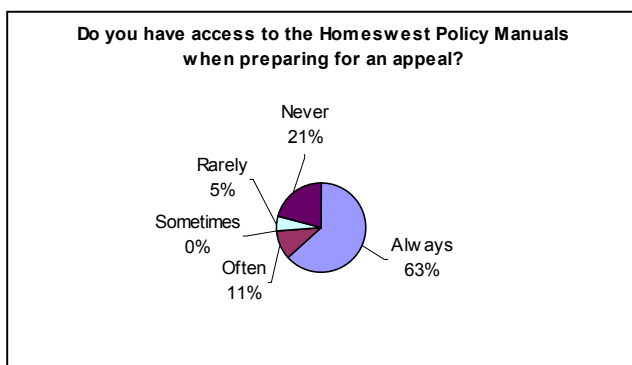
Waiting times

Of the 19 respondents, 2 indicated that the appeal was held in less than 2 weeks, with just over half indicating that it was held 2-4 weeks after lodgement of the appeal forms. The remaining 6 respondents indicated that it took more than 6 weeks. Approximately half (9) of the respondents indicated that they were either very satisfied (2) or satisfied (7) with this time and 10 indicated that they were either dissatisfied (7) or very dissatisfied (3).



Access to Homeswest Policies

In response to a question about how often respondents have access to Homeswest policy manuals when preparing for an appeal, 74% (14) responded either always (12) or often (2), 5% (1) responded rarely and 21% (4) stated that they never have access to these manuals.

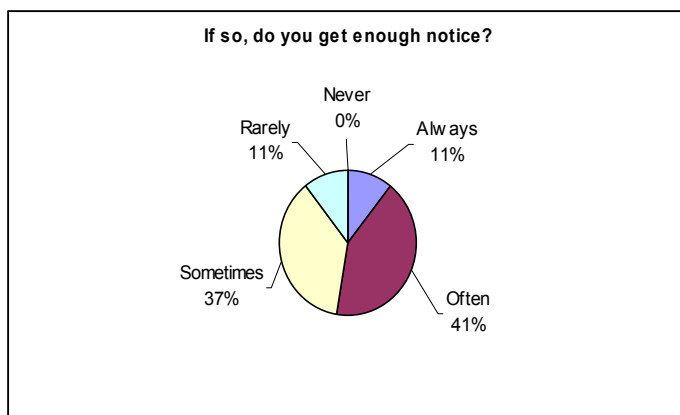
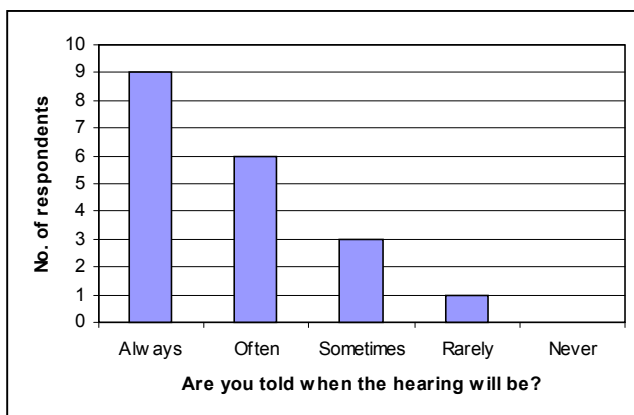


The manual most frequently cited was Rental Operations (13), followed by Maintenance (7), Legal Recovery Procedures (4) and the HAM Information Manual (4).

2.2.5 The Tier 2 appeal

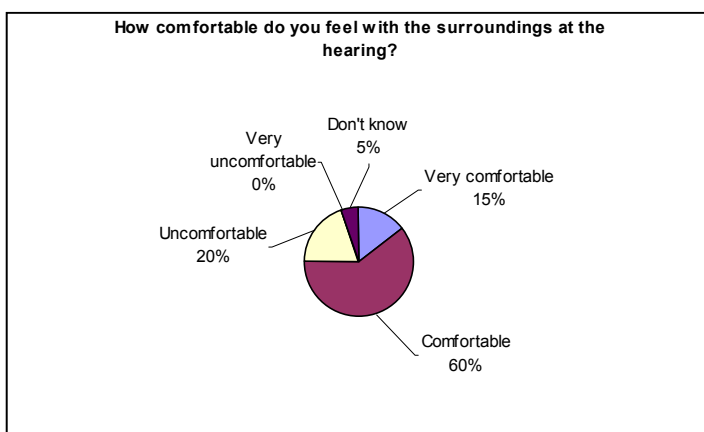
Notice of the hearing

The majority of 15 (79%) respondents indicated that they are told either always (9) or often (6) when the hearing will be, with 4 (21%) stating that they are told sometimes (3) or rarely (1). Of the 19 respondents, just over half (10) indicated that they get enough notice.



The surroundings

A total of 14 respondents indicated that they feel either very comfortable (3) or comfortable (11) with the surroundings at the hearing and one stated that they feel both comfortable and uncomfortable. Four stated that they feel uncomfortable and 1 person was unsure.



Of the 14 respondents who provided further comments in relation to this question, some clearly related to the comfort of clients, others to the comfort of the respondents and for some the comment was of a more general nature.

Comments relating to the attitude/behaviour of committee members:

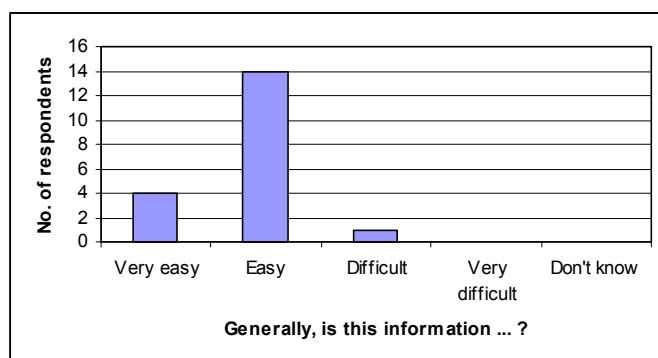
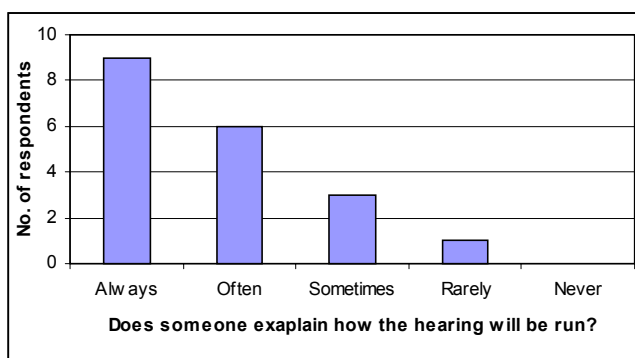
- The committee members were mostly friendly and willing to listen - some hearings are not so friendly.
- The process was friendly and clearly understood

Comments relating to the physical environment:

- The environment was informal and non-threatening
- The client was put at ease/offered coffee
- The office was easily accessible and private
- The room was small which can be intimidating
- Depends on the skill of the Homeswest officer
- Reception staff were courteous and helpful as were the participants from the Ministry of Housing
- The allocated room was neat and comfortable
- Have sat on many hearings and know staff well x 2
- The circular desk is good
- Oppressive for Indigenous people
- Security cameras are not acceptable
- It is not a friendly environment for clients and their children
- Sometimes it is a bit crowded

Explaining the proceedings

A total of 15 (79%) of respondents indicated that someone explains how the hearing will be run either always (9) or often (6) with 4 people indicated that this occurs sometimes (3) or rarely (1). The vast majority indicated that this information was either very easy (4) or easy (14) to understand, with only 1 person stating that it is difficult.



Fairness

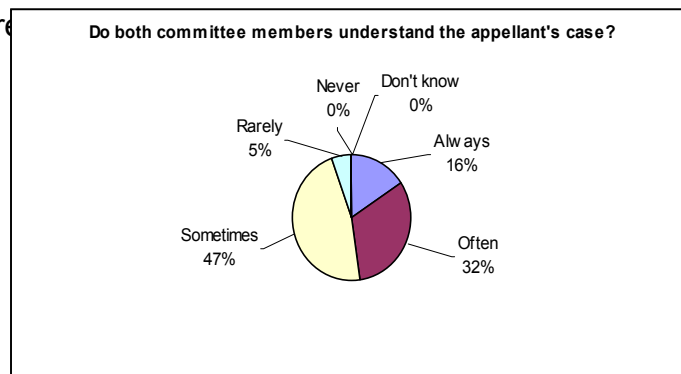
A series of questions were asked regarding aspects of fairness including whether:

- the committee members understand the appellant's case;
- the committee members seem to care about the appellant's case;
- both committee members ask questions during proceedings; and
- the appellant has a chance to say what they want to say.

These questions were followed by a general question about whether, in the respondent's opinion, the appellant gets a fair hearing.

Do the committee members understand the case

Just under half of the respondents indicated that the committee members understand the appellant's case either always (3) or often (6), with 10 stating that this occurs either sometimes (9) or rarely (5).



Additional comments were provided by 12 respondents. A summary of these comments are provided below:

Comments relating to the attitude/behaviour of committee members:

- Each member takes a different interpretation of client's case.
- Usually the Homeswest member's opinion is the way that the case is decided.
- Community members do not always appear to grasp the case, issues and are swayed by Homeswest member going off on irrelevant tangents.
- There is room for a bit more compassion towards clients and their needs.
- They follow policy with tendency to ignore emotional pressure client is under/the material included in the written submission x 2

- Lack of understanding of medical, psychiatric or social issues eg. domestic violence.
- Decision is sometimes pre-made with some members having a bias in the decision making process.
- Community members not understanding policy (do not have access to relevant information) or social issues.
- They should base the decision on facts presented and not policy.
- At some hearings the respondent hasn't heard the community representative speak.
- Hardly any notes are taken on verbal information given.

Comments relating to procedural fairness:

- A tribunal composed of Ministry of Housing officials can not adequate to review its own decisions even if this is balanced by community representative

Comments relating to community representation on the appeal:

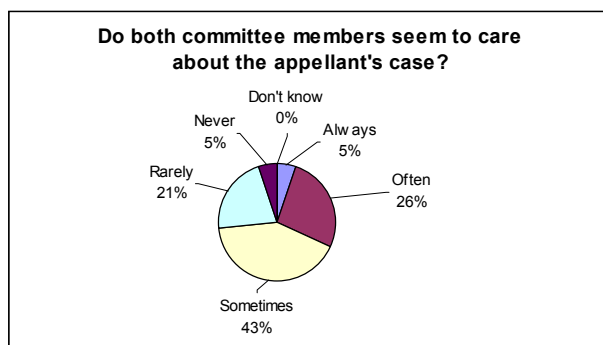
- It is always a problem for Homeswest to locate local community members.

Comments relating to clients feeling of ease:

- Clients often feel uncomfortable and are not feeling at ease to bring the case across.
- Often client presents differently to how she/he really is feeling.

Do the committee seem to care about the case?

Of the 19 respondents, 6 indicated that both committee members either always (1) or often (5) seem to care about the appellant's case. Thirteen indicated that the committee members seem to care about the case either sometimes (8), rarely (4) or never (1).



In addition, 11 respondents provided further comments in relation to this issue. The following is a summary of those comments:

Comments relating to the behaviour/attitude of committee members

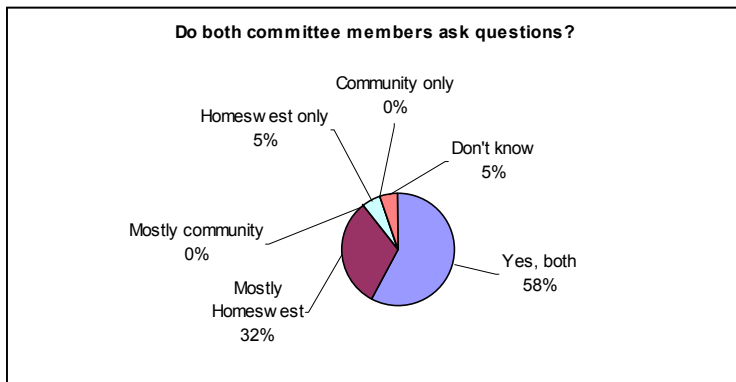
- Sometimes Homeswest member hurry the community members.
- The attitude of 'well why don't you do something for yourself' comes through.
- There is not the depth of understanding about domestic violence and other issues to really see the situation clearly.
- Some are disinterested and appear to have already made up their mind before the appellant comes in.
- Most are sympathetic.
- Community members tend to have very little input, as such difficult to gauge their attitude.
- Homeswest officers vary in their attitude from empathetic and understanding to almost hostile and judgmental.
- Homeswest do not seem to be able to 'let go' of their role, especially Accommodation Managers who run appeals. For example, comments like 'we have to take the word of the Accommodation Manager who filled out the form'.
- They don't seem interested.
- Homeswest always responds that there are no houses available - we are not getting an acceptable response.

General comments

- The senior Ministry of Housing officials seem concerned to protect their policies and seem to have erected defences against identifying with the widespread suffering experienced by indigenous people in relation to housing.
- Committee members need to be more involved with Homeswest policy/procedure.

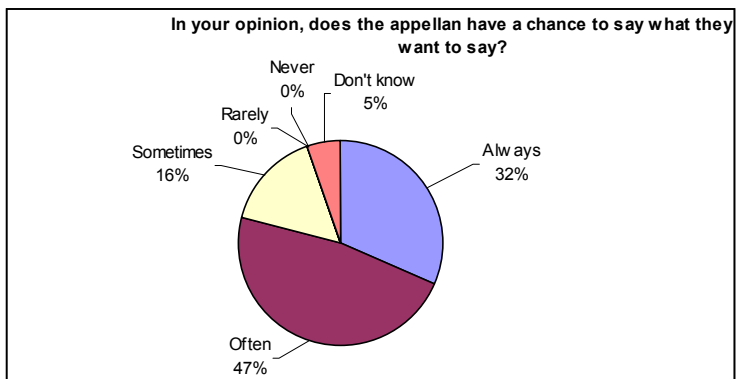
Asking of questions by committee members

Of the 19 respondents, 11 indicated that both committee members asked questions, with 7 stating that it was mostly or only Homeswest and 1 person being unsure.



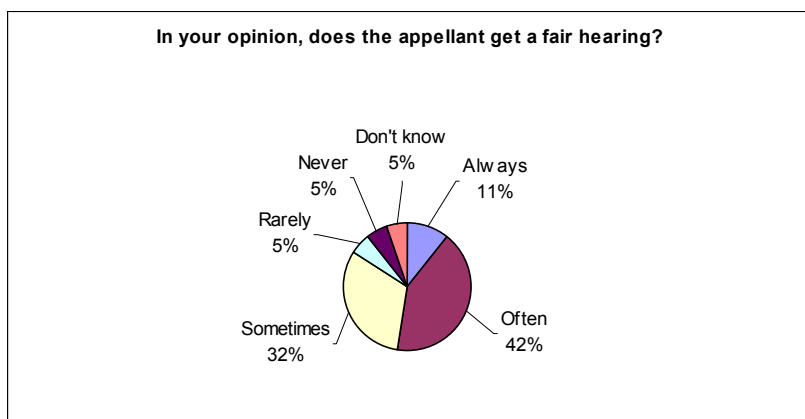
The appellant having a chance to say what they want to

The majority of respondents indicated that the appellant has a chance to say what they want to either always (6) or often (9). Three stated that this occurs sometimes and 1 person was unsure.



Does the appellant get a fair hearing?

A total of 53% (10) of respondents indicated that the appellant gets a fair hearing either always (2) or often (8), 42% stated that this occurs either sometimes (6), rarely (1) or never (1) and 1 person was unsure about this.



In addition, 8 respondents provided further comments in relation to why appellants don't get a fair hearing. A summary of these comments is provided below:

Comments in relation to the attitude/behaviour of committee members:

- On the odd occasion the Homeswest member has already made the decision and usually not in favour of the client.
- There sometimes seems to be a perception that the client is not worthy or doing enough to help themselves.
- Often racial bias seems to come through.
- On occasion the Homeswest officer will determine relevance of material presented and redirect client to areas of concern to them (Homeswest). Other Homeswest officers are quite flexible and will allow client fee rein.
- Often the appeal members focus on other options rather than how the current housing situation is affecting the health, well-being of the appellant.
- The mental health of the appellant does not seem to be given much importance.
- Medical evidence is not often taken into account when the client tries to explain themselves.
- Lack of understanding of Aboriginal housing needs.

Comments relating to the appellant's feeling of ease:

- Because appellants feel uneasy they don't express their opinions.

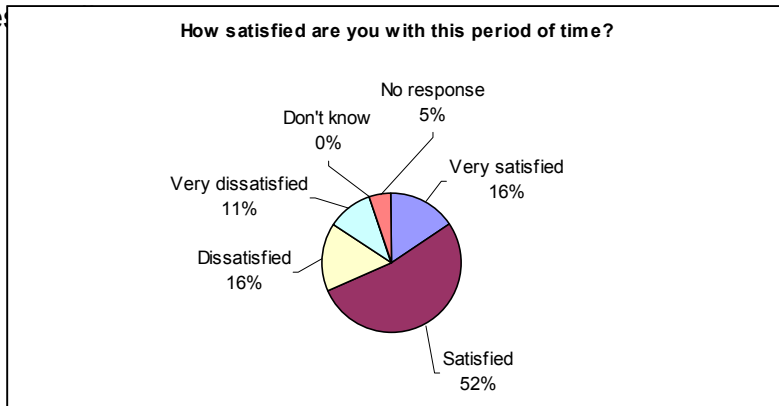
2.2.6 After the Tier 2 appeal

Waiting times

In response to a question about how long it takes to get a decision, the majority of people (14) indicated that a decision is generally received within 2 weeks (varying from within a few days to 2 weeks). One person indicated that it takes 1-3 weeks, another said 2-3 weeks, one person said up to 4 weeks and one person stated that it take 2 months. Finally, one person didn't respond to this question. For all respondents, the average time indicated was 12.7 days (not including the person who didn't respond to this question). However, if the 14

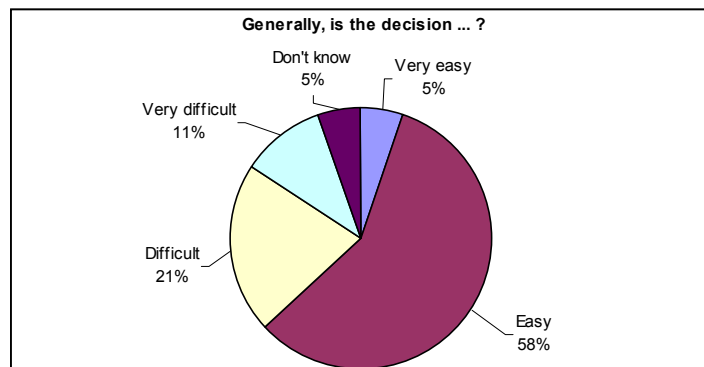
respondents who received a decision within a 2 week period is taken to be the 'norm', the average time for a decision was 8.3 days.

A total of 13 respondents indicated that they were either very satisfied or satisfied with the time taken to get a decision, with 5 being very dissatisfied or dissatisfied and 1 person not re:

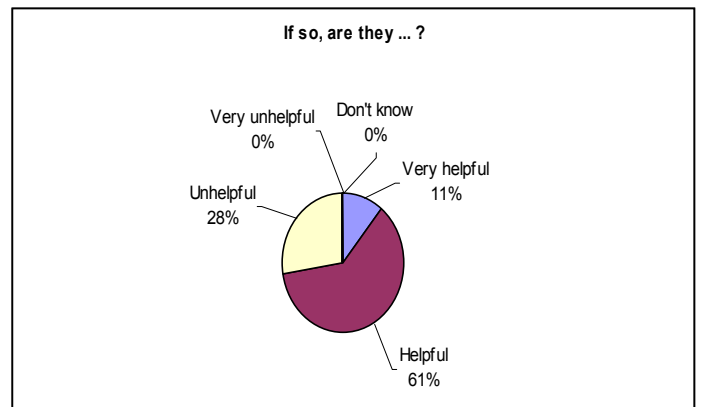
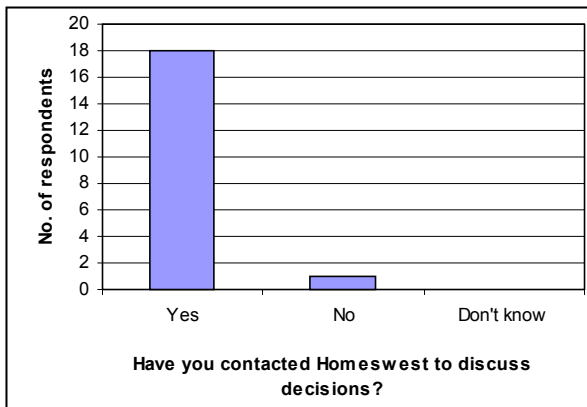


Understanding the decision

A total of 12 respondents indicated that decisions are either very easy (1) or easy (11) to understand, 6 stated that it is either difficult (4) or very difficult (2) and 1 person was unsure about this.



The vast majority (95%) indicated that they have contacted Homeswest to discuss decisions with only 1 person stating that they haven't. Of the 18 who have contacted Homeswest, 13 (72%) stated that they were either very helpful (2) or helpful (11) with 5 (28%) people stating that they were unhelpful.



2.2.7 The Tier 3 appeal

A total of 15 respondents answered questions relating to Tier 3, of which 3 had previously indicated that they had only assisted clients at Tier. In the absence of any explanation for this, all those who responded to questions relating to Tier 3 have been included.

Understanding of Tier 3

Of the 15 that responded, all indicated that they were aware they were able to attach supporting information, for example medical certificates. A total of 14 respondents indicated that they know who they can contact in Homeswest to talk about appeals, with only 1 respondent indicating that they didn't.

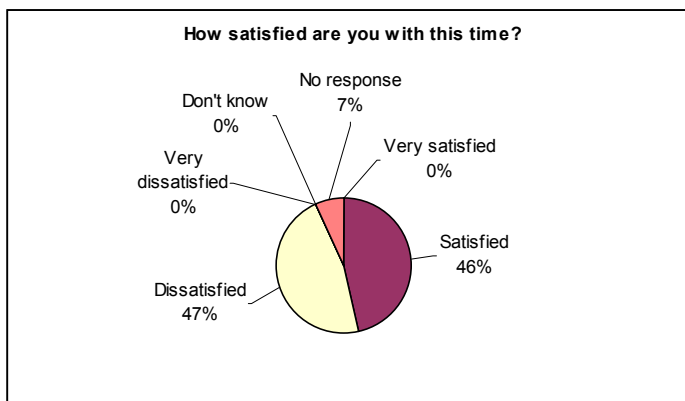
Length of time to get a decision

Of the 12 respondents who answered the question relating to how long it takes to get a decision, the time varied from up to 2 weeks to 1-2 months. The answers are provided below:

- Up to 2 weeks.
- 2 weeks x 2
- More than 2 weeks.
- Approx. 3 weeks.
- 2 – 6 weeks.
- 4 to 6 weeks x 2
- 5 weeks.

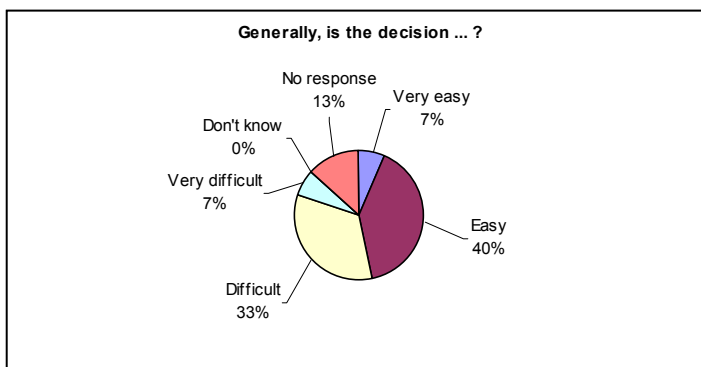
- 1 month approximately.
- 1 to 2 months.
- Too long.
- Depends on advocate collecting medical information.

While there isn't a concentration of answers in a particular time bracket, it is worth noting that 42% (8) indicated that the decision took more than 2 weeks. The level of satisfaction with this time frame was evenly distributed with 7 (47%) stating that they are satisfied and 7 (47%) being dissatisfied. There was one non response to this question.



Understanding the decision

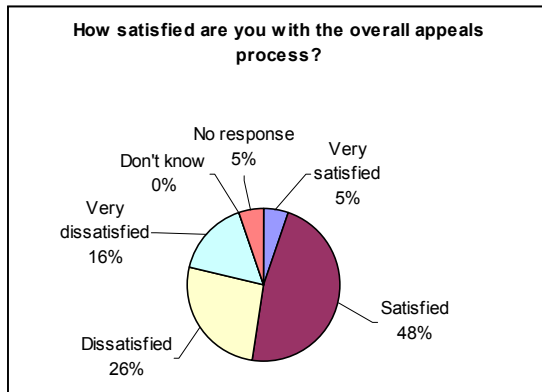
A total of 7 respondents indicated that they found the decision either very easy (1) or easy (6) to understand, 6 find it either difficult (5) or very difficult (1) to understand and 2 people did not respond to this question.



2.2.8 General comments about the appeals process

Overall satisfaction

Just over half of the respondents indicated that they were either very satisfied (1) or satisfied (9) with the appeals process, 8 stated that they are either dissatisfied (5) or very dissatisfied (3) and 1 person did not respond.



Additional comments were received from 14 respondents, a summary of which is provided below:

Comments in relation to the behaviour/attitude of committee members:

- Advocate is satisfied through knowing the process well but believes it would be extremely difficult for a client alone.
- Ministry of Housing are willing to listen to clients reasons for the appeal with an open mind (lately!)
- Mental health issues don't seem to be taken into account at all.
- Often quite intimidating for client.
- Homeswest staff overlook additional information eg. medical certificates.
- More involvement from non Homeswest representatives needed.
- It takes ages to get all the information - you spend a couple of hours picking up the client and taking them back, only to know they really didn't listen.
- They take the Accommodation managers word and not the client's on tenant liability - they might as well say straight out that they believe the client is lying.
- Lack of consistency in decision making process.

- When you walk in they seem to take one look and then everything is cut and dried and then the interview is over.

General comments:

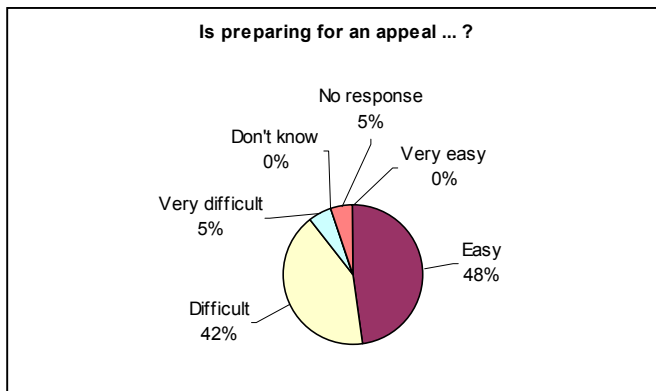
- Generally the appeals process works well.
- At least its an avenue for clients to get a fair hearing.
- The appeals process allows for open discussion on the issues surrounding the appellant and the reasons why etc.
- Face to face debate on the issue seems to have a greater impact.
- If we could have a one to one with Management to show police report numbers of documented domestic violence evidence it could be over quickly, less expense and time consuming.
- It is time wasted a lot of the time, especially when it comes to appealing a debt.
- Lack of (none) Aboriginal local members on housing committee.
- In relation to indigenous health issues, there is no qualified medical representation on Ministry of Housing appeals (eg. makes stark contrast to SSAT).
- It really depends on the matter, its complexity, ability of client to input, evidence available etc.
- Inadequacy of procedures for accessing client information –no awareness of what information in the file is used by appeals panel to make decision (eg. compared to SSAT).

Comments relating to Tier 3

- Tier 3 appears to be more of a formality – lack of information relating to reasons for decision.
- Lack of accountability for Tier 3 panel.
- Homeswest determine what documents go to Tier 3 – client denied right to present case.
- Tier 3 - no written reason at all.

Preparing for the appeal

Nearly half of the respondents indicated that it is either difficult (8) or very difficult (1) to prepare for an appeal, with 9 stating that it is easy and 1 person being unsure.



Additional comments in relation to this issue were received from 14 respondents, a summary of which is provided below:

Comments in relation to the process:

- Feel the process of preparation is not going to yield positive results overall.
- It is difficult to put your appeal across to Homeswest staff who lack understanding.
- Lack of Aboriginal members.
- Homeswest require more and more written information yet rarely put information down on the appeal hearing.

Comments in relation to the preparation of an appeal:

- Assisting the client to fill in the form as they can't do it alone, also writing another updated support letter and then trying to attend with them as an advocate on the day takes a great deal of time.
- It is difficult to assist without supportive documents - documentation requested by Homeswest is often not available and sometimes written information/documentation is not available at all.
- A lot of the information you need from the client happened years ago and they didn't know about the appeals process.
- Because the time is too short to prepare especially if it is a client that is hard to contact.
- Collecting of information is difficult.
- It takes times but if you provide all the information and write a submission it makes it easier for the appellant at the hearing.

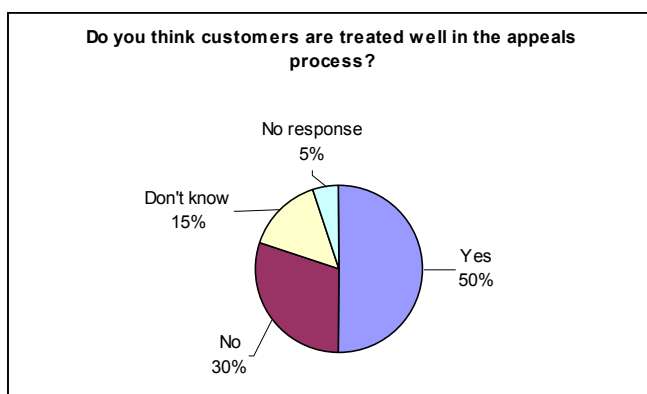
- You can just look at the manual and decide what grounds appeal is on, gather other external evidence, write letter and there you go.
- Is easy through practice.
- We are able to access the resources/information that match the facts of a client's case with policy and procedure.
- It is just a matter of presenting the facts and reasons for the appeal.

Confidence to appeal again

All 19 respondents indicated that they feel confident to advocate for an appellant again if the need arose.

Are customers treated well?

In response to the question about whether respondents believe customers are treated well in the appeals system, a total of 9 (47%) said yes, 5 (26%) said no, 1 (5%) responded both yes and no, 3 (16%) were unsure and 1 (5%) person did not respond.



In addition, 8 respondents provided further comments about this, a summary of which follows:

Comments relating to the behaviour/attitude of committee members:

- Generally yes, although it can depend on the panel members at the appeal, some are better than others in their approach.
- Customers are generally treated courteously. There is however a distinct imbalance regarding information being used by Homeswest to make decision (client lacks knowledge).
- Cannington office quite inflexible about scheduling of appeals (times, dates, etc).

- Increase the knowledge and understanding of meeting the needs of housing Aboriginal people.
- The Ministry of Housing should pick people who have empathy for people in these cases.
- Appellants could be treated with respect and listened to.
- I think appellants are treated respectfully usually, but they are not given support to appeal and often think it is too hard so don't try.
- Only see what happens when represent/advocate for the client - the customers are treated well and Homeswest are very accommodating. However, have seen clients who have done their own appeals and been very unhappy with their treatment.
- Customers are treated well superficially but the actual system does not provide the means whereby the most important issues can be addressed especially in relation to health.

Improving the appeals process

A total of 12 respondents provided comments about how the appeals process could be improved, a summary of which is provided below:

Comments relating to the attitude/behaviour of committee members:

- More independent representation on the Panel ie. 2 independent members and 1 Homeswest member.
- More flexibility in decision making.
- More compassion to individual cases.
- Greater input from community member.
- Many clients appeal decisions on the grounds of their medical/mental disability - at 2nd Tier the decisions lack consistency. An appeal committee aware of medical conditions and their consequences are more likely to decide in favour of clients when the concern is mild or moderate, yet another committee will decline an appeal even though the same condition may be life threatening. A mechanism to produce consistency at the 2nd Tier needs to be addressed to avoid delays of having to go through another appeal. However, in my opinion, the 3rd Tier is consistent on medical issues.
- At the hearing, diversion from arguments for appeal should be avoided by Homeswest representatives.

Comments relating to overall process:

- Ability to have case heard at any Homeswest office.
- Ability to have the Hearing at another place though I am sure Homeswest Mirrabooka would do this if an advocate requested with a reason, but am unsure if other Homeswest offices would do this.
- Appointment of medical and legal members.
- More leeway to speak to management before appeal process gets underway to save time.
- Be good for an advocate to be employed by Homeswest so that appellants are empowered to appeal decisions.
- People need a person to assist them with understanding Homeswest policy, filling in the forms and to provide encouragement, especially people from culturally and linguistically diverse (CaLD) backgrounds or those who have poor literacy skills or are illiterate.
- I think the original decision makers should research the case better - some appeals shouldn't get to the next stage as they blatantly are within the guidelines of Homeswest policy.
- Greater accountability for decisions at Tier 2 and Tier 3.
- Automatic access to file information being used.
- Greater flexibility regarding time/day of appeal.
- Get two local Aboriginal community members who have experience in meeting the needs of housing Aboriginal people and with the interest of housing Aboriginal people.
- Security cameras not acceptable.
- Homeswest to set up a housing panel of Aboriginal people who know how to meet the needs of housing Aboriginal people.
- Longer notice is needed.
- Clients files should be more readily available to clients and advocates.
- Clients are declined assistance based on a lack of understanding of the matter in question and through not finding out appropriate information about clients due to administrative errors.
- It should be independent.
- They set Aboriginal people up for failure by saying find a private rental when they know that their Aboriginality and size of family and references will make it impossible.

Other comments

A total of 7 respondents provided other comments, a summary of which follows:

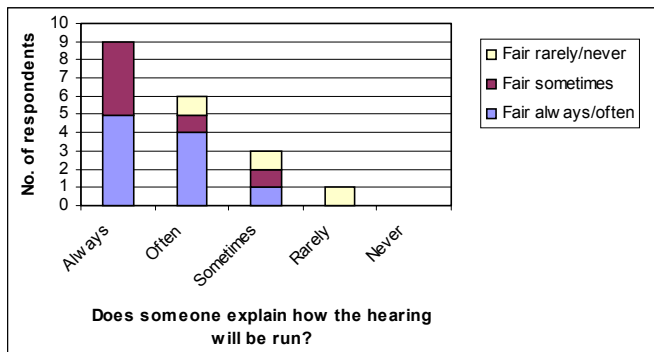
- Like the way Homeswest are able to be flexible in regard to telephone hearings, changing times, etc.
- They do try to cater to the customers needs ie. having an independent members that they believe will make the client comfortable.
- More Indigenous members required.
- Too many priority applications turned down so that they have to go to appeal and unless the person has an advocate they often give up even though under Homeswest policy they are eligible.
- I would like to see Homeswest form an Aboriginal housing group to deal with ways of meeting the needs of Aboriginal people and to deal with other concerns (eg. rent arrears etc).
- Overall as an agency we are very satisfied with the process and contact with Ministry of Housing in Kalgoorlie - we both work at interagency collaboration and frequently talk about meeting the best needs of the client.
- Don't feel comfortable with how Homeswest has decided not to relocate people (who are already in a Homeswest house), so that they can be closer to medical services if they have a medical problem.
- Would like Ministry of Housing staff to treat people on an equal basis. As the old saying goes 'never judge a book by its cover' until you have read and studied the contents of the story thoroughly.
- Some community representatives are really good at asking questions as they have a welfare/financial background - with others you are lucky if you find out their name and that is usually from Homeswest.

2.2.9 Factors impacting on perceptions of fairness

Explanation of proceedings

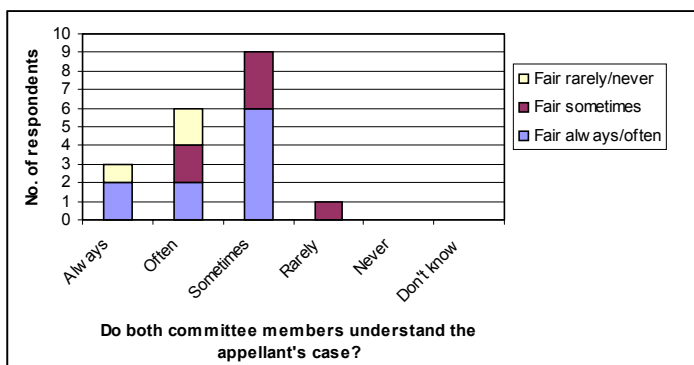
There appears to be a slight correlation between whether the proceedings are explained and respondents' perception of a fair hearing. Specifically, of the 15 respondents who stated that

the proceedings are explained either always or often, 9 (60%) also indicated that they believe appellants have a fair hearing always or often.

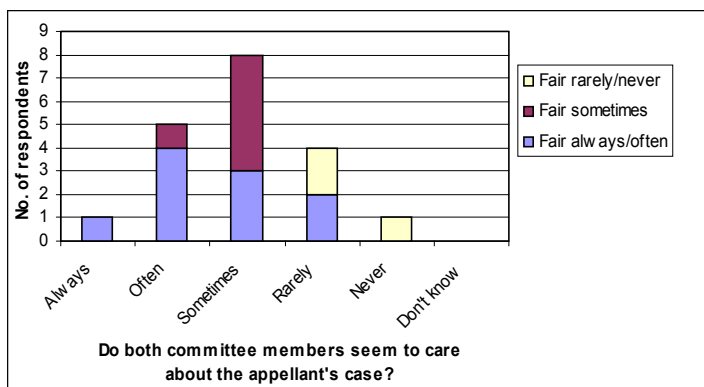


Attitude of committee members

There seems to be a correlation with regards to whether committee members care about the case, however, there doesn't seem to be a discernable correlation with regards to understanding the appellant's case. The following charts show that of the 9 respondents who stated that committee members understand the appellant's case always or often, only 4 also believe that the appellant gets a fair hearing always or often and 3 believed they get a fair hearing rarely or never. In addition, of the 9 who indicated that the committee members understand the case sometimes, 6 also believed appellants get a fair hearing always or often and 4 believed this to be the case sometimes.

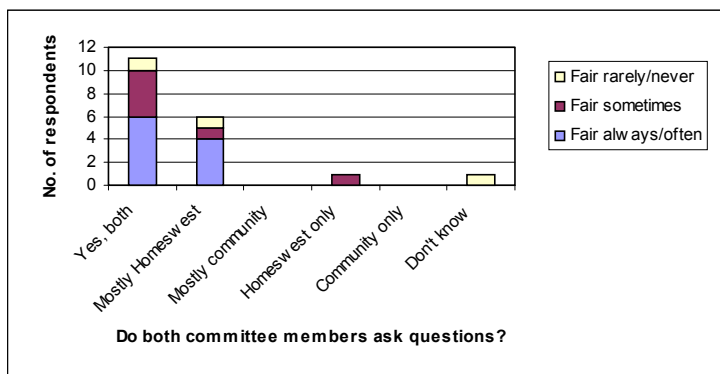


Of the 6 respondents who stated that committee members seem to care about the case always or often, 5 also believe that appellants get a fair hearing always or often. Equally, of the 5 people who stated that committee members seem to care about the case rarely or never, 3 also believed that appellants only get a fair hearing rarely or never.



Participation of committee members

There doesn't appear to be a correlation between whether both committee members ask questions and perceptions of fairness. The following chart shows that of the 11 respondents who stated that both committee members ask questions, approximately half (6) believed appellant's get a fair hearing always or often, 4 stated that this occurs sometimes and 1 indicated that it happens rarely or never. Equally, for the 7 respondents who stated that it is mostly or always Homeswest who ask the questions, just over half (4) also believe that appellants get a fair hearing always or often, 2 stated that this occurs sometimes and 1 believed it happens rarely or never.



The appellant having a chance to say what they want to

Given that 15 (79%) of respondents indicated that appellants have a chance to say what they want to, there does not seem to be any correlation between this and perceptions of a fair hearing.

2.2.10 Factors impacting on overall satisfaction

Training

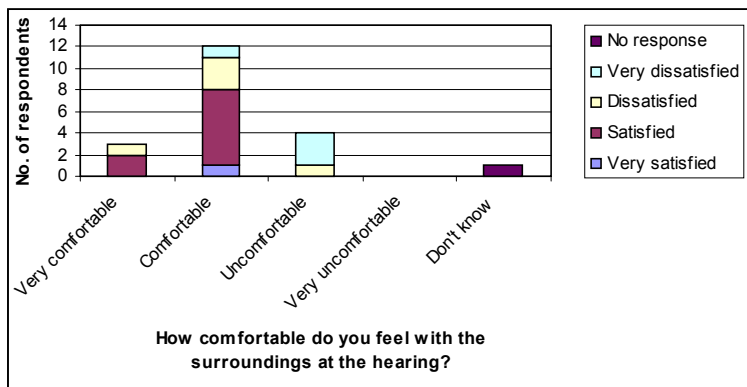
Given only 5 respondents indicated that they have not completed any training relating to HAM it is not possible to extrapolate any conclusions from this.

Access to Homeswest Policy Manuals

Due to the small number of respondents (5) who stated that they rarely (1) or never (4) have access to policy manuals, it is not possible to determine whether there is any correlation with overall levels of satisfaction.

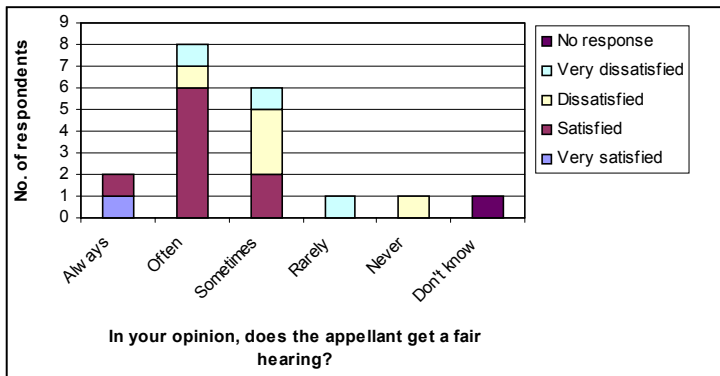
The surroundings

There is a correlation between the level of comfort felt with the surroundings at the hearing and overall satisfaction. The following chart shows that of the 15 respondents who indicated that they felt either comfortable or very comfortable with the surroundings, 10 (67%) were also either very satisfied or satisfied with the overall process. All of the 4 respondents who felt uncomfortable at hearings also indicated that they are either dissatisfied or very dissatisfied with the overall process.



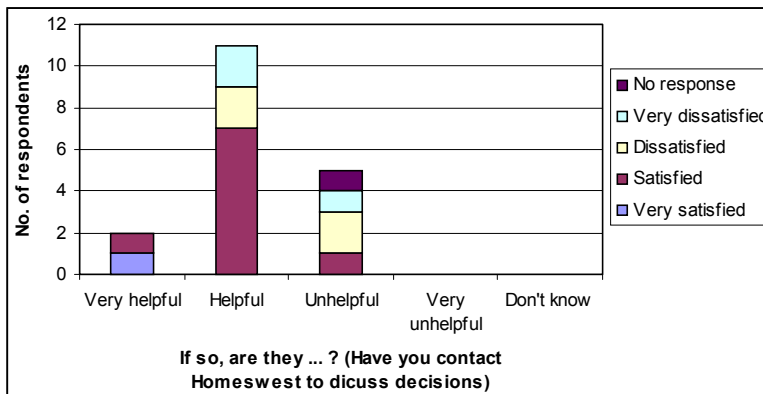
Do appellants get a fair hearing?

Of the 10 respondents who stated that the appellant gets a fair hearing either always or often, 8 (80%) also indicated that they were either very satisfied or satisfied with the overall process.



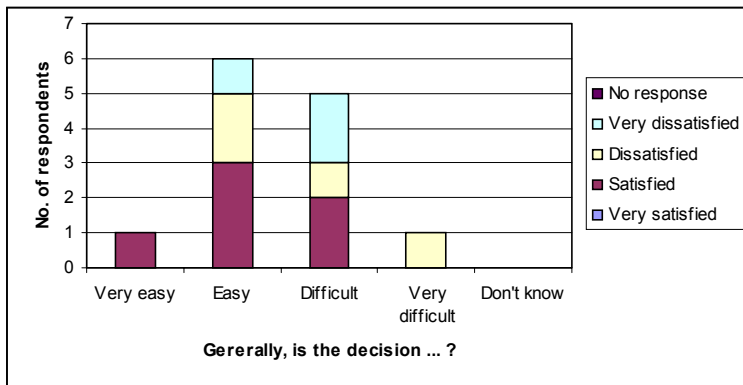
Contact with Homeswest

A total of 18 (95%) of respondents indicated that they have had contact with Homeswest to discuss decisions, of which 5 found them to be unhelpful. Of the 13 people who stated that Homeswest were either very helpful or helpful, 9 (69%) also indicated that they were either very satisfied or satisfied with the overall process. Equally, 3 of the 5 who stated that Homeswest were unhelpful also reported that they were either dissatisfied or very dissatisfied with the overall process.



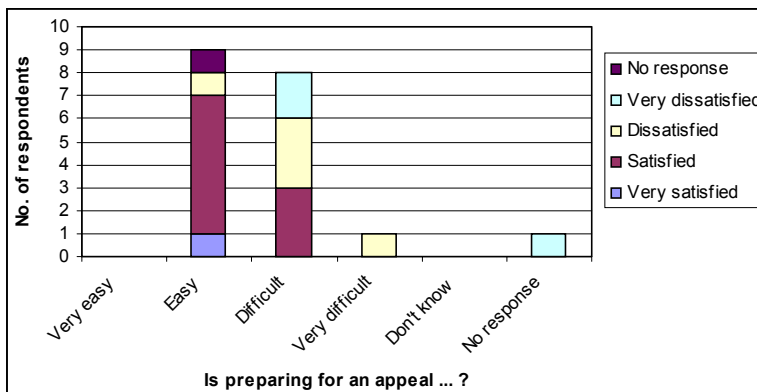
Understanding the decision

Of the 7 respondents who indicated that they found the decision either very easy or easy to understand, half also stated that they were satisfied with the overall process, with the other half being either dissatisfied or very dissatisfied. On the other hand, of the 6 who find the decision either very difficult or difficult to understand, 4 were dissatisfied or very dissatisfied and 2 were satisfied with the overall process. Therefore, there doesn't appear to be a correlation between these factors.



Preparing for an appeal

There appears to be a correlation between the difficulty associated with preparing for an appeal and overall satisfaction of the process. This can be seen in the following chart which shows that 7 (78%) of the 9 people who find it easy to prepare for an appeal also reported being satisfied or very satisfied with the overall process. Equally, of the 9 who stated that they found it difficult or very difficult to prepare for an appeal, 6 (67%) also reported being dissatisfied or very dissatisfied with the overall process.



2.3. APPEALS OFFICERS

2.3.1 Background

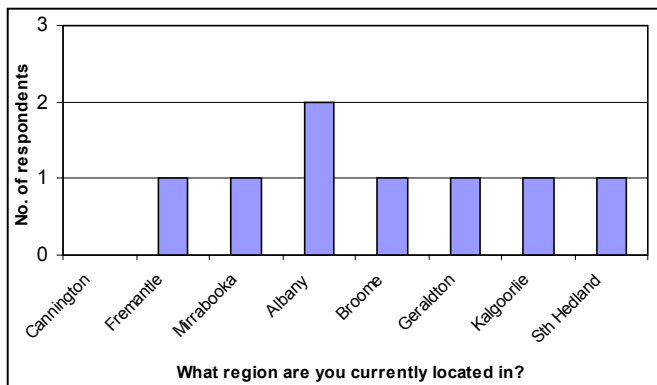
The sample group comprised a total of 9 Ministry of Housing appeals officers. The contact details, including addresses were forwarded to Shelter WA and a letter was sent to all 9 appeals officers explaining the purpose of the review and asking them to complete an enclosed survey.

The response rate was high (89%) with 8 completed surveys received by Shelter WA.

2.3.2 Profile of respondents

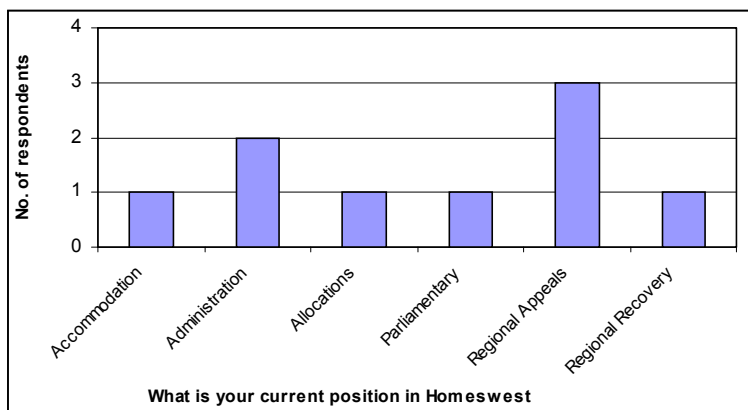
Location

A total of 6 (75%) respondents indicated that they are located in regional areas. The following chart shows the location of all respondents.



Ministry of Housing Position

Respondents held a variety of Ministry of Housing positions including Accommodation Officer, Administration Officer, Allocations Officer, Parliamentary Officer, Regional Appeals Officer and Regional Recovery Officer. The following chart shows the positions of all respondents, with one having indicated that they are both an Accommodation Officer and a Regional Appeals Officer.



2.3.3 Eligibility

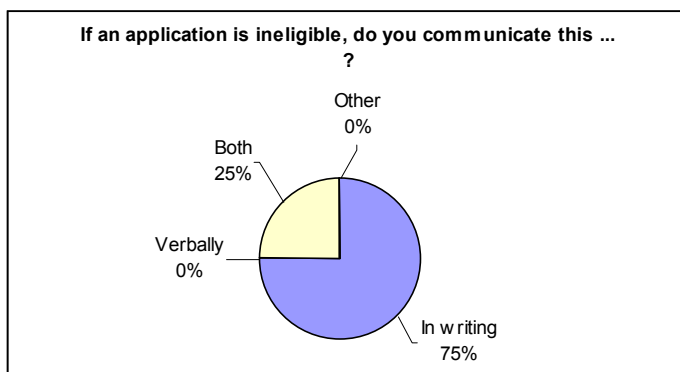
Policy

A total of 6 respondents provided comments on action taken with regards to assessing eligibility if Homeswest policy is silent on the issue. A summary of these comments is provided below:

- Check client details on system and request updated income details.
- Application is assessed by a review officer (usually Customer Service Officer) and endorsed by a senior officer not involved in the review.
- Discuss with the Appeals Coordinator and Policy Officer in Perth.
- Refer to policy manual.
- Common sense, applicant should provide information proving eligibility, discretionary decision by Authorised officer.
- Goes to Assistant Regional Manager for eligibility check.

Notifying Customers

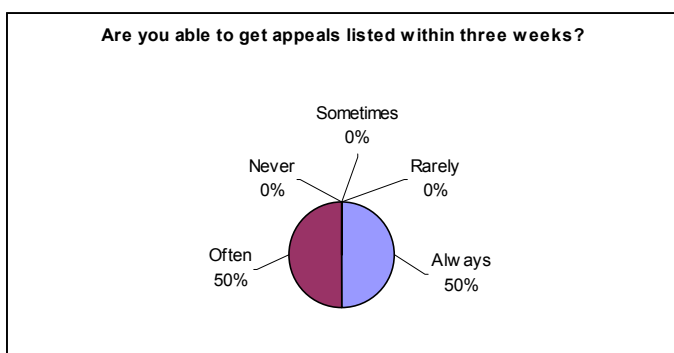
All 8 respondents indicated that reasons for the application being ineligible are communicated to customers. With regards to situations where an application is ineligible, 6 respondents indicated that customers are notified in writing and 2 indicated they customers are advised both verbally and in writing.



2.3.4 Hearings

Listings

Half (4) of the respondents indicated that they are always able to get appeals listed within three weeks with the remaining 4 stating that this occurs often.

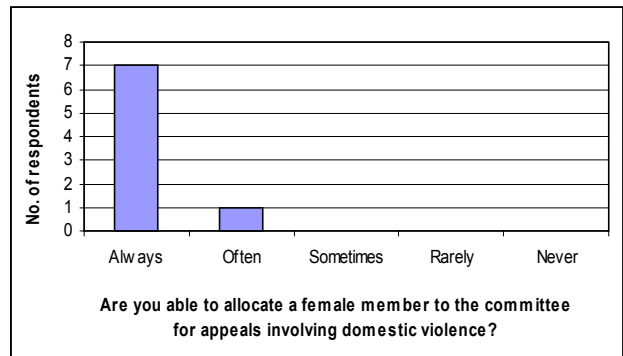
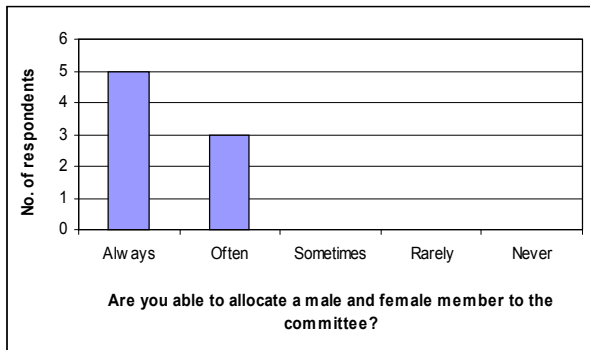


Comments regarding reasons for not being able to get appeals listed within three weeks were provided by 3 respondents. The comments were as follows:

- Certain months have large numbers of appeals.
- The vast majority are heard within 30 days – in actual fact, most.
- Those over 30 days are usually adjourned at the request of the appellant.
- Some appeals are from other country locations - to allow adequate time to make arrangement we go over the appeal time.
- The availability of senior management and community members is limited around the festive season.

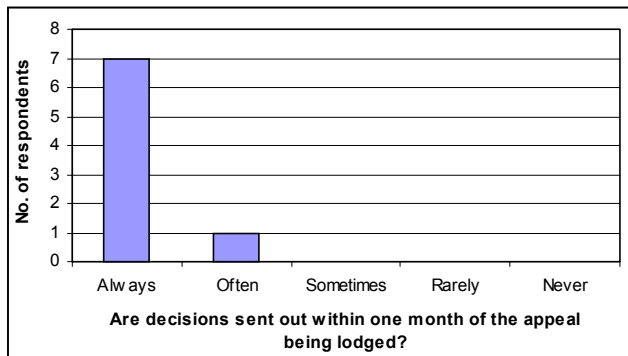
Allocating committee members

All respondents indicated that they are able to allocate a male and female member to the committee either always (5) or often (3). No respondents provided any reasons as to why this may not be possible. With regards to appeals involving domestic violence issues, all respondents indicated they are able to allocate a female member to the committee either always (7) or often (1). Again, no respondents provided any reasons as to why this is not possible.



Decisions

All respondents indicated that decisions are sent out within a month of the appeal being lodged either always (7) or often (1).



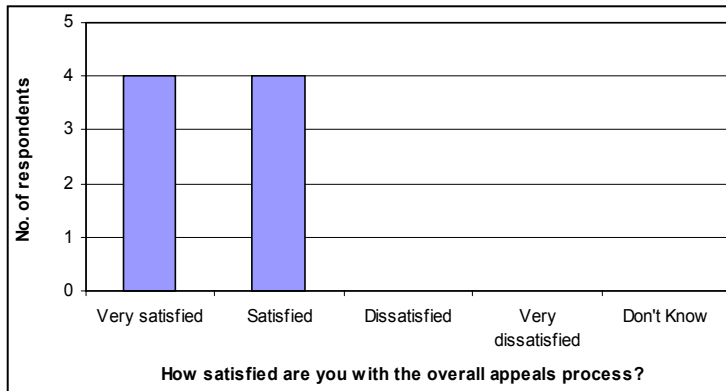
2.3.5 Policy

All respondents indicated that they are informed about policy changes.

2.3.6 General comments about the appeals process

Overall satisfaction

All respondents indicated that they are either very satisfied (4) or satisfied (4) with the overall appeals process.



In addition, 4 people provided further comments regarding their satisfaction with the process. A summary of these comments is provided below:

- Appeals process is fair and just, gives appellant every chance of success.
- Customers need more information at the initial stage - many appeals are lodged with no understanding as to why an adverse decision was made.
- There should be a policy that appellants and officers who made the initial decision have a meeting.
- Appellant has every chance to state their case and every appellant is heard on their own circumstances.
- The process fully allows for procedural fairness without discrimination.

Treatment of customers

All 8 respondents believe that customers are treated well in the appeals system.

Improvements

Three respondents provided comments about how the appeals system could be improved, a summary of which is provided below:

- Would like to see 3 members on the Tier 2 panel – this would do away with ‘hung’ decisions.
- More information on why decisions are made.
- Clear guidelines on what the appeals process is for eg. what you can and can’t appeal. People see the appeals process as a way to overturn a decision they don’t like, rather than a hearing to establish if policy was applied correctly.
- I think the appeals process is fine the way it is, maybe introducing it more to people would be good.
- Applicants and tenants need to have a choice of pathways.
- Appeals hearings are a good way for people to be more open about things and problems.
- Appellants are able to express their concerns in person and are able to learn and understand the procedures of Homeswest.
- From my experience the process appears very solid.

Other comments

One respondent provided additional comments:

- All avenues are explored prior to going to appeal.
- The local community representatives are very good – have been very fortunate in our region getting a good group of people.

2.4. TIER 1

2.4.1 Background

The sample group comprised a total of 36 Ministry of Housing staff involved either in making the initial decision and/or the review decision. Each of the six Ministry of Housing regional offices randomly selected 4 people who had been involved in making initial decisions and 4 involved in making the review decision in the last 12 months. The contact details, including addresses, were then forwarded to central office and in turn, Shelter WA.

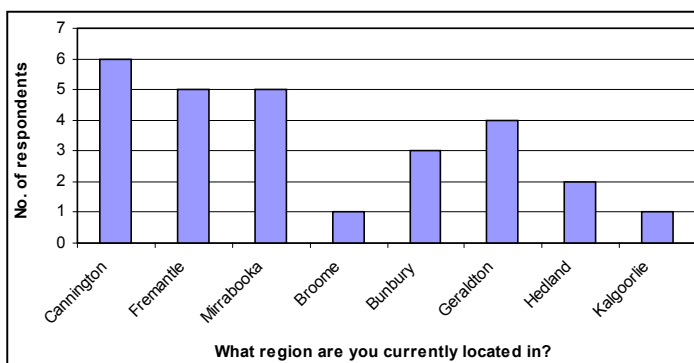
A letter was sent to the 36 Ministry of Housing officers explaining the purpose of the review and asking them to complete an enclosed survey.

Initially, only 17 completed surveys were received by the required date. Following this a second letter was sent urging those who had not already completed a survey to do so. This resulted in a further 12 surveys being returned, or a total of 29 (81%). Of the 29 returned surveys, the data from two was deemed to be invalid due to the respondents not having indicated whether they were involved in the initial decisions and/or the review decisions. This resulted in a total of 27 (75%) surveys for the purpose of analysis.

2.4.2 Profile of Respondents

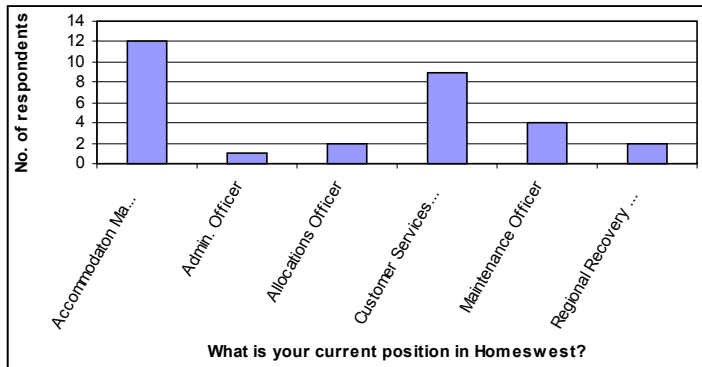
Location

A total of 59% (16) respondents had most contact with metropolitan offices with the remaining 41% (11) being located in regional areas. Specifically, the following table provides details of the Homeswest location of respondents.



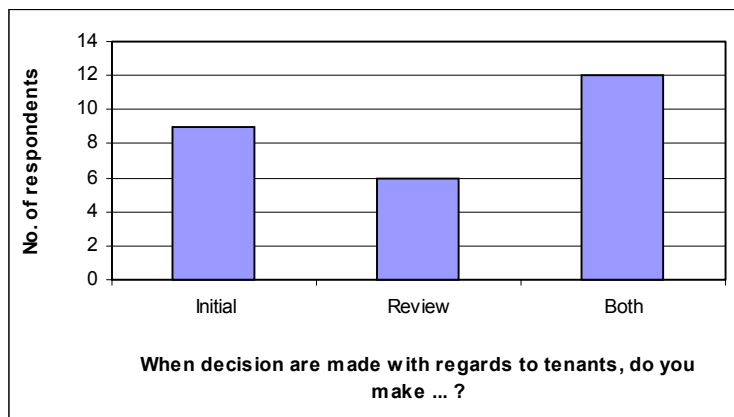
Position with Homeswest

The majority of respondents (78%) were either Accommodation Managers or Customer Service Officers with the remaining 22% being either Administration officers, Allocations Officers, Regional Recovery Officers or Maintenance Officers.



Level of Decision Making

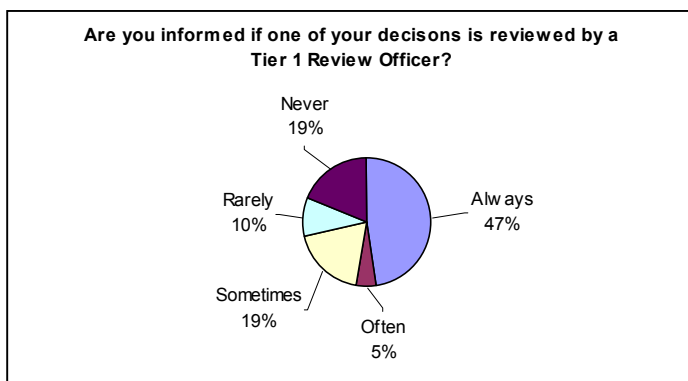
A total of 9 (33%) stated that they are involved in the initial decision only, with 6 (22%) making review decisions only and the remaining 12 (45%) making both the initial and review decisions.



2.4.3 Feedback

Initial Decision Makers

Of the 21 respondents involved in making the initial decision, a total of 11 (52%) stated that they are either always (10) or often (1) informed if one of their decisions is reviewed. A total of 10 (48%) stated that this occurs either sometimes (4), rarely (2) or never (4).



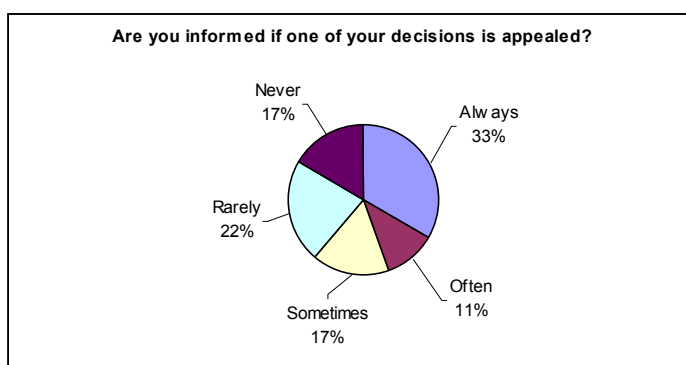
In relation to the manner in which people are informed, additional comments were provided by 11 respondents, a summary of which is provided below:

- By the Appeals Officer.
- In writing x 2
- Present decision to an officer for review of decision.
- Verbally x 2
- The review form is returned.
- Work cannot be continued until review is completed.
- The file is returned to note x 4

Of the 9 respondents who answered a question about whether they would like to be informed, 7 (78%) indicated that they would and 2 (22%) that they wouldn't. The 2 who indicated that they would not like to be informed also indicated that they never are.

Review Officers

Of the 18 respondents involved in reviewing decisions, 8 (44%) stated that they are informed if one of their decisions is appealed either always (6) or often (2), with 10 (56%) stating that this occurs either sometimes (3), rarely (4) or never (3).

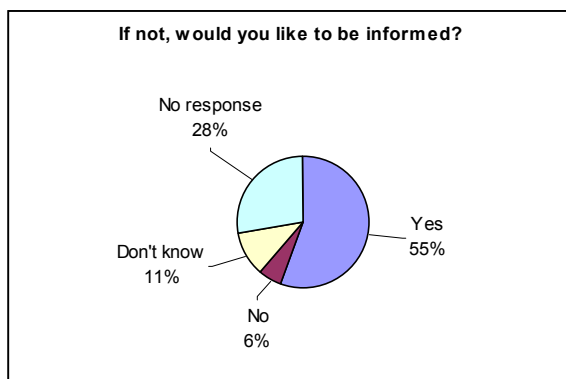


In response to a question about how people are informed if a decision is appealed, 11 respondents provided the following comments:

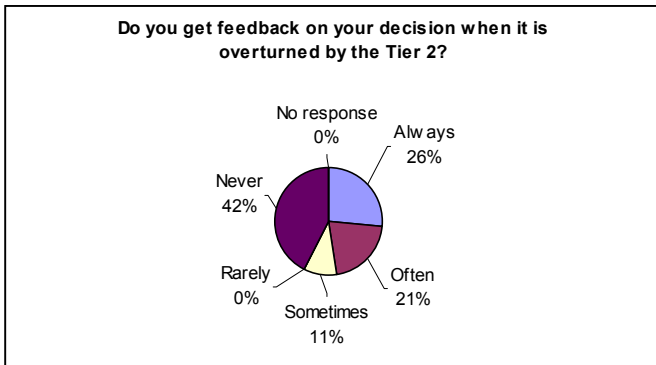
11 responses received:

- By the Appeals Officer x 3 (1 indicated that this can be verbally or in writing)
- Through the file being forwarded/referred x 3
- Occasionally through the file being forwarded.
- By Administration Officer.
- By letter or phone sometimes.
- To provide further info/history.
- Verbally.

More than half of the reviewing officer respondents (10) indicated that they would like to be informed when a decision is appealed, 1 said they wouldn't, 2 were unsure and 5 did not respond. Significantly, of the 5 who did not respond to this question, 4 had indicated that they are always informed and 1 stated that they are sometimes informed. From this it can be concluded that there is overwhelming support for officers being informed when one of their decisions is appealed.



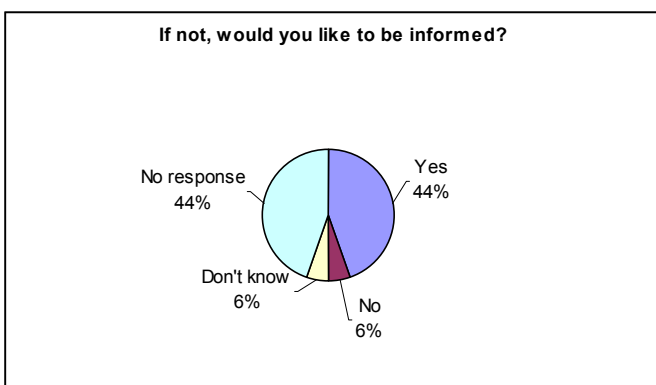
In relation to whether officers get feedback on decisions overturned at Tier 2, 9 (50%) of the 18 reviewing officer stated that this occurs always or often, 2 indicated that it happens sometimes and 8 (44%) responded never. It should be noted that a total of 19 people responded to this question, one of which had indicated that they were only involved in initial decisions. This answer has been included as it is unsure which question has been answered incorrectly.



Of the 18 reviewing officer respondents, 8 provided details on how feedback is given, a summary of which follows:

- Given a copy of decision form.
- The file is forwarded x 2
- Verbally.
- Shown the appeal decision.
- Via appeals officer.
- Via appeals officer/management.
- By correspondence.

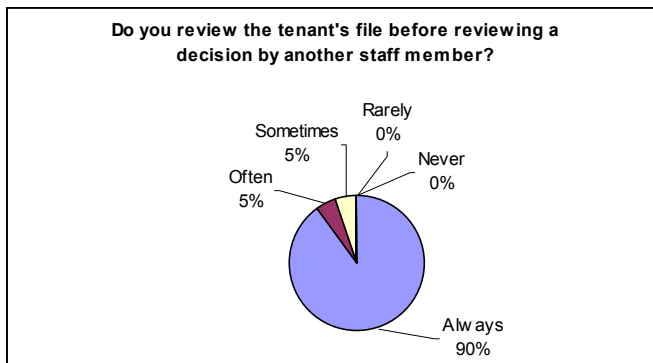
Of the 18 respondents involved in reviewing decisions, 8 stated that they would like to be informed when their decisions are overturned by Tier 2, 1 said they wouldn't, 1 wasn't sure and 8 did not respond.



2.4.4 Tier 1 review decisions

Access to client information

In response to a question about whether reviewing officers review the client's file before making a review decision, 19 respondents answered this question, 1 of which had previously indicated that they are only involved in the initial decision and 1 person responded that this happens always and sometimes.



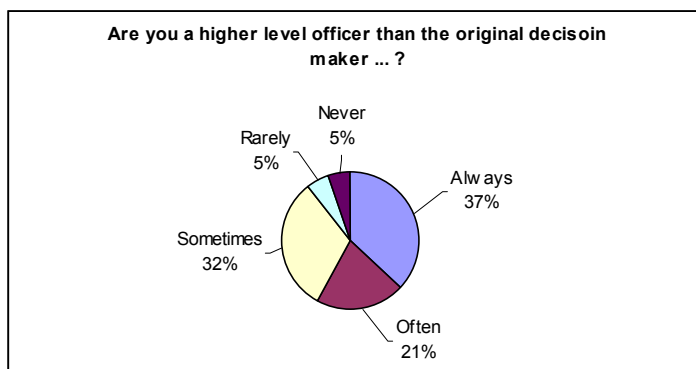
Receipt of information

In terms of the information received when reviewing a decision, all 18 respondents involved in review decision provided details, a summary of which follows:

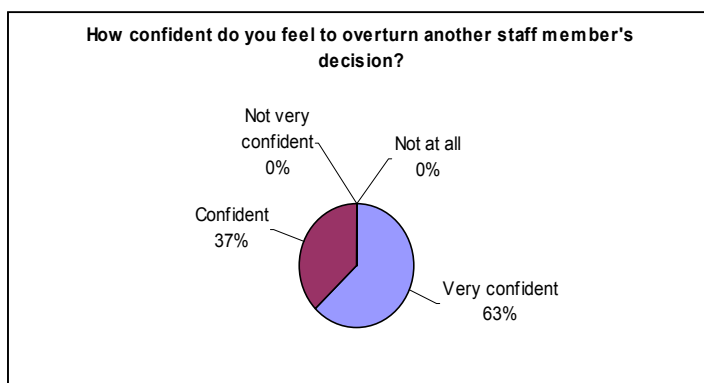
- All relevant information (responses included combinations of files, documents, background on tenant, personal file, application, correspondence, interview papers, tenant supplied information, policy, reasons for decision, past information, maintenance file) x 14
- Medical certificates and relevant documents supplied by tenant in support of case, eg. letters from social workers or F & C's
- Gather any available information.
- Tier 1 – personal file, PCR, Accommodation Manager vetting sheets. Tier 2 – personal file, appeals form and sometimes the lot file depending on what is provided by Appeals Officer.
- New evidence ie. medical information.

Overturning another staff member's decision

A total of 19 respondents answered this question, 1 of which had previously indicated that they are only involved in the initial decision. Of the 19 who responded, 11 indicated that they are a higher level officer than the original decision maker either always (7) or often (4) with 6 responding sometimes, and 2 that this occurs either rarely (1) or never (1).



A total of 19 respondents answered a question about how confident they feel overturning another staff member's decision, 1 of which had previously indicated that they are only involved in the initial decision. All respondents indicated that they felt either very confident (12) or confident (7).



2.4.5 After the Tier 1 review

Provision of information to customers

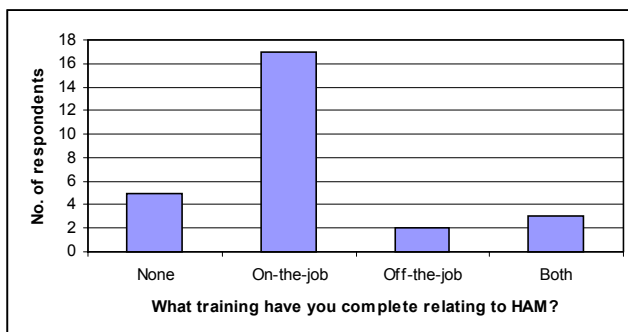
A total of 17 of the 18 respondents involved in review decision provided details about the information that is provided to customers following a Tier 1 review decision. A summary of these responses follows:

- Copy of decision x 4
- Decision form x 6
- Reason for decision x 6
- Appeal form/documents x 5
- Copy of relevant policy x 6
- Review form.
- Letter explaining appeals mechanism.
- Original decision.
- Response prepared by Appeals Officer.
- Relevant paperwork relating to decision.
- Believe customer also receives a statement of their account with tenant liability assessment and also a copy of the PCR.
- Letter and speak with client if asked.
- This is usually done by vacated accounts.
- Information relevant to the decision.
- Copy of Tier 1 form.

2.4.6 Training

Homeswest Appeals Mechanism

The vast majority of respondents have complete either on the job and/or off the job training with only 5 (19%) stating that they haven't. Of those that have completed training, the vast majority have done this on-the-job (17).



In relation to the off-the-job training, 4 respondents provided the following details on this training:

- Homeswest HAM training.
- Workshop (unspecified).
- Training courses with other staff and community representatives on panels.

Domestic Violence

The majority of respondents (19) have completed some form of training in domestic violence issues, with 7 stating that they haven't and 1 person being unsure.



A total of 16 respondents provided the following details on the training undertaken:

- Homeswest Domestic Violence training x 5
- Attended First Aid/Ambulance Officer course which dealt with Domestic Violence.
- Domestic Violence course (no further details given) x 4
- Domestic Violence course and liaised with refuge workers.
- Employed 9 years with the Ministry of Housing, 7 years with Family and Children Services and have attended various courses.
- Domestic Violence course and personal.
- Course which wasn't relevant.
- Workshop(unspecified).
- Several Domestic Violence training courses (unspecified).
- How to Deal with Domestic Violence Issues.
- Years of working with people - maybe had courses.
- Done a course a couple of times with Louis Gatley.

Cultural Awareness

The majority of respondents (22) have completed some form of cultural awareness training, with 4 stating they haven't and 1 respondent being unsure.



A total of 18 respondents provided the following details on training completed:

- Homeswest cultural awareness training x 8
- Cross-cultural awareness (unspecified) x 4
- Aboriginal cultural awareness course (unspecified) x 3
- Cultural diversity (unspecified) x 3
- 2 day course.
- Workshop (unspecified).
- Understanding Their Culture.

2.4.7 Policy

In response to a question about which policy manuals are used most frequently, the Rental Operations policy was listed by all 27 respondents, with the Maintenance policy being the next most used (10), followed by the Legal Recovery Procedures (8), and the HAM Information Manual (3).

A total of 25 (92%) of respondents indicated that they are informed about policy changes, with 1 (4%) stating that they aren't and 1 (4%) stating that this occurs 'somewhat'.

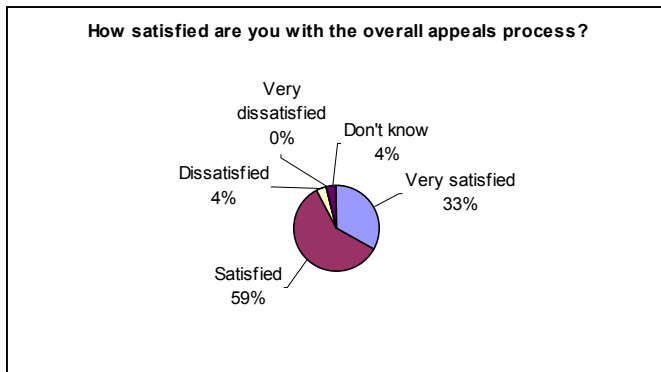
2.4.8 Discretion

All 23 respondents with discretionary powers indicated that they feel confident to use them when making a decision.

2.4.9 General comments about the appeal process

Overall satisfaction

The vast majority (25) of respondents indicated that they are either very satisfied (9) or satisfied (16) with the overall appeals process, with 1 person stating that they are dissatisfied and 1 being unsure.



A total of 19 respondents provided additional comments as to their level of satisfaction with the appeals process. A summary of these comments is provided below:

Comments relating to outcomes for clients:

- Community representatives are experienced, have relevant background and are very impartial, so decisions are in line with the spirit of policy and influenced by the tenant circumstances.
- Believe that all persons (via appeals system) have an opportunity to have decisions reviewed, that they believe to be wrong.
- The appeals hearing are quite informal and therefore less threatening to our clientele.
- Not aware of any complaints.
- It is fair and equitable – the statistics prove this (at this region) – with neither dismissed or upheld dominating.
- Appears to work smoothly.

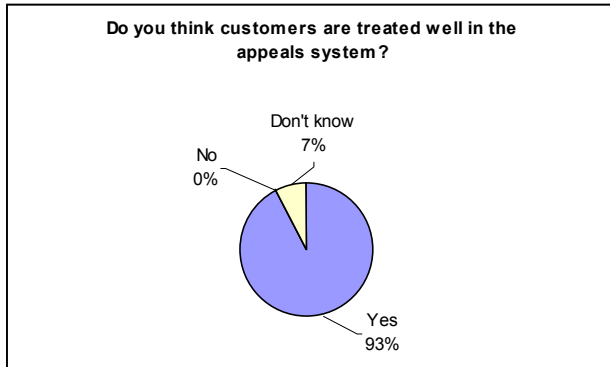
- All clients are given fair treatment in regards to appeals. They are given independent committee members to appeal to ie. community representatives and a Homeswest Manager not involved in the original decision.
- Everyone has the right to appeal.
- Gives applicants chance to be heard by Ministry of Housing (usually a Manager) and independent community representative which is a very fair system.
- All persons including the appellant are kept fully informed during the process.
- Other than not knowing of appeals and outcomes – the process for customers is easy to understand and they have further stages if unhappy with outcome.
- The process of appeals is very straight forward. A lot of good results.
- Applicants have an initial interview and are processed via policy guidelines. If they disagree can then go on to an appeals interview with more information and discretionary powers can be used.
- Satisfied that provides tenants with option to give their reasons face to face with people not involved in the original decision including a non Homeswest representative.
- Fair structure set up to ensure customers have opportunity to have their case heard.
- Decisions made are generally fair.
- Because it is a fair system

Comments relating to Ministry of Housing officers:

- Lack of feedback on reasons for decision being overturned or changed.
- Lack of clear, concise rulings for staff to follow.
- Satisfied that have the experience and understanding of policy to utilise discretion.
- Most decisions are made on their merits.
- Surprised at times when decisions overturned – decision makers are too sympathetic and have not read files thoroughly.
- Satisfied in that customers have the right of appeal however considers many decisions made at 1st Tier have not been properly reviewed and should never have gone to 2nd Tier.

Treatment of customers

A total of 25 (93%) of respondents believe that customers are treated well in the appeals system.



Only 1 response was received regarding improvements to ensure customers are treated well:

- Although from what I see and do I feel customers are treated well, this is not the feedback I get from many customers - on many occasions at 2nd Tier, customers tell me they find the staff who interview them are unhelpful and uninterested in the situation, possibly because they are busy filling in a proforma rather than actively listening to customers. However, I am only involved in Tier 2 review panel when I am required to act in a Manager's position.

Improvements

Comments about how the appeals system could be improved were received from 12 respondents, a summary of which follows:

Comments relating to decisions:

- Reviewing officers should read files thoroughly, more feedback on decisions.
- Realistic decisions should be made in accordance to waiting times and demands.
- Tier 3 could provide some feedback on why they have overturned a decision – could be a training issue.
- Feedback is essential particularly to officers who have their decision overturned on a regular basis.

Comments relating to overall appeals system:

- Management referring decisions to staff to ensure decisions are being made correctly at 1st Tier.
- Customers should be given 6 months to lodge an appeal instead of 12 months.
- Feedback from appellants will be helpful for self-assessment.
- I appreciate that the Ministry may have a number of appeals to be heard at any given time, however, I think the Ministry should look at the subject of the appeal and ensure appeals in relation to housing issues eg. priority are heard ASAP, perhaps in front of a tenant liability appeal even if the tenant liability appeal was received first as the issue of housing on a priority basis should be considered urgently.
- More notice for times of appeal for tenant.
- Relaxation of 12 months rule as this is not fair on some appellants ie. people in prison - we need to be more sympathetic towards these tenants.
- Applicants should be informed when to stop if they reach 3rd Tier and not to keep going.

Comments relating to training:

- Training should be given to staff who are likely to be involved in making review decisions, not just the regular managers who are involved but also those who may be required to act in a manager's position.
- Customer Service Officers and Accommodation Managers who make the initial decision also need ongoing training on policy so they are applied correctly.
- Maybe advocates could receive some training and provide better support to their customers.

Other comments:

- Some of the advocates (NOT appeal members) do encourage clients to appeal unnecessarily.

Other comments

One comment was provided as follows:

- Feel that the appeals process works quite well and that the majority of decisions are fair.

2.5 TIER 2 COMMITTEE

2.5.1 Background

The sample group comprised a total of 18 Ministry of Housing officers and 18 Community representatives. Each of the six Ministry of Housing regional offices randomly selected 4 Ministry of Housing Officers and 4 Community representatives who had sat on Tier 2 appeals during the last 12 months. The contact details, including addresses, were then forwarded to central office and in turn, Shelter WA.

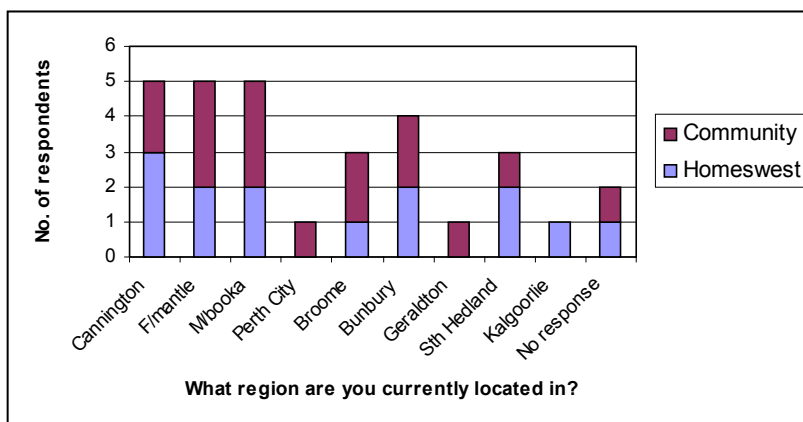
A letter was sent to the 36 Tier 2 members explaining the purpose of the review and asking them to complete an enclosed survey.

Initially, only 24 completed surveys were received by the required date, of which only 10 were from Ministry of Housing officers. Following this a second letter was sent to the Ministry of Housing officers urging those who had not already completed a survey to do so. This resulted in a further 5 surveys being returned, or a total of 29 (81%).

2.5.2 Profile of respondents

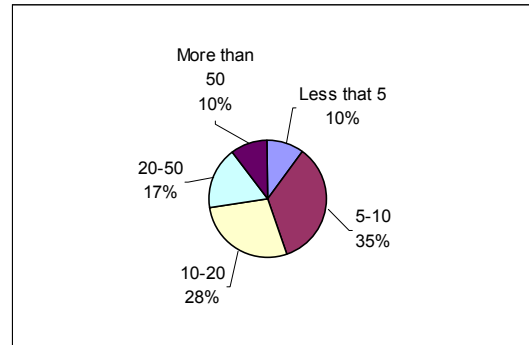
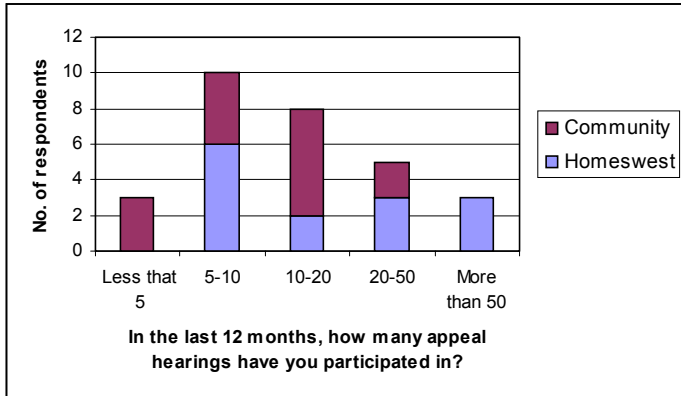
Location

A total of 55% (16) respondents indicated that they are located in metropolitan offices, with 41% (12) being located in regional offices and 1 person not responding. The following chart provides details of the location of respondents.



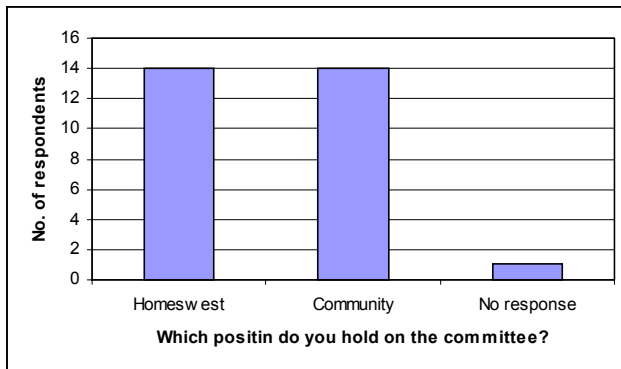
Number of Appeals

Just over half (18) of the respondents have participated in 5-20 appeals over the last 12 months with 5 having participated in 20-5 and 3 participating in more than 50.



Representation

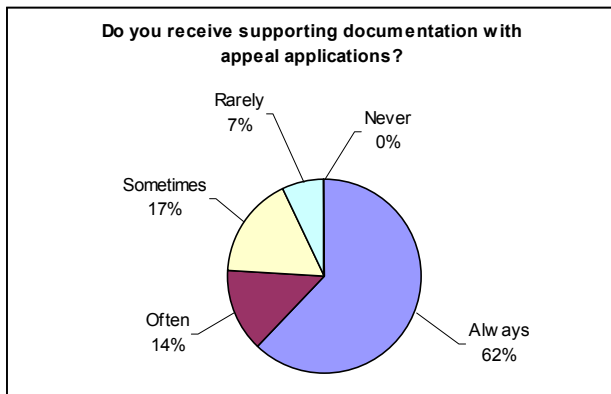
Of the 29 respondents, 14 were Ministry of Housing Officers, 14 were community representatives and 1 person did not respond.



2.5.3 The Tier 2 appeal

Applications

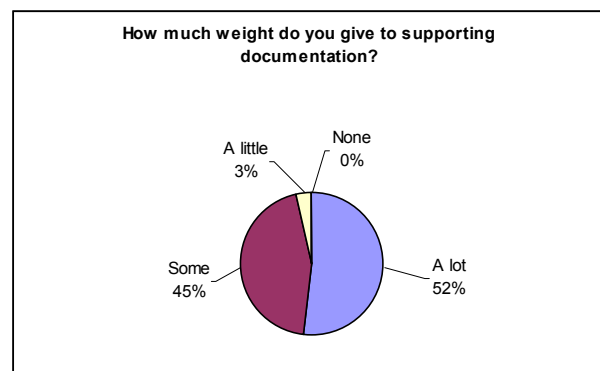
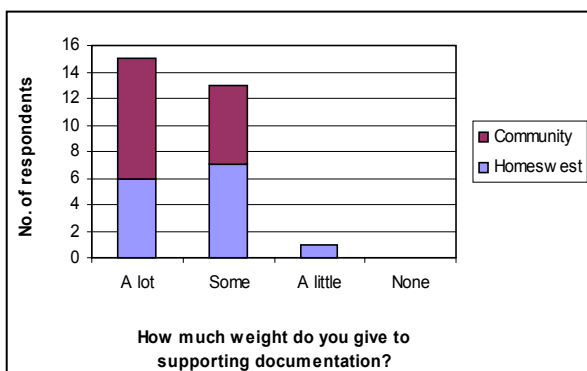
A total of 22 respondents indicated that they receive supporting documentation either always (18) or often (4) with 7 stating that this occurs either sometimes (5) or rarely (2).



With regards to supporting documentation, 23 indicated they receive letters of support, 22 stated they receive medical certificates and 13 indicated other types of documentation. Of the 13 who responded that other forms of documentation are received, 11 provided the following details:

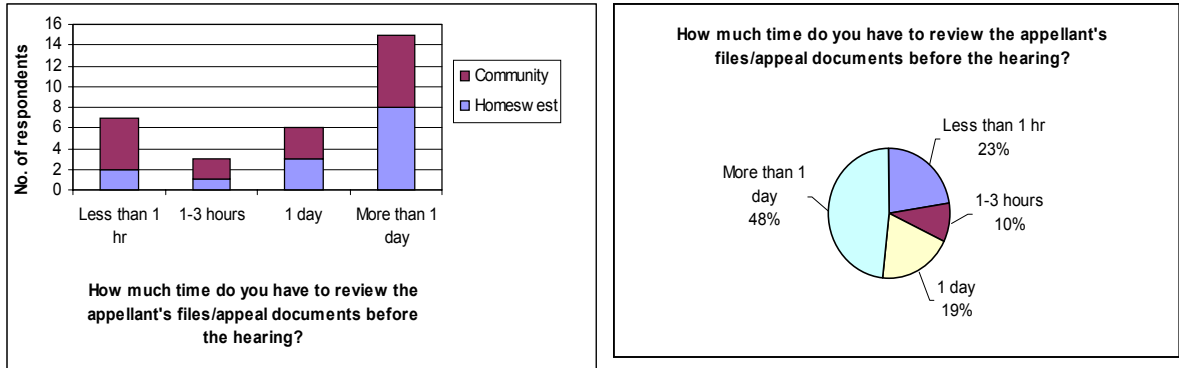
- Correspondence.
- Relevant Homeswest documentation.
- All necessary documents x 4
- Client appeal form with reasons for appeal/personal statements x 2
- More information would be helpful.
- Police report numbers/police reports x 2
- Legal documents.
- Real estate offer and acceptance.
- Restraining orders x 2

Of the 29 respondents, 15 indicated that they give a lot of weight to supporting documentation, 13 responded some and 1 stated a little.



Preparation

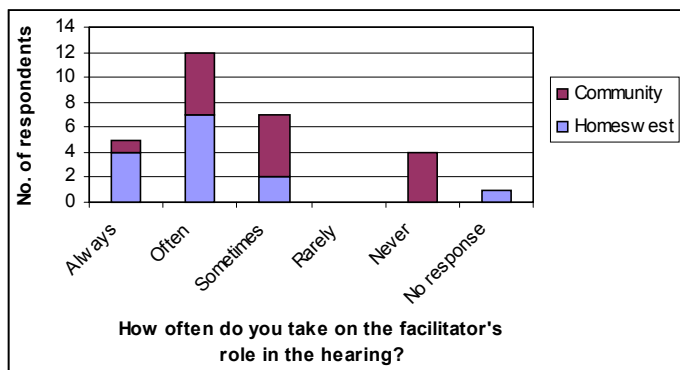
While the majority of respondents indicated that they have either 1 day or more than a day to prepare for appeals, a significant proportion (34%) indicated that they have either less than 1 hour or 1-3 hours to prepare.



2.5.4 The Tier 2 hearing

Facilitator's Role

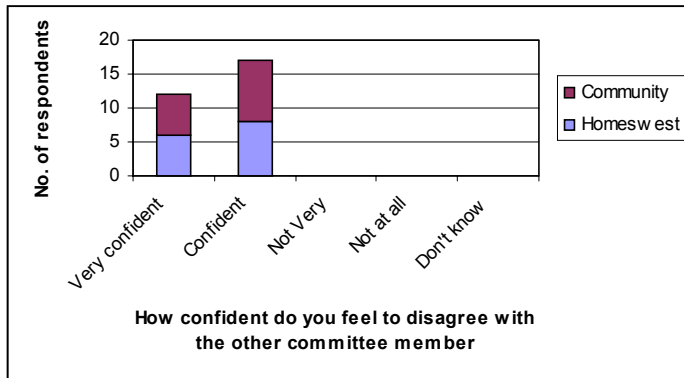
In the majority of cases, the Homeswest representative takes on the role of facilitator at the hearing. This can be seen in the following chart, whereby 11 of the 17 respondents who indicated that they take on the facilitator's role either always or often were Homeswest representatives. Equally, of the 11 who stated that this occurs either sometimes or never, 9 were community representatives.



Disagreeing with the other committee member

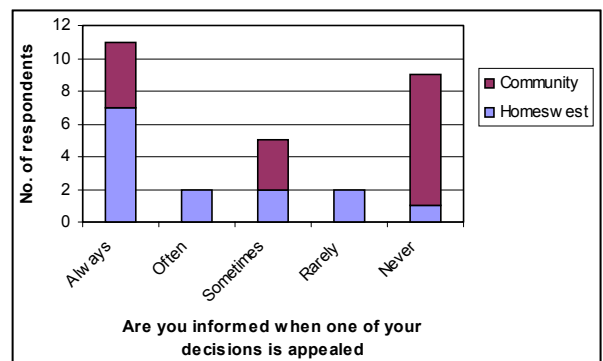
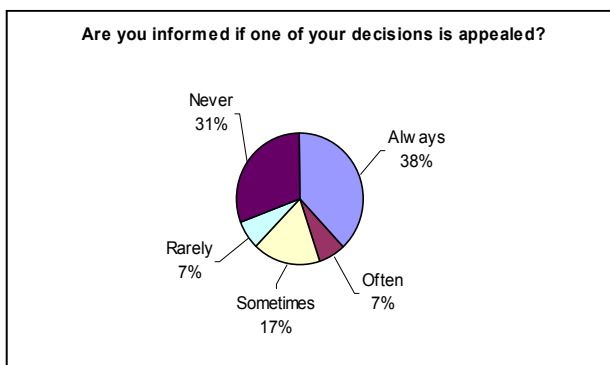
All respondents indicated that they either felt very confident (12) or confident (17) to disagree with the other committee member with an even split between responses from community and Homeswest representatives. Specifically, of the 12 who indicated that they feel very

confident this exactly half (6) are community representatives and of the 17 who stated they felt confident, 8 are Homeswest representatives and 9 community representatives.



Feedback

Only 45% (13) of respondents indicated that they are informed either always (11) or often (2) when one of their decisions is appealed. The remaining 55% stated that this occurs either sometimes (5), rarely (2) or never (9). Significantly, of the 16 who stated that they are informed sometimes, rarely or never, 11 are community representatives.

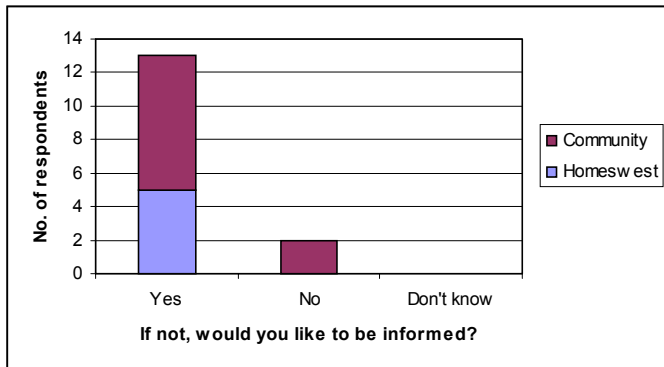


A total of 20 respondents provided the following details about how they informed:

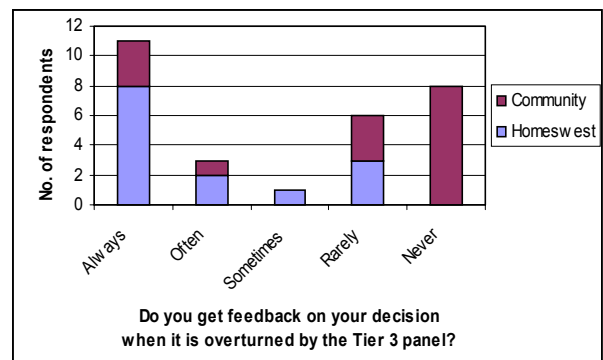
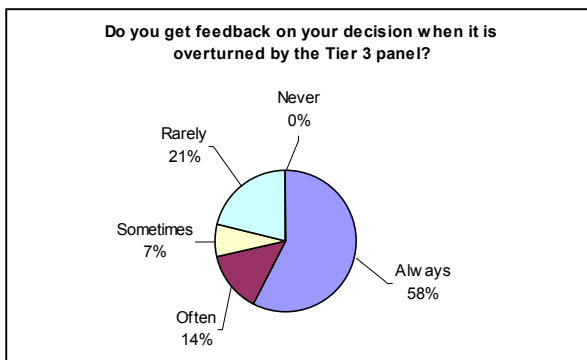
- By phone x 3
- In writing x 4
- Verbally (in the office) x 2
- Appeals officer/coordinator x 4
- N/A – recently raised with Manager who undertook to advise
- Returned decision by Tier 3
- By file referral x 4

- Copy of documents
- Advised in writing form
- By the appellant or 3rd Tier coordinator when she needs extra information

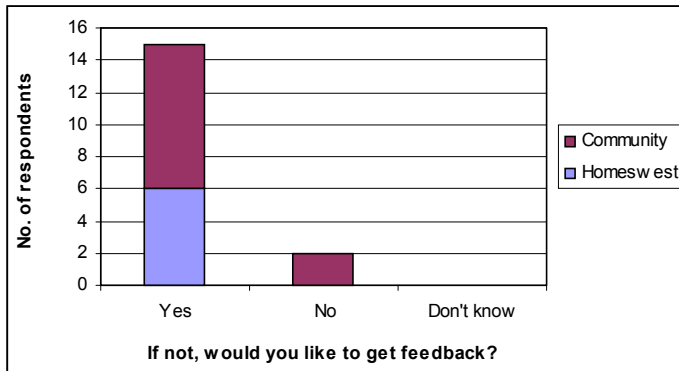
In response to a question about whether respondents would like to receive feedback a total of 15 people responded, 13 of which indicated that they would.



A total of 14 (48%) respondents indicated that they get feedback on a decision when it is overturned by Tier 3 either always (11) or often (3) with 15 (52%) stating that this occurs either sometimes (1), rarely (6) or never (8). Again the community representatives make up the majority of respondents who stated that they get feedback either sometimes, rarely or never. Specifically, of the 15 who stated they get feedback sometimes, rarely or never, 11 are community representatives.

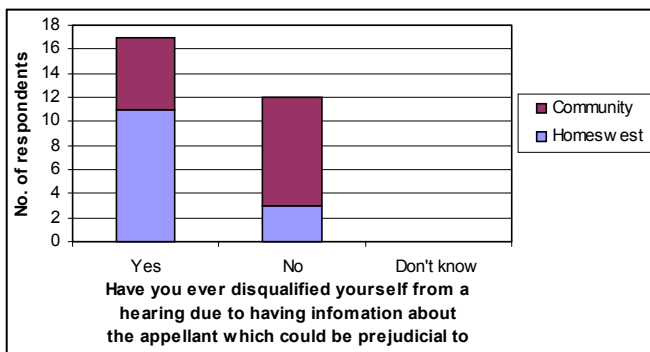


A total of 16 respondents answered a question about whether they would like to get this feedback, 14 of which stated they would.



Disqualifications

A total of 17 respondents indicated that they have disqualified themselves from a hearing due to having information about the appellant which could be prejudicial to the hearing, with the remaining 12 stating that they haven't.



Composition of the Committee

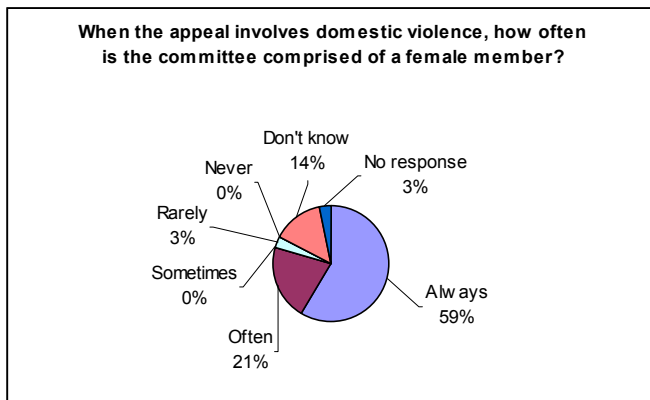
A total of 26 respondents indicated that the committee is comprised of both a male and female member either always (8) or often (18) with 2 stating this happens sometimes and 1 stating that it never happens.

In addition, 4 respondents provided details about action taken if the committee is not comprised of both a male and female member. A summary of these comments is provided below:

- Have great difficulty recruiting male appeal representatives. Despite word of mouth and an ad in the paper we continue to only have female representation. The ad did not attract any representatives at all which was disappointing.
- None x 2

- None – never been aware of any complaint or objection to a same gender committee. As long as appellants feel they are being fairly treated I don't think gender or perception of gender bias is an issue.

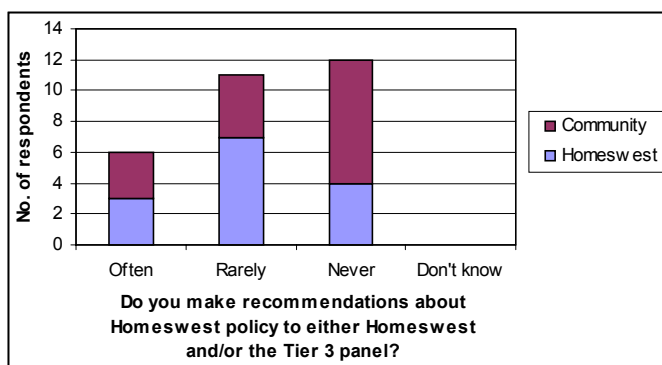
In relation to appeals involving domestic violence, a total of 23 respondents indicated that the committee is comprised of a female member either always (17) or often (6) with 1 person stating this occurs rarely and 1 person not responding.



While only 59% indicated that this occurs always, only 1 person provided a comment in response to a question about action taken if a female member is not on the committee in cases involving domestic violence. This comment was that the person feels confident with themselves being there and considers most of the other members have some understanding of domestic violence. While the gender of this person is not known, given that they responded that the committee rarely comprises a female member on domestic violence cases, it may be assumed that they are a male.

2.5.5 Policy recommendations

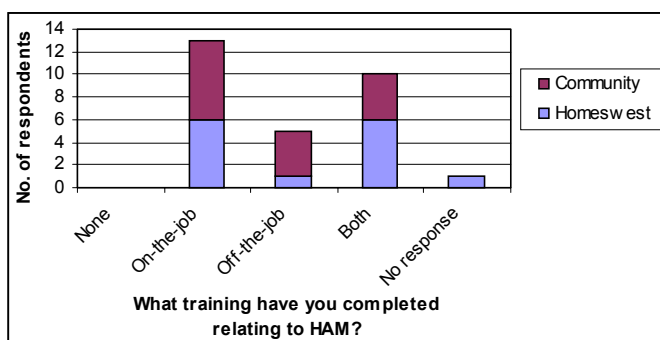
The vast majority (79%) of the 29 respondents indicated that they make policy recommendations to Homeswest and/or the Tier 3 panel either rarely (10) or never (12) with only 6 (21%) stating they do so often.



2.5.6 Training

Homeswest Appeals Mechanism

All respondents bar one who did not respond, indicated that they have received some form of training relating to the Homeswest Appeals Mechanism with just under half of those (13) having completed on-the-job training, 5 having completed off-the-job training and 10 having completed both.



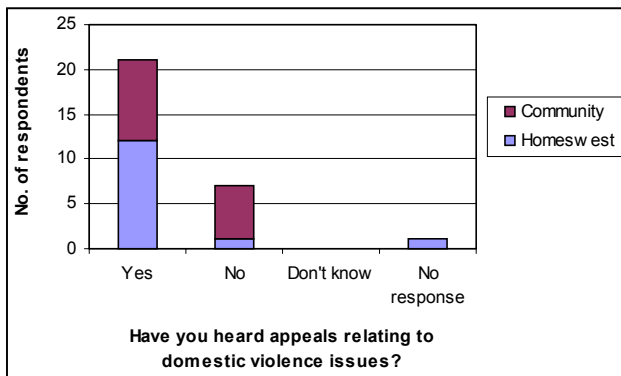
Of the 15 respondents who have completed off-the-job training, 14 provided the following details about the training:

- DV; cultural awareness
- HAM training by Shelter/Homeswest
- Homeswest training x 3
- Seminars conducted at Fremantle with Homeswest and community representatives
- One day seminar – the HAM training day
- Policy changes – also some role play
- Course specific to HAM – 1 day

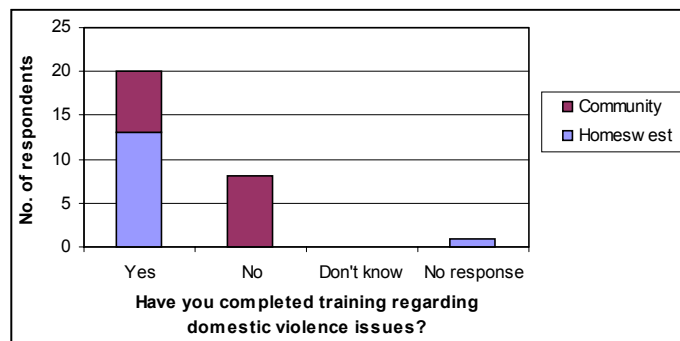
- Policy procedure
- Policy training/HAM training
- Various courses – diversity, cultural etc. appeals processes
- One day course at regional level

Domestic Violence

Of the 29 respondents, 23 (80%) indicated that they have heard appeals relating to domestic violence, with 5 (17%) stating they haven't and 1 (3%) not responding.



The majority (70%) of respondents indicated that they have received training in domestic violence issues, with 27% stating they haven't and 3% not responding. Of note, is that of the 8 respondents who indicated they haven't received training, all are community representatives.



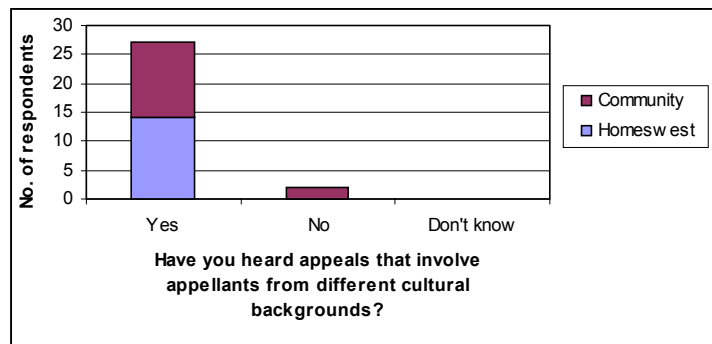
In terms of the training received, 19 respondents provided the following details:

- Anger management/conflict resolution
- DV unit at CSTC
- F & C's DV training x 3
- Homeswest DV training x 5

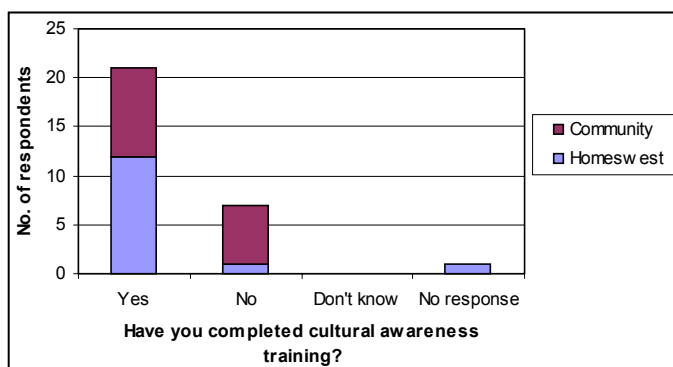
- In house
- Have trained as a manager and family counsellor with the Institute of Human Development
- Is a trainer and facilitates DV workshops in the community
- Structured course facilitated by an outside trainer
- Dealing With Domestic Violence
- DV course and regular meetings with refugees and Council to Homeless
- Workshop plus regular attendance at various DV network groups/meetings.
- DV course – 1 day
- External courses
- Workshop arranged for mediators through my job.

Cultural Awareness

A total of 27 (93%) respondents indicated that they have heard appeals involving appellants from different cultural backgrounds.



Again, the majority of respondents (73%) indicated that they have completed training in cultural awareness with 24% stating they haven't and 3% not responding. Again, the community representatives form the majority of those who haven't completed training, (ie. 6 out of 7).



In terms of training received, 19 respondents provided the following details:

- As an Aboriginal I have had 3 sessions: 1 at Geraldton high school, 1 at Geraldton TAFE and 1 with Homeswest.
- In house x 2
- Homeswest course x 6
- Cultural Awareness course – 1 day
- Aboriginal Culture at TAFE and Minority Group Training
- Anglicare training
- Kinship Course
- F&CS course
- Equal Opportunity Commission; USA; N/Zealand and also train in this area
- Video at workshop
- Cultural Awareness
- External courses
- On-the-job at Wiluna and Carnarvon

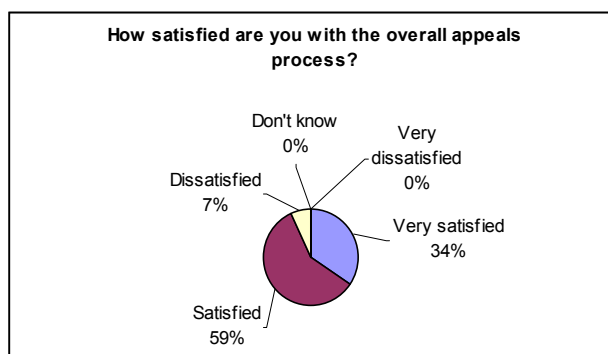
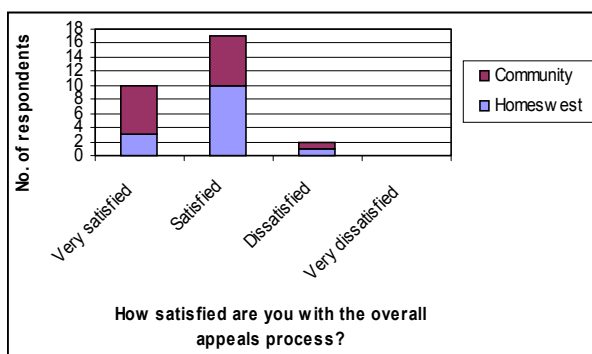
2.5.7 Policy

In response to a question about which policy manuals are used most frequently, the Rental Operations Policy was listed by 25 respondents, Maintenance by 13 respondents, the HAM Information Manual by 7 respondents, the Legal Recovery Procedures by 3 respondents and 1 respondent referred specifically to the Tenant Liability and Priority Assistance policies.

2.5.8 General comments about the appeals process

Overall satisfaction

The vast majority (27) of respondents indicated that they are either very satisfied (10) or satisfied (17) with the overall appeals process with only 2 respondents stating they are dissatisfied.



In addition, 23 respondents provided further comments in relation to their satisfaction with the appeals process. A summary of these comments is provided below:

Comments relating to appellants:

- Appellants are given plenty of time to present their appeal and additional time is given to obtain further information which may help them with their appeal.
- Appellants are given every opportunity.
- I believe it gives the client an opportunity to provide more information to us and also allows us to look at what process has been taken previously.
- Opportunity for appellant to present face to face evidence and substantiate claims.
- Gives clients another chance of a review of original decision.
- It gives a fair opportunity for appellants to be heard.
- The appellant is asked to provide any further information that hasn't already been provided and a thorough investigation is carried out before any decisions are made.
- The appellant is given the opportunity to have their say and further documentation is often given to support most cases.
- Fair, there is opportunity for appellant to express themselves in a non threatening environment
- It provides appellants with another avenue that is quick and fair.
- I would like to see more appellants attend their appeals.

Comments relating to the behaviour/attitude of committee members:

- From my experience I have seen compassionate staff doing their utmost with the limitations of insufficient housing and keeping within the guidelines.

- Geraldton Homeswest staff and community members have been very fair when any doubt has been established and generally rule in favour of the appellant.
- The process is clearly explained and I have found that the Homeswest staff have been quite considerate, caring and at times we have both looked at different ways of trying to apply policy to the client's advantage.
- Feel I can give a very fair hearing to the appellants.
- Read the cases thoroughly and feel I have enough experience of life to be fair.
- The Homeswest staff at Mirrabooka with whom I have worked have a very thorough knowledge of their job and of Homeswest policy. Sometimes I have worked with staff from Midland – same comment applies.
- Because all pertinent facts are considered and the appeals committee decisions are correct and very few appeals go beyond the 2nd Tier.
- Decisions are considered closely.

Comments relating to the overall process of appeals:

- Because the client's appeal is looked at and discussed fairly and is judged accordingly regardless.
- I believe the appeals process is the best and fairest way of helping Ministry of Housing clients who are disgruntled and having the right of appeal is very important.
- Because the panel is made up of one Homeswest officer and one outsider I think the appellants get a fair go.
- It is fair/professional/effective/timely x 6
- Results would suggest a reasonable proportion of appeals are upheld (many appeals have little of substance to support them).
- Have found errors and the appeal has corrected those.
- High level of professionalism and provision of information.
- Timeframes are tight in order to resolve appeal.
- Not threatening environment.
- Not enough time given before the case to examine the details of the case - usually handed details 15 mins before hearing.
- The matter receives a thorough review.

- I would like to have an Aboriginal community representative that is reliable and participative. Far from this being a criticism, it is a sad reality that the Aboriginal representative is vulnerable to pay back, allegiance allegations eventually.
- It also allows you to see where improvements can be made in terms of application of policy and decision making.

Treatment of customers

All 29 respondents believe that customers are treated well in the appeals system. Additional comments were received from 1 Homeswest respondent in response to a question about what else could be done. Their response was:

- By an effective advocacy service for Aboriginal appellants who can equate essential policy to the appellant's situation in a totally objective way.

Improvements

A total of 12 respondents provided comments on how the appeals process could be improved, 7 of which were from Homeswest officers and 5 from community representatives. A summary of comments is provided below with either HW or CR in brackets to indicate whether it was Homeswest officer (HW) or community representative (CR) who made the comment.

Comments relating to overall process:

- Regular forums eg 12 months for/with community representatives to discuss issues (HW)
- 3rd Tier to 'cc' 2nd Tier and written reply and comments when decision is overturned. 2nd Tier to 'cc' the original decision maker when decision overturned (HW)
- A standard letter of refusal should be signed by the customer when he/she returns the keys stating reasons for refusal (CR).
- Applicants for priority housing/ahead of turn should be advised when appealing at Tier 1 of the time which they may have to wait for accommodation in certain areas (CR).
- I always commence by telling appellants they can go to Tier 3 because Tier 2 has much less flexibility – it's essentially to determine if policy has been properly observed. I sometimes think people should be encouraged to go to Tier 3 where there are special circumstances but policy has been properly followed (CR).
- Give community representatives more time to examine the details of each case (CR).

- Ingoing/outgoing property condition reports to be more descriptive where 'fair condition' stated. Outgoing reports must always be immediate on vacating. Tenants should be trained to give/take more attention to property condition reports – particularly when first occupying (CR).
- By making the policies more defined, objective and thereby clear to appellants at the 1st Tier. Over the last 12 months, it appears that participation by some community groups in policy drafting has 'smudged' the clearness of policy making - first line policy is therefore open to multiple interpretations by both customers and staff. This is destructive to both the customer and the staff's belief in the integrity of the policy and the 1st Tier decision. The increase in appeals over the past 6-9 months reflects this (HW).
- The blurring of clear policy prevents consistent decision making as an officer is forced to often use discretion at 1st Tier. This should not occur. Discretionary decision making is a delegated responsibility of senior managers (HW).
- Charges for appellants at lodgement - this would serve to discourage the inordinate amount of 'trivial' appeals sent for review (HW).

Comments relating to appeal committee/panel:

- There needs to be a larger pool of community representatives (HW).
- It would be nice to have a larger cross section of community representatives, especially Aboriginal representatives (HW).
- Community representatives to take ownership and have more involvement in the process (some are reluctant/unwilling to do this) (HW).
- Community representatives to Chair the meeting (HW).
- Further training of 3rd Tier appeal panels ie. visit regional offices. They should be kept up to date on the realistic position of the regions, individual positions in relation to priority lists etc. ie. real waiting times, redevelopment etc, in regions and its effect on turnover etc. (HW).

Comments relating to appellants:

- Client could be better encouraged to make a bigger effort to appear before Hearings. So often you hear more and get a better understanding talking to the parties concerned. Making decisions in the absence of clients is not always in their best interest (CR).

Other comments

When given an opportunity to provide any other comments, 8 people provided comments, a summary of which is provided below:

- No problems with appeals but have some concerns about maintenance charges (CR).
- Homeswest try very hard to do the right thing and don't get a fair go with the media when there is any controversy (CR).
- Would like to receive more information prior to the appeal eg. if appeal is over financial matter some history and current payment record would be of help (CR).
- Would like to know if there is likely to be a system where Tier 2 representatives can make policy suggestions and receive feedback. It would be interesting to know if such suggestions are helpful or not (CR).
- Maybe should allow some appeals to be decided instead of putting obvious winners through the process for no apparent reason (HW).
- The appeals process must account for the anomaly where a Tier 2 Ministry of Housing representative is reviewing a Tier 1 decision made by a more senior officer eg the Director or CEO. In this case the customer does not receive a fair hearing - such cases should be referred directly to Tier 3 (HW).
- As mentioned earlier, appellants should attend their appeals as it can often make a difference to the decision (HW).
- Would like some training in domestic violence (CR).
- Think the system is working well (CR).

2.6 TIER 3 PANEL

2.6.1 Background

As mentioned in chapter 2, it was originally agreed that the methodology would comprise both questionnaires and face-to-face interviews which would be informed by survey results. Based on this, it was agreed that due to the small number of Tier 3 panel members (7 in total) that their input would be through face-to-face interviews only. When it was subsequently decided that face-to-face interviews were not to be conducted, a survey was drafted for Tier 3 panel members. There were a total of 6 Tier 3 panel members in the sample with the remaining one panel member excluded due to being on annual leave.

A letter was sent to the 6 Tier 3 members asking them to complete an enclosed survey.

The response rate was 100%.

2.6.2 Before the hearing

Receipt of supporting documentation

All respondents indicated that they receive supporting information either always (3) or often (3). In response to a question about how much weight is given to supporting information, the majority responded a lot (4) with 1 respondent stating some and 1 respondent answering both a lot and some.

Policy

With regards to which Homeswest policy manuals are used most frequently, the Rental Operations was cited by 4 respondents, followed by the HAM information manual (4), Legal Recovery Procedures (1) and Maintenance (1). Only 2 respondents indicated that they used more than one manual frequently.

2.6.3 The hearing

Attendance of appellants

The following is a summary of responses provided by all 6 respondents regarding the circumstances under which appellants are invited to attend the Panel hearing:

- When documentation on the file presented is not clear/not sufficient to convince the Panel one way or the other x 3
- Perhaps members may feel that appellant has not had enough opportunity to clearly put their case.
- In cases of financial hardship.
- In cases of language difficulty.
- Where there is a clear conflict of ideas and resolutions.
- When we feel that we have to speak to the appellant to be absolutely clear that we have all the facts.
- Where the Panel feels that the appellant would benefit from speaking directly to the Panel.

Adjournments

All respondents provided comments regarding the circumstances under which the Panel is adjourned, a summary of which is provided below:

- When file of appellant does not include enough information to make a fair decision/conflicting reports or information on the file x 3
- Where applicants are in the process of selling a house.
- Where medical information/supporting documentation is not available or sufficient x 3
- When file material is difficult to understand – or other supporting information not in file.
- When information that is presented doesn't benefit the appellant's application.

Disagreeing with other panel members

All respondents indicated that they feel very confident to disagree with another Panel member.

Decisions

All respondents indicated that the Panel fails to reach a unanimous decision only sometimes (2), rarely (2) or never (2). Equally, all respondents stated that they have dissented from the final majority decision only sometimes (1), rarely (2) or never (3). When dissenting from the majority decision, 2 respondents indicated that they always record their reasons for decision with 1 stating they do this sometimes and 1 stating they do this rarely.

2.6.4 After the hearing

Policy recommendations

All respondents indicated that they have input into the recommendations made by the Chairperson to Homeswest and the Minister for Housing regarding Homeswest policy.

2.6.5 General comments about the appeals process

Satisfaction

All respondents indicated that they are either very satisfied (1) or satisfied (5) with the overall appeals process.

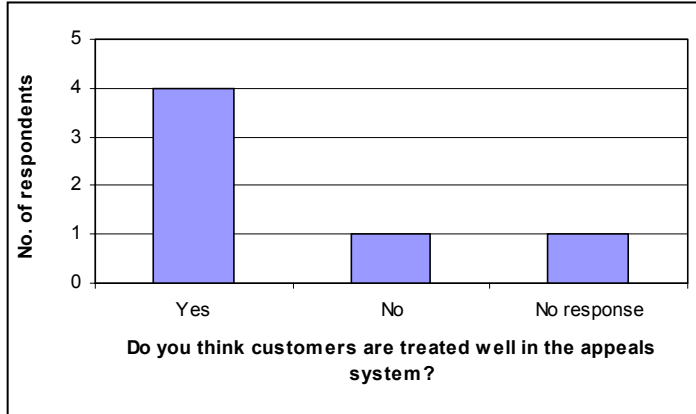


In addition, comments were received from all 6 respondents, a summary of which is provided below:

- Believe it is completed in an acceptable time frame.
- Believe that appellants receive every consideration with their appeal.
- Believe that appellants have four opportunities to put their case - this is more than adequate.
- There's always room for improvement.
- Our independence gives opportunity for open discussion and decision making.
- Our experience offers better options.
- All cases are reviewed in respect to the facts, documentation and if requested their personal presentations.
- The decision is only made after all relevant details are to hand - this decision is made with Homeswest policy as our base and consideration of appellant's individual circumstances.
- Sometimes I feel Ministry staff do not treat people with respect.

Treatment of customers

A total of 4 respondents indicated that they believe customers are treated well in the appeals system, with 1 stating that they are not and 1 person not responding.



Additional comments were received from 3 respondents as follows:

- Clients sometimes seem to have misinformation.
- Ministry staff should have a little empathy when dealing with customers.

Improvements

All respondents provided comments on ways in which the appeals system could be improved, a summary of which is provided below:

- Less repetition of information/clearer information on Homeswest files x 2
- It is my firm belief that the indigenous people must play a more prominent role in determining positive outcomes in their country.
- With more honesty and diligence on both sides.
- Clearer picture of area and available housing.
- Ongoing training for the members of the Panel to keep updated with policy and other relevant information.
- Customers should be treated as individuals – respected, compassion should be given – all cultures not the same.

Other comments

Only 2 respondents had further comments:

- Concerns about multiculturalism – policies must be affected in practical ways.

- Once 3rd appeal Tier makes decision Accommodation Managers should butt out and accept it. Decisions are made looking at all the facts on file – if Accommodation Manager believes our decisions are wrong perhaps they need to look at their files and how they make decision.