

Complaints about social housing

Social housing

The term 'social housing' refers to accommodation services provided by government agencies, non-government community housing providers and government subsidised private rental.

In NSW, government-owned and managed social housing is provided by the Department of Family and Community Services (FACS), including the Aboriginal Housing Office (AHO). Social housing is maintained by commercial contractors whose performance is regulated by the Land and Housing Corporation (LAHC).

This fact sheet tells you about the role of the NSW Ombudsman in handling social housing complaints.

FACS, AHO and LAHC contractors

When should I complain to the Ombudsman?

If you are complaining about service delivery provided by an LAHC contractor, you should first phone the maintenance line on 1800 422 322 [press 1] before complaining to FACS to see if the contractor can sort out the problem. If they are unable to sort out the problem, you can complain to FACS.

We generally expect you to complain to FACS if you have an issue with a service provided by FACS, AHO, or an LAHC contractor, before complaining to us. You need to give them a chance to sort out any problems first.

You can complain to FACS by:

- phoning: 1800 422 322 [press 2]
- emailing: feedback@facs.nsw.gov.au

- completing an online feedback form at www.housing.nsw.gov.au
- writing to: FACS Client Feedback Service, Locked Bag 7150, Liverpool BC, NSW 1871.
- You can also complain to the AHO directly by contacting one of their offices or by visiting their website: <http://www.aho.nsw.gov.au/>

However, if the matter is urgent you can call the Ombudsman first to talk about the best thing to do.

What can I complain to the Ombudsman about?

You can complain to us about things like:

- unreasonable delay in taking action or making a decision
- failure to contact you or reply to your correspondence, emails or phone calls
- failure to adequately respond to a maintenance request
- failure to comply with work orders, technical inspection orders or orders by the NSW Civil and Administrative Tribunal (NCAT)
- failure to comply with other undertakings
- poor customer service
- missing paperwork, errors or mistakes
- not providing reasons for a decision that affects you
- not telling you the outcome of your complaint.

You can call us for advice about whether your problem is something we can help with.

Can the Ombudsman help me?

You can complain to us about the administrative action or inaction of FACS in providing public housing and subsidised private rental, or the service provided by LAHC contractors.

We cannot deal with complaints about community housing providers unless the complaint is about a maintenance service provided by an LAHC contractor or the provider is a Specialist Homelessness Service (SHS) that assists people who are homeless or at risk of homelessness. However, we can look at how the Registrar of Community Housing deals with complaints about community housing providers.

We assess each complaint we receive and decide whether to take action on a case by case basis. We can make inquiries with an agency if we consider there may be maladministration. To help us assess a complaint, we generally require you to provide some evidence to support your complaint.

One thing we consider when assessing your complaint is whether there is an alternative and satisfactory means of resolving it. If there is a more appropriate way for you to resolve your complaint we may expect you to take the action we suggest. This may include appealing a FACS decision that you disagree with. See 'Appealing a decision by FACS' below.

What can the Ombudsman do?

If we decide to make inquiries about your complaint we will contact FACS, the AHO or the LAHC to get further information about the issues you have raised. Sometimes we suggest what we think should happen to resolve your complaint. Depending on the circumstances, outcomes might include:

- prioritising delayed actions or decisions
- correcting identified errors or mistakes
- providing reasons for decisions
- representatives of the agency meeting with you
- a written or verbal response to you
- an apology or other remedial action.

We also consider whether there is a larger problem that may be affecting other people as well as you. If there is, we may suggest changes to policies or procedures.

Complaints about neighbours

We can look at how FACS handles complaints about tenant behaviour, but we can't make FACS take enforcement action against a tenant, or investigate tenant behaviour ourselves.

FACS can only take action against a tenant if there is good evidence their behaviour may be in breach of their residential tenancy agreement. Only in the most serious cases will FACS consider applying to the NCAT to evict a tenant.

You should contact the NSW police if you are experiencing serious problems with a tenant's behaviour.

Maintenance

We can look at some maintenance complaints but we rarely intervene in decisions about maintenance because these decisions are largely based on technical or legal considerations.

If FACS or the AHO has not complied with its obligations to carry out maintenance, NCAT can order it to do so. You can seek legal advice about applying to NCAT for an order. See 'Advocacy and Legal Services' below.

What can't the Ombudsman do?

The Ombudsman does not have power to make binding and enforceable decisions. We cannot determine liability, order payment of compensation or change a decision made by NCAT. If you are seeking any of these outcomes, you can seek legal advice. See 'Advocacy and Legal Services' below.

Appealing a FACS decision

If you disagree with a decision made by FACS, including a decision about eligibility for housing services, tenant entitlements or the reasonableness of a housing offer, you may be able to appeal the decision through the housing appeals process.

You first need to appeal to FACS. You can find the 'Review of Decisions' form and the 'Appeals and reviewing decisions' fact sheet on the website: www.housing.nsw.gov.au

You can also call FACS or go to your local office for assistance.

If you remain dissatisfied, you can appeal to the Housing Appeals Committee (HAC). HAC is independent and can review FACS's decisions and recommend changes. For a complete list of matters that can be appealed, visit HAC's website or contact them at:

Housing Appeals Committee (HAC)

PO Box 1030, Westfield Burwood NSW 2134
Free call: 1800 629 794
Phone: 02 8741 2555
Facsimile: 02 8741 2566
Web: www.hac.nsw.gov.au

You can submit an appeal using the online appeal form located on the HAC website.

We generally do not take action on complaints about decisions that are appealable because we believe the appeal process and HAC offer an alternative and satisfactory means of redress.

However, your complaint about a decision might include a matter that we can assist you with. For example, you may be unable to appeal a decision to HAC because of delays by FACS, or perhaps FACS has not explained the reasons for its decision. Please call us to discuss whether we can help resolve your complaint.

Community housing providers

Generally, we cannot deal with complaints about community housing providers because they are usually not within our jurisdiction. However, we may be able to help you if an LAHC contractor maintains the property you are renting or the provider is a Specialist Homelessness Service (SHS). You can call us to discuss your particular case.

Complaints about community housing providers should be made directly to the provider. Its website should have information about complaints or you can ask its staff about how to make a complaint.

If you disagree with a decision by a community housing provider you may be able to appeal to the HAC or NCAT.

The Registrar of Community Housing is responsible for the registration and regulation of NSW community housing providers and may be able to assist you with a complaint about a community housing provider.

The Registrar of Community Housing can be contacted on:

Registrar of Community Housing

Locked Bag 4001, Ashfield BC 1800
Free call: 1800 330 940
Facsimile: 02 8741 2522
Email: registrar@facs.nsw.gov.au
Web: www.rch.nsw.gov.au

Complaints about the Registrar

The Registrar of Community Housing is within the Ombudsman's jurisdiction. This means you can complain to us about the Registrar's administrative conduct, including the way the Registrar has handled your complaint about a community housing provider. You can call us for advice about whether your issue is something we can help with.

Advocacy and Legal Services

Tenants Advice and Advocacy Services provide free tenancy and legal advice and can advocate on your behalf. Go to www.tenants.org.au to find a service near you or call Law Access on 1300 888 529 for an appropriate referral.

Contact us for more information

Our business hours are: Monday to Friday, 9am–5pm (*Inquiries section closes at 4pm*)

If you wish to visit us, we prefer you make an appointment. Please call us first to ensure your complaint is within our jurisdiction and our staff are available to see you.

Level 24, 580 George Street
Sydney NSW 2000

Email nswombo@ombo.nsw.gov.au

Web www.ombo.nsw.gov.au

General inquiries 02 9286 1000

Facsimile 02 9283 2911

Toll free (outside Sydney metro) 1800 451 524

National Relay Service 133 677

Telephone Interpreter Service (TIS): 131 450

We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.

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