

Complaints about social housing

The term 'social housing' refers to accommodation services provided by government agencies and not-for-profit community housing providers. In NSW, government-owned and managed public housing is provided by the Department of Family and Community Services (FACS) through Housing NSW and the Aboriginal Housing Office. This fact sheet tells you about the role of the NSW Ombudsman in complaints about social housing. For more information see our fact sheets on 'Maladministration' and our 'Complaint Assessment Criteria' or contact us.

Department of Family and Community Services and the Land and Housing Corporation

When should I complain to the Ombudsman?

We generally expect you to complain to the agency before complaining to us. You need to give them a chance to sort out a problem first. You can complain to FACS or the LAHC by:

- phoning: 1300 468 746
- emailing: feedback@facs.nsw.gov.au
- completing an online feedback form at www.housing.nsw.gov.au
- writing to: FACS's Client Feedback Service, Locked Bag 7150, Liverpool BC, NSW 1871.

If the matter is urgent you can call us first to talk about the best thing to do.

What can I complain to the Ombudsman about?

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 complainants to provide some evidence that there is a problem. 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
- not complying with work orders, technical inspection orders or orders by the NSW Civil and Administrative Tribunal (NCAT)
- not complying with other undertakings
- poor client service
- missing paperwork, errors or mistakes
- not providing reasons for a decision that affects you
- not telling you the outcome of your complaint.

Can the Ombudsman help me?

You can complain to us about the administrative actions, or inaction, of FACS or the Land and Housing Corporation (LAHC) which owns public housing properties and is responsible for maintaining them. We cannot deal with complaints about community housing providers as they are private organisations who are not within our jurisdiction unless the provider is a Specialist Homelessness Service (SHS). SHSs are support and accommodation services funded by the government to assist people who are homeless or at risk of homelessness, including women and children affected by domestic violence. However, we can look at how the Registrar of Community Housing deals with complaints about community housing providers.

One of the things we consider when assessing a complaint is whether an alternative and satisfactory means of redress is available to the complainant. This means that if there is a more appropriate way for your issue to be addressed we may expect you to take that action. This includes when a person may just want to appeal a decision made by FACS that they disagree with. See 'Appealing a decision by FACS' below.

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

What can be the outcome of my complaint to the Ombudsman?

If we decide to make inquiries about your complaint we will contact FACS 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. Where there is such a systemic problem we may suggest changes to an agency's policies or procedures.

What can't the Ombudsman do?

The Ombudsman does not have the power to make binding and enforceable decisions. We cannot determine liability, order

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payment of compensation or change a decision made by the NCAT. If you are seeking any of these outcomes, you can seek legal advice. See 'Advocacy and Legal Services' below.

Complaints about neighbours

While we can look at how FACS handled a complaint about antisocial behaviour on the part of one of their tenants, you should be aware that they can only take action if there is good evidence that the tenant's behaviour may be in breach of their residential tenancy agreement or lease. Only in the most serious cases will FACS consider applying to the NCAT to evict a tenant. In that case, only the NCAT can order eviction.

Maintenance

While we can look at some maintenance complaints, we rarely intervene in decisions about whether to carry out maintenance because these decisions are largely technical or legal decisions.

However, if the LAHC has not complied with its obligations under your lease to carry out maintenance, the NCAT can order it to do so. You can seek legal advice about applying to the NCAT for an order. See 'Advocacy and Legal Services' below.

Appealing a decision by FACS

If you disagree with a decision made by FACS, including decisions about eligibility for housing services, tenant entitlements and the reasonableness of offers of housing, you may be able to appeal the decision through the housing appeal 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). The HAC is independent and can review FACS's decisions and recommend changes. For a complete list of matters that can be appealed, visit the 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

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

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
Tel. typewriter (TTY) 02 9264 8050

Telephone Interpreter Service (TIS): 131 450
We can arrange an interpreter through TIS or you can contact TIS yourself before speaking to us.

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 the 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 to resolve your complaint.

Community housing providers

Generally we cannot deal with complaints about community housing providers because they are mostly private organisations that are not within our jurisdiction. However, we may be able to help you if they are a Specialist Homelessness Service (SHS). You can call us to discuss your particular case.

Otherwise, if you want to complain about a community housing provider you should complain 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 are unhappy with the outcome of your complaint, you can complain to the Registrar of Community Housing. The Registrar is responsible for the registration and regulation of NSW community housing providers. Also, if you disagree with a decision by a community housing provider you may be able to appeal to the HAC or obtain an appropriate order from the NCAT.

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.