

Housing ACT

ASSESSMENT OF AN APPLICATION FOR PRIORITY HOUSING

June 2011

Report by the ACT Ombudsman,
Allan Asher, under the *Ombudsman Act 1989*

REPORT NO. **01|2011**

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CONTENTS

EXECUTIVE SUMMARY	1
PART 1 – INTRODUCTION.....	3
Details of the initial complaint.....	3
Background – Applying for housing assistance	3
Investigation.....	4
<i>Chronology</i>	4
PART 2 – ISSUES ARISING FROM THE INVESTIGATION.....	6
Initial assessment of Ms A’s application.....	6
Housing ACT’s response to further information provided by Ms A	7
PART 3 – PRHAP AND ASSESSMENT – SYSTEMIC ISSUES	8
Formal requirement to request a review of a decision in writing	8
Re-assessment of the application following further information.....	9
Assessment process includes a ‘comparability test’	10
PART 4 – CONCLUSIONS AND RECOMMENDATIONS.....	12
PART 5 – AGENCY RESPONSE.....	15
1) <i>Background – Housing Issues in the ACT</i>	15
2) <i>Demand for Housing</i>	16
3) <i>Housing as a Human Service</i>	16
4) <i>Gateway Quality Improvement Project</i>	17
5) <i>Partnerships in Housing Assistance</i>	18
6) <i>Central Access Point</i>	19
<i>Response to Recommendations</i>	19
Annex A – Housing Needs Categories.....	24
Annex B – Public Housing Multi- Disciplinary Panel (MDP).....	26
GLOSSARY	30

EXECUTIVE SUMMARY

In December 2009 Ms A, a single mother with three children, complained to the ACT Ombudsman about having been on Housing ACT's High Needs housing list for six months and not receiving any assistance from them. Ms A had been living in short-term rental accommodation that she could not afford. She had fallen behind in her rent and had received an eviction notice.

Ms A applied for housing assistance in June 2009 with supporting documentation attesting to her needs and those of her children. In July 2009 she attended an assessment interview with Housing ACT and was deemed eligible for High Needs housing, the second of Housing ACT's three needs categories.

On several occasions between July and November 2009 Ms A provided further documentation to Housing ACT that demonstrated that her situation was serious and deteriorating. Each time Ms A did so she was advised that her application for housing had been re-assessed and remained on the High Needs housing list.

Although Housing ACT had initially informed Ms A of her right to request a review in writing, the information was not presented in a manner that clearly advised her of the procedure and nor was it conveyed to her when she submitted further written documentation supporting her claim. Because Ms A did not formally request that the decision be reviewed, her application remained in the High Needs category, greatly reducing the likelihood of her receiving the public housing accommodation she and her three young children needed.

Based on our investigation of Ms A's complaint, we formed the view that Housing ACT:

- in our view, failed to refer Ms A's application to the Multi-Disciplinary Panel (MDP) for placement on the Priority housing list though she met the eligibility criteria
- in our view, failed to refer Ms A's application to the MDP for placement on the Priority housing list over subsequent months despite her deteriorating circumstances of which they were advised
- did not provide Ms A with a level of procedural assistance that was reasonable for an applicant in her circumstances, and that would have enabled her to have her assessment formally reviewed
- should review its policies and procedures for re-assessing applications, and for triaging applications for Priority housing.

This is by no means an isolated case. Over recent years, the ACT Ombudsman has investigated complaints by public housing applicants and tenants who have been disadvantaged by flaws in Housing ACT procedures. This is particularly concerning because the people affected are often among the most vulnerable in the community, including those experiencing homelessness, distress, anxiety or who have limited levels of education or literacy.

Because this investigation is so illustrative of those administrative flaws, the Ombudsman has decided to make this report publicly available.

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

The Ombudsman's recommendations for improving Housing ACT's service level to housing applicants are set out in full in Part 4 of this report.

Housing ACT's response to the report is included in Part 5.

PART 1 – INTRODUCTION

Details of the initial complaint

- 1.1 In December 2009, Ms A, a single mother of three children aged nine, seven and two years, complained to the ACT Ombudsman that she had been on the High Needs housing list for six months and had not received any assistance from Housing ACT. Ms A advised that she had been living in a unit that cost her most of her weekly income, leaving only \$80 for food and other expenses. Ms A also advised that she had fallen behind in her rent and had received an eviction notice dated 24 November 2009 which stated she must vacate the property by 2 December 2009. Ms A provided Housing ACT with a copy of her eviction notice on 26 November 2009. Ms A said she was informed that her application would be considered by the Multi-Disciplinary Panel (MDP) within one week.
- 1.2 The MDP is not part of Housing ACT but is a panel of senior officers, of at least Senior Officer Grade C, from across the ACT Government, and representatives from the community with relative experience in the provision of human services. The role of the MDP includes considering applications referred by Housing ACT to the Panel for a decision on both eligibility for and entry to the Priority Housing category.¹

Background – Applying for housing assistance

- 1.3 Applications for public housing in the ACT are sorted into three categories: Standard, High Needs, and Priority. The three categories are defined in the *Housing Assistance Public Rental Housing Assistance Program (Housing Needs Categories) Determination 2007 (No 1)* (see Annex A). Under clause 13 of the *Housing Assistance Public Rental Housing Assistance Program 2008 (No1) (Disallowable Instrument)*, the Housing Commissioner must determine needs categories and the criteria for allocating needs categories to eligible applicants. In determining needs categories and criteria for each category the Housing Commissioner must have regard to the relative needs of applicants.
- 1.4 While Housing ACT does not guarantee that any applicant will be housed within a definite time frame, if at all, indicative time frames advised by Housing ACT in January 2011 were 663 days for Standard, 524 days for High Needs, and 88 days for Priority applicants.² Nevertheless the real timeframes experienced in individual cases can be much higher. In July 2010 Housing ACT provided a list of the 50 applications on the High Needs list with the longest waiting times. These ranged from more than three years to more than 10 years.
- 1.5 Housing ACT has advised that applications that are to be considered for Priority housing need to be formally prepared for presentation to the MDP. Due to the volume of applications being referred to the senior assessing officer to be prepared, applications are subject to a comparative test. That is, the decision to present an application to the MDP depends on how their

¹ The terms of reference for the MDP is included in Annex B.

² Housing ACT's website provides a daily indicative listing of waiting times for housing.

circumstances compare with other applicants whose applications are also on the waiting list.

Investigation

- 1.6 This investigation commenced in December 2009. The Ombudsman's office informed Housing ACT that the complainant had approached the office seeking help with the allocation of housing assistance. The office asked Housing ACT about the current status of Ms A's application and the strategies in place to assist Ms A with her current homelessness situation.
- 1.7 Housing ACT advised that Ms A's application was on the High Needs housing list and was being reviewed by an officer to determine if it needed to be referred to the MDP. Housing ACT also advised that it outsources all emergency and crisis assistance to Canberra Emergency Accommodation Service (CEAS) and Ms A's only option for immediate assistance would be to contact this organisation. CEAS operates a 24-hour telephone line and maintains and circulates a daily list of agencies with accommodation vacancies. The main aim of CEAS is to put people in contact with agencies that are targeted at their specific needs and that have vacancies. It does not provide accommodation directly.

Chronology

- 1.8 On 3 June 2009, Housing ACT received a housing application from Ms A. This application included support documentation from a Child Protection Outreach Worker. On 1 July 2009 Ms A attended an assessment interview with Housing ACT.
- 1.9 According to Housing ACT's assessing officer who completed the *Application for Housing Assistance Assessment Results-Recommendations* record dated 29 July 2009, Ms A was living in a private rental apartment that it was far beyond her means to afford. It further noted that 'Care and Protection' had been involved with the family since March 2009 and had weekly contact with Ms A.
- 1.10 Following this assessment, Ms A was deemed eligible for High Needs housing based on the following two criteria - families with children, and experiencing private rental barriers such as extreme affordability problems. A letter dated 29 July 2009 was sent to Ms A advising her of the decision.
- 1.11 On 31 July 2009, Ms A provided additional supporting documentation in the form of a letter from a paediatrician outlining the special needs of one of her children. A letter dated 7 August 2009 was sent to Ms A advising that her application had been reassessed and she would remain on the High Needs housing list.
- 1.12 On 1 September 2009, Ms A provided further supporting documentation which included a second letter from the Child Protection Outreach Worker and a letter from the children's father advising that the eldest child was returning to the full time care of Ms A. The application was reassessed and on 30 October 2009 Ms A was sent a second letter advising that she was to remain on the High Needs housing list and was now eligible for a three bedroom house.

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

- 1.13 On 26 November 2009, Ms A provided further supporting documentation which included an eviction notice that required Ms A to vacate her apartment by 2 December 2009 and a medical certificate advising that she was suffering from an acute illness.
- 1.14 Ms A advised this office that on 14 December 2009 she was informed by Housing ACT that her application would not be considered by the MDP until early February 2010. On 23 December 2009, this office was advised that an officer was currently reviewing Ms A's file to determine if her case needed to be presented to the MDP.
- 1.15 On 15 January 2010 Ms A called Housing ACT and spoke to a housing allocations officer. According to the records, Ms A advised that she was homeless and that her children were staying with relatives until she found suitable accommodation. On 19 January 2010 Ms A was sent a third letter advising that her application had been reassessed and she would remain on the High Needs housing list.
- 1.16 Housing ACT advised that the MDP re-convened on 14 January 2010, however Ms A's case was not placed before it. This office was further advised that the MDP would not meet during the week beginning 25 January 2010, as the Chair was unavailable. Housing ACT advised that Ms A's application would be considered by the MDP on 4 February 2010.
- 1.17 On 10 February 2010, this office requested information regarding the outcome of Ms A's MDP hearing. Housing ACT had attempted to contact Ms A to confirm her circumstances during the three days prior to 4 February 2010 and the MDP was concerned by Ms A's apparent lack of engagement with support services. Housing ACT advised that the hearing of Ms A's application had been deferred until 18 February 2010 so that a case conference could establish her current circumstances and provide her with appropriate support.
- 1.18 On 24 February 2010, Housing ACT advised that Ms A had been housed on 23 February 2010.

PART 2 – ISSUES ARISING FROM THE INVESTIGATION

Initial assessment of Ms A's application

2.1 It appears that Ms A's application was incorrectly assessed by Housing ACT in the first instance and should have been referred to the MDP following the initial assessment in July 2009.³

2.2 Housing ACT's assessment record of Ms A's application dated 29 July 2009 identified that Ms A's application was classed as a family with children and was experiencing extreme affordability problems. The record also identified that Ms A was living in short term accommodation at a cost of \$450 a week when her assessable income was \$426.49 a week, according to Housing ACT. This type of accommodation falls within the definition of secondary homelessness as defined in the Determination 2007 (No 1).⁴ Further, a letter dated 26 May 2009 from a Community Child Protection Worker was received by Housing ACT on 3 July 2009. This letter states that;

Ms A has had involvement with Care and Protection since March 2009 due to concerns about the safety and wellbeing of the children.

2.3 Other factors noted in Ms A's initial application included (according to the assessing officer):

- Ms A had not entered into a lease on the property at which she was then residing
- Ms A expected to be required to leave her residence in September 2009
- the rent ratio Ms A was paying on her current property was 88% of her income at the time.⁵

2.4 In accordance with the *Public Rental Housing Assistance Program (PRHAP)*,⁶ Ms A's initial application of 3 June 2009 could have been assessed as meeting Housing ACT's Priority housing criteria. The application and supporting documents that were supplied by Ms A gave evidence that:

- Ms A was experiencing secondary homelessness at the time of the initial application as she was living in short term accommodation and would be required to move again in September 2009.
- Ms A had dependent children.

³ In correspondence dated 8 June 2010 Housing ACT disagreed with this conclusion on the grounds that Ms A had entered into a short term tenancy agreement from 11 June to 12 September 2009, and therefore did not demonstrate an urgent and critical need at that time.

⁴ Housing Assistance Public Rental Housing Assistance Program (Housing Needs Categories) Determination 2007 (No 1), see also Annex A.

⁵ Figures as quoted in the *Application for Housing Assistance Assessment Results/Recommendations* record of 29 July 2009.

⁶ Housing Assistance Public Rental Housing Assistance Program 2010 (No 1) Disallowable instrument DI2010-189 made under the *Housing Assistance Act 2007*, s 19 (1) (Housing assistance programs)

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

- the family had weekly contact with a Child Protection Outreach Worker since March 2009 suggesting there were some concerns for the children's wellbeing.
- Ms A was unable to find appropriate and affordable housing in the private market and the relevant support agencies had been unable to assist her.
- Ms A's accommodation was unaffordable as she was spending more than 50% of her household income on rent.

Further, the Housing ACT factsheet entitled 'Priority Housing' states that an application may be considered for Priority Housing if the applicant's circumstances include:

- homelessness
- families with children
- mental health issues
- serious and chronic health issues
- disability including frail-aged.

Housing ACT's response to further information provided by Ms A

- 2.5 Housing ACT did not adequately explain to Ms A that she needed to submit a formal request for a review.
- 2.6 Ms A continued to experience a range of complex needs and provided further information regarding the special needs of one of her children as well as her own health concerns. On four occasions Ms A's application was assessed and each time it was determined that she should remain on the High Needs housing list.
- 2.7 Housing ACT's response to our request for the reasons for not referring Ms A's application to the MDP initially was inadequate.⁷ Housing ACT merely noted that Ms A had been notified of the decision in writing and had not requested a review of the decision.
- 2.8 While Ms A did not specifically articulate that she wanted a review of the decision, her ongoing contact with Housing ACT and her continued provision of further evidence to support her application clearly indicates that she did not agree with the decision. In our view she would have requested a review had she fully understood that such an avenue was available to her.

⁷ In correspondence dated 8 June 2010 Housing ACT acknowledged that it did not provide sufficient explanation to support the decisions, and advised that a new 'Assessment Result/Recommendations' form had come into effect on 27 May 2010. The new form makes it a requirement for the assessing officer to provide reasons for the decision made under PRHAP, and makes it mandatory for the assessing officer to highlight whether the officer considers the case is appropriately categorised on the High Needs housing list, or should be triaged for MDP consideration.

PART 3 – PRHAP AND ASSESSMENT – SYSTEMIC ISSUES

- 3.1 For the reasons detailed below, the Ombudsman has formed the view that this case demonstrated several incidents of poor administration that impacted adversely on a vulnerable single mother and her three young children. There is a concern that systemic administrative problems occur at the assessment stage of *Registration to apply for Housing ACT Public Rental Assistance*, and the allocation of Housing ACT properties.

Formal requirement to request a review of a decision in writing

- 3.2 Housing ACT's procedure for *Registration of Applications for Housing/Transfer* does not require that an application be referred to a senior assessing officer until the applicant requests a review of the decision in writing. The 'Review of Decisions' fact sheet is sent with all decision letters, however it does not appear that the review process is further explained or offered when applicants contact Housing ACT to complain about a decision they have received.
- 3.3 Clause 31(1) of the PRHAP specifies that requests for a review of a decision must be made in writing. Housing ACT advised that this requirement is consistent with ACT legislation generally and while oral complaints are accepted by telephone...

'It is not appropriate for HACT⁸ to speculate on what an applicant's actions may or may not indicate. HACT has a well-defined process in place for dealing with the review of decisions and it is the responsibility of applicants and tenants to follow this process.'⁹

Therefore Housing ACT did not accept this office's view that Ms A's actions indicated that she disagreed with the decision to place her application on the High Needs list or that she was seeking to have the decision changed.

- 3.4 Housing ACT provided the following advice:

The Application Kit which all applicants receive when applying for public rental assistance contains an extensive range of documentation in 12 languages. As well as the 'Review of Decisions' Fact Sheet, several other Fact Sheets included in the kit give information on how to apply for a review of decision. In the Complaint Management Fact Sheet clients are also advised that they can contact Consumer Advocacy and Quality Service (CAQS) if they are still dissatisfied with an outcome. A paragraph in relation to the option of contacting CAQS is also included in decision letters from Tenancy Operations and Property Management.

The Public Rental Assistance Application clearly states on the front page that if applicants need help with the form, they can ask an officer of HACT to assist them or they can call a telephone number which is

⁸ Housing ACT (HACT)

⁹ Correspondence from Housing ACT dated 8 June 2010.

listed on the form. It further states that if they need help in a language other than English, HACT will contact the Telephone Interpreter Service to assist. Other applications, that is, the Rental Rebate, Rental Bonds and Housing Asset Assistance, all offer similar assistance.

In addition, all HACT Fact Sheets give comprehensive information (from 'Contacting HACT' and 'Applying for Housing' through to 'Review of Decisions') and contain a telephone number to contact if further information is required.

- 3.5 This office accepts that Ms A did not follow Housing ACT's prescribed procedure for formally requesting a review. However, Ms A's actions in continuing to provide additional information to support her application, and continued approaches to Housing ACT would indicate that she was seeking to have the decision changed. It is reasonable to expect that officers receiving Ms A's correspondence would recognise her escalating needs and at least provide Ms A with clear advice about having the decision reviewed. The rigid application of the current review policy does not take into account vulnerabilities of people experiencing homelessness, distress, anxiety, or who have limited levels of education or literacy.
- 3.6 The current procedures have adopted an inflexible approach for making review requests and potentially may operate as a barrier to having decisions reviewed. A more flexible approach would provide more transparency and accountability of Housing ACT's decision making. Housing ACT's procedures should provide sufficient flexibility to permit the review request to be made orally, and then enable an officer to assist the person to put that review request in writing.

Re-assessment of the application following further information

Ms A was given misleading information about the extent to which her application was being re-assessed.

- 3.7 Each time Ms A provided further information to Housing ACT she was advised in writing:

Thank you for providing additional information in support of your application for early allocation. The application has been re-assessed in light of that extra information.

Your application for early allocation will remain on the High Needs Housing list...

This statement suggests that Ms A's application was being actively reconsidered each time she provided further information, however her application was still not found to meet the benchmark for Priority housing despite her meeting the criteria in our view. Housing ACT's responses did not provide sufficient, if any, reasons for its decision not to escalate Ms A's application. This advice caused ongoing frustration to Ms A who, unsure of what else to do, continued to try to make the case that she should qualify for Priority housing assistance by providing further information attesting to her deteriorating circumstances.

- 3.8 A reconsideration or re-assessment of an application would require a number of matters to change in the handling of Ms A's application. It would have required that records be placed on the file indicating how the new information was taken into account, including reasons for re-affirming or changing the categorisation decision. The application could have been provided to another independent or more senior officer to carry out a re-assessment. However, Ms A's application continued to be handled by the same assessing officer who was not required to escalate the case. None of the records provided to this office suggest that a re-assessment of Ms A's application occurred after the initial assessment of 29 July 2009. The records do not show that the merits of the decision were reconsidered by the assessing officer, or the case escalated to an independent review officer. Further information was received, filed and acknowledged, but there is no decision record that suggests that a reconsideration of the recommendation of High Needs housing was undertaken.
- 3.9 Housing ACT provided a copy of a flow chart outlining the *Registration of Applications for Housing/Transfer*. This procedure does not envisage that applications may be re-assessed after they have been approved and categorised. Housing ACT has not provided any procedural guidance for re-assessing applications in the light of further information provided by an applicant after the application has been categorised. If there is no procedure for re-assessing applications, the statement that Ms A's application had been re-assessed in light of the extra information may be considered as misleading.

Assessment process includes a 'comparability test'

- 3.10 Housing ACT has advised that applications that are to be considered for Priority housing need to be formally prepared for presentation to the MDP. This task is done by a senior assessing officer. Due to the volume of applications being referred to the senior assessing officer, Housing ACT advised that applications are subject to a 'comparability test' requiring the needs of each applicant to be compared against other pending applications.¹⁰ That is, the decision to present an application to the MDP is dependent on the assessing officer's view, and then the senior assessing officer's view of how this applicant's circumstances compare with other applicants also waiting to be referred to the MDP.
- 3.11 To justify this method of triaging applications, Housing ACT provided the following advice:

The object of the program (PRHAP) is to provide assistance to eligible people in the Territory who are most in need. In line with this focus it should be noted that the heading for the Needs Categories¹¹ include a general description, and a more detailed description of typical circumstances that could lead to a priority categorisation of an applicant.

It is important to note that it does not follow that an applicant would necessarily qualify for entry to the priority housing category simply because they met one or more of the specified criteria. Conversely it

¹⁰ Correspondence dated 8 June 2010.

¹¹ See Annex A.

does not follow that an applicant would necessarily be excluded from the priority housing category if they failed to meet the specified criteria but were otherwise assessed as having critical and complex needs. Indeed, Clause 13(3) of PRHAP specifies that the Housing Commissioner must allocate a needs category to the application of an eligible applicant for rental housing assistance having regard to the criteria and the needs of the applicant.

Part of the assessment process includes a 'comparability test'. This could be likened to Clause 10 of the PRHAP (Hardship) where it specifies that the Housing Commissioner may disregard one or more eligibility criteria if satisfied that relative to the circumstances of eligible applicants generally, an applicant is suffering severe hardship.

- 3.12 This office notes that the Housing Commissioner and delegated officers have discretionary powers to disregard some eligibility criteria of the PRHAP in some circumstances. Housing ACT has interpreted these discretions broadly to justify the actions of assessing officers and senior assessing officers to apply a 'comparability test' when satisfied that the applicant's circumstances are comparable to other eligible applicants. This office has not been provided with any further guidance, policies or procedures used to support assessing officers or senior assessing officers to implement the 'comparability test'.
- 3.13 According to Determination 2007 (No 1),¹² applications that have already been categorised as eligible for Priority housing may be ranked against each other on a needs basis by the MDP:

Operation of Priority Housing Category

Applicants will be placed and/or ranked for the allocation of assistance in the Priority Housing Category by a Multi-Disciplinary Panel which will assess the applications taking into account the factors set out in the category. For the purpose of limiting the provision of housing assistance to those most in need inclusion in this category will be targeted so that no more than 150 applicants are placed in the category at any one time. Applicants are to be allocated assistance from this category on a needs basis (rather than a chronological basis).

- 3.14 This policy does support the application of a comparative test by the MDP in determining which applicants on the Priority list move to the top of that list compared with the others on the list. Applicants are allocated assistance from this category on a needs rather than a chronological basis. However, this office understands that each applicant for Priority housing should be assessed on their own needs and circumstances alone, and placed on the Priority list if the MDP determines they meet the criteria. That is, the policy does not suggest that a comparative test should be applied prior to an application being referred to the MDP for consideration for allocation and ranking within the Priority list.

¹² Housing Assistance Public Rental Housing Assistance Program (Housing Needs Categories) Determination 2007 (No 1), see also Annex A.

PART 4 – CONCLUSIONS AND RECOMMENDATIONS

4.1 We acknowledge that the application kit and other correspondence Housing ACT sent to Ms A provided advice about her rights to seek a review of the decision to place her application on the High Needs housing list. That Ms A did not act on this advice suggests that she did not appreciate the relevance of these rights to her circumstances, or that she did not or could not understand how to exercise her review rights to the satisfaction of Housing ACT. Ms A continued to engage with Housing ACT and to provide further information about her deteriorating circumstances. Each time she received acknowledgement of the further information she was told that her application had been re-assessed and remained on the High Needs housing list. These letters also referred to Ms A's rights to request a review of the decision in writing. It appears that Ms A was frustrated by the apparent lack of progress of her application over the period in which her situation was becoming increasingly difficult. Ms A was not advised directly by Housing ACT that she needed to request a review in writing, or that she needed to indicate in her correspondence that it was a review that she was seeking. The ACT Homelessness Charter states that applicants have:

the right to receive clear and accurate information as well as help in completing and understanding any application procedures.¹³

We are concerned that the current review policy does not take into account the specific vulnerabilities of people experiencing homelessness, distress, anxiety, or who have limited levels of education or literacy.

Recommendation 1

Housing ACT should review the information provided to housing applicants to ensure that it clearly and succinctly explains the procedure by which an applicant can seek to have an application on the High Needs list escalated to the Priority list.

4.2 In our view, Housing ACT's reliance on waiting for Ms A to make a written request for review before escalating her application to the MDP was not reasonable in this case. It is acknowledged that it is a requirement of the current policy as stated in the PRHAP that a request for review must be in writing. However, Housing ACT should not rely on this prescriptive requirement as it can prevent a person from having their application progressed and placed before the MDP for assessment. In these circumstances Housing ACT could have assisted Ms A to comply with the PRHAP written requirement. Ms A could have been asked directly if she wanted to make a review request and been informed about the procedures. Ms A could also have been provided with assistance to formulate her review request, if required.

Recommendation 2

Housing ACT assist housing applicants to submit written requests for review where the applicant's circumstances suggest that more interactive assistance is needed. If necessary, Housing ACT should seek to have the PRHAP modified so that officers may provide assistance to housing applicants to make review requests.

¹³ ACT Homelessness Charter – a Statement of Rights

- 4.3 Housing ACT does not have procedures for escalating or reconsidering a housing application decision other than a review of the decision following a formal written request for a review. Housing ACT informed Ms A that her application had been re-assessed. However Ms A's application was only referred back to the primary decision-maker and no internal review of the decision occurred. Consequently it was misleading to tell Ms A that her application had been re-assessed in the light of the extra information she had provided since no such re-assessment procedure exists.

Recommendation 3

Housing ACT either implement an internal review procedure for re-assessing applications in the light of further information provided by applicants, or cease referring to a re-assessment if no such procedure exists. An internal review procedure should include a referral of the application to an independent assessing officer, or senior assessing officer. Notifications of internal reviews should include reasons for the decision to maintain the application on the High Needs list if the application is not elevated to the Priority list.

- 4.4 The application of a comparability test to triage applications before they are referred to the senior assessing officer places a burden on assessing officers to have current knowledge of case loads and the needs of other co-pending applicants that may be beyond the scope of their normal assessment duties. This is a strategic decision that can only be made by delegated officers with considerable experience and knowledge of current agency-wide demands and resources. Officers who exercise discretionary powers must be supported by clear guidance, policy and procedures, and must also have appropriate delegations to exercise those powers.
- 4.5 Housing ACT's policy of triaging applications via a 'comparability test' before they are referred to the MDP may not be consistent with legislation and the PRHAP. Housing ACT has been unable to provide documented guidelines to support officers who are charged with administering this triaging process. In the absence of clear guidance, the triaging process lacks transparency. It is not possible to determine on a case-by-case basis whether or not each application has been 'triaged' fairly, reasonably and on its merits. The approach adopted by Housing ACT puts applicants who would otherwise qualify for Priority assistance at risk of remaining on the High Needs list for extended periods, and not being appropriately housed despite significant hardship.
- 4.6 Following further discussions with Housing ACT it has been acknowledged that Clause 14(5)¹⁴ of the PRHAP provides a basis in the policy for a reassessment of an application to change the needs category. At the time of drafting this report Housing ACT indicated that there was a need to develop clear requirements in regard to Clause 14 of the PRHAP.

¹⁴ 14(5) The housing commissioner may change the needs category given to an application—

(a) if the applicant applies for a change to the needs category; or
(b) after a reassessment by the housing commissioner of the needs category given to the application, having regard to the criteria and the needs of the applicant.

Recommendation 4

Housing ACT review its policy and procedure for triaging applications for Priority housing to ensure that a transparent and accountable process is in place. In developing clear requirements in relation to Clause 14, Housing ACT should ensure that these requirements are consistent with and provide support to its triaging process for sorting applications for referral to the MDP.

PART 5 – AGENCY RESPONSE

Martin Hehir, Chief Executive of the ACT Department of Disability, Housing and Community Services (now the Community Services Directorate), provided the following observations on the Ombudsman's draft report on 12 April 2011:

1) Background – Housing Issues in the ACT

Declining housing affordability is a complex national issue which has been escalating over time, particularly over the last 10 years. Demand for all types of housing in the ACT – and nationally – far exceeds supply.

Many statistical and financial indices show that buying a home in the ACT is still affordable for the majority of ACT residents, given the ACT's high median household income. However, changes in the housing market have made owning a home more elusive for many low to moderate income families. This places greater pressure on the private rental market.

Unlike large metropolitan cities, Canberra does not have an existing low cost rental market of any scale, in terms of property size, location and amenity, nor are there areas where housing costs remain relatively less expensive to rent or purchase. In recognition of the lack of housing options for people on low incomes to purchase or rent, the ACT has retained a higher than average proportion of public housing stock than other jurisdictions over time.

The ACT's high median household income also means that the rental market predominantly provides housing for medium income individuals and families. However, high median rental costs in the ACT means that many households of low to middle income in the private rental market also suffer the highest levels of housing stress.

The primary program response to housing affordability, Commonwealth Rent Assistance (CRA), is a payment supplement private rental costs for people on low incomes up to a fixed maximum rate payment, regardless of their housing costs or location. Its effectiveness in alleviating private rental stress for people on low income in the ACT is affected by high overall rental costs.

The role of ACT public housing has changed over time through increased targeting to those most in need. Affordability is now no longer the key driver of eligibility for public housing and is considered in conjunction with one or more of the following issues:

- (a) homelessness;
- (b) mental health or medical issues;
- (c) disability, including frail-aged carers;
- (d) women and children escaping domestic violence;
indigenous people facing complex issues and private rental market
discrimination or exclusion; and
- (e) children at risk, including their parents and carers.

These risk factors were informed by an analysis of the circumstances of existing housing applicants, which identified that the people with the highest needs

experienced multiple and complex issues, the implications of which contributed to increased housing vulnerability.

Housing ACT plays a role in the housing continuum as the post crisis accommodation provider for people in greatest need, but it is not the response to broader issues of housing affordability. Strategies to address these issues in the ACT are identified in both the *National Affordable Housing Agreement (NAHA)* and *ACT Affordable Housing Action Plan*.

2) Demand for Housing

Housing Assistance in the ACT is finite and limited to the size of the public housing portfolio and by the ACT Government's commitment to security of tenure for public housing residents.

The ability for Housing ACT to address demand and house people from the Social Housing Register is entirely determined by the availability of vacated properties, although the addition of 421 new social housing dwellings constructed under the Nation Building and Jobs Plan will have some impact in 2010-11.

Housing ACT has seen significant reductions in the number of evictions. In 2009-10, there were only 10 evictions. Reduced numbers of people exiting public housing into homelessness is a success for Housing ACT, which also has responsibility for homelessness in the ACT. However, this impacts on the turnover and availability of properties available for new allocations.

In 2009-10, Housing ACT established only 557 new public housing tenancies. 632 new tenancies were established in 2008-09. This contrasts with the 1558 people on the Social Housing Register as of 4 April 2011 - 490 on Standard, 919 High Needs and significantly, 149 on Priority.

This is the highest number of applicants which have been on the Priority register and makes demand management critically important for Housing ACT into the future and it is vital that the needs of individual cases are not considered in isolation to all other applicants on the Social Housing Register.

3) Housing as a Human Service

Housing ACT's operational procedures in this matter were implemented in line with the changes to the *Public Housing Rental Assistance Act (PRHAP)* in November 2006, which introduced the Social Housing Register and its needs based approach to assessment. The Multi-Disciplinary Panel was also introduced at this time to assess applications for priority housing.

Significant structural reforms to Housing ACT and the homelessness sector established a continuum of services for people as they transition from homelessness to sustainable independent living. These changes not only consolidated Housing ACT as a human services agency, they placed Housing ACT as the post crisis response on that continuum. This recognised that Housing ACT is not and should not be considered the crisis response to housing need. To place people who are still in crisis in public housing is to greatly increase the chances of a failed tenancy, increasing debt and limited change to the circumstances that produced the crisis in the first place.

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

These structural reform changes also replaced the previous chronological approach to assessment and allocation, in recognition that a human services agency must have the flexibility to respond to individual complex needs and circumstances in the most responsive way possible. Rigid rules and application of those rules, in the context of human services, does not meet the needs of vulnerable people in the community and does not meet the expectations of the ACT community that public housing will respond to those people in the community most in need of assistance.

4) Gateway Quality Improvement Project

All of the systemic administrative and procedural issues regarding Housing ACT application and assessment procedures will be addressed by this project.

The need for improved business systems, clear policies, procedures and guidelines which assist Housing ACT staff to better make and communicate their decisions regarding Housing Assistance have informed the scope of the current project to develop a comprehensive quality improvement framework for Housing ACT's Gateway Services functions.

Each of the recommendations arising from Ms A's investigation will be considered in detail by that project. This work is currently underway and I have been advised that staff in your office have been provided with a project update and a copy of the background paper for the project. I recognise that your office is an important stakeholder in the Gateway Services Project.

The Gateway Quality Improvement Project recognises the need to change practice to strengthen Housing ACT as a human services agency and reflect these values in policy and procedure and training to Gateway Services staff. This will be done through the development of a Service Delivery Framework, which takes the human services principles and exemplifies documents such as the Service Delivery Platform and the Client Service Standards in a specific Gateway Services context.

Values such as person centred approach and engagement will ensure that all staff in Gateway Services understand the human services approach expected of them, such as engaging with clients and providing clients with clear information. In many ways the framework articulates and clarifies the 'how' of work in Gateway Services, that is, how we expect staff to interact with and respond to clients' needs.

Accompanying the Service Delivery Framework are a range of guidelines, similarly focused on the specific day to day work context of Gateway Services, to assist staff to interpret and apply the policy and procedures of the organisation. This is the 'what' of work in Gateway Services, that is, what we expect staff to be doing in their work.

The Service Delivery Framework contains a section on good decision-making that has made substantial use of a guide to good decision-making published by the Queensland Ombudsman. This section makes clear that recording of the decision-making process as well as the final decision, are critical to good public sector management.

The Guidelines section that accompany this framework contains three guidelines related to decision-making; one on the process of decision-making (as adapted from

the Queensland Ombudsman); one on the recording of decision-making and one on the consideration of human rights in decision-making. I am advised these guidelines will meet many of the issues that were raised in cases relating to lack of information about decisions made. I am further advised that a quality assurance measure will be developed to better identify procedural issues in the future.

The project also includes a business system review to identify where systems, such as Homenet could better maximise support to clients and staff and provide managers and the organisation with the oversight required to ensure consistent and transparent practice. This will be followed with a quality assurance regime and a training schedule to ensure the expectations outlined in the Service Delivery Framework and guidelines become embedded in day to day practice into the future and that these can be adequately monitored.

The work of the Gateway Quality Improvement Project is complementary and critical to the successful implementation of a new model of service provision within the Gateway Services context.

5) Partnerships in Housing Assistance

The ACT has a three tiered system for the registering of housing applications. This system classifies the need of an applicant and determines the level of housing assistance for which they are eligible.

Therefore, for priority needs applicants, the Government's agreed response is the early provision of public housing. The response for applicants who are assessed as being on the High Needs Housing register is the provision of public housing within a reasonable timeframe. It must be recognised that the High Needs Housing register acknowledges that these applicants have complex needs and indeed all applicants are acknowledged as having extreme affordability issues. However for a targeted system to operate there must be the means available to assess that, relative to other applicants, some applicants needs are of a higher and more urgent status.

For applicants on both the Priority and High Needs Housing registers, the Government has determined that these applicants' needs must be addressed by a combination of specialist homelessness accommodation and support services, mainstream support services, such as mental health and drug and alcohol services and community based services, until such time as they are allocated housing assistance.

The Commonwealth and ACT Government provide over \$20 million per annum to support services. These services are a critical component of the service continuum and are not a 'second rate' alternative to public housing assistance. For many people, such support enables long term change to address the issues which underlie their need for housing assistance.

It is critical that Housing ACT works effectively with these agencies to ensure people who are not immediately eligible for housing assistance are given clear and concise information and presented with accessible options for support. To this end, the establishment of the central intake service for homeless services in conjunction with the common waiting list for public and community housing represent critical steps in

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

improving these pathways. I look forward to advising you of the progress of these initiatives.

6) Central Access Point

The second key Housing ACT project which will address the issues identified in the Ombudsman's findings is the establishment of the Central Access Point (CAP) for public and community housing and homelessness services.

The co-location of Government and community service providers will eventually result in a model of shared service delivery, allowing Housing ACT to further consolidate its shift to a human services agency.

The service aims to provide clients with easy and supported access to a broad range of services along the housing continuum from crisis to stable accommodation. The CAP model works to support clients to obtain information about and access to the broad range of services that may assist them in the period while they seek stable accommodation.

The service will be underpinned by an approach where all clients receive individual, tailored services in a welcoming manner. The co-location of such a range of services will also provide the opportunity for service providers to make more personalised referrals to other services present. Again, this will streamline service delivery and enable clients to gain a greater sense of coherence within the one service site.

Housing ACT is confident that the partnership arrangements and the close physical working relationships involved in this model will increase a holistic, considered service delivery. Importantly, the CAP will assist clients to access information, reduce the need to keep telling their story to multiple agencies and increase referrals provided and taken up by clients.

Response to Recommendations

Recommendation 1

Housing ACT should review the information provided to housing applicants to ensure that it clearly and succinctly explains the procedure by which an applicant can seek to have an application of the High Needs list escalated to the Priority list.

Agreed

Clear and helpful information regarding any Housing ACT procedure should be available for all applicants and tenants. It is also an expectation that Housing ACT will assist clients with the application and assessment process.

Following implementation of the Central Access Point, services from partner community organisations will be available, consistent with the intention for an integrated service model to build additional support and customer service capacity for applicants and clients of housing and homelessness services.

In the circumstances of this case the applicant's increasing level of frustration with Housing ACT's process can be acknowledged through her repeated submission of

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

information regarding her circumstances. I acknowledge that Housing ACT could have been more proactive on the occasions where the applicant provided additional information in an attempt to have her housing needs assessment upgraded to the priority level.

I accept the finding of the Ombudsman that there was not enough clarity provided in Housing ACT records or in the information provided to the applicant regarding the issues considered in the reassessment of the case and why the assessment continued to confirm her needs as appropriate for a High Needs placement.

I also accept that the applicant could have been better advised of her right to make a formal written review request under clause 31 and could have been given a higher level of assistance in preparing such a request. This will also be addressed through the Gateway Quality Improvement Project.

Although section 31 of the public rental housing assistance program requires a housing applicant to make a request in writing for a formal review of an internally reviewable decision, a similar less formal process is available under clause 14. While this may not have been discussed in earlier correspondence, it is considered to have been the process followed in Ms A's case rather than the formal process required by clause 31.

Clause 14(5) permits the housing commissioner to change the needs category given to an application:

- (a) *if the applicant applies for a change to the needs category; or*
- (b) *after a reassessment by the housing commissioner of the needs category given to the application, having regard to the criteria and the needs of the applicant.*

Housing ACT actions

- *Quality and training issues to be addressed via Gateway quality improvement project and its development of the service delivery framework and accompanying guidelines and procedures*
- *Service issues to be addressed by the Central Access Point (co-locating housing and homelessness services in an integrated service model)*
- *Discussion and Training with relevant stakeholders including community partners on the requirements of supporting documentation.*
- *Clarity regarding requirements of Clause 14 to be developed by Gateway quality improvement project*

Recommendation 2

Housing ACT assist Housing Applicants to submit written requests for review where the housing applicant circumstances suggest more interactive assistance is needed. If necessary, Housing ACT should seek to have the PRHAP modified so that officers may provide assistance to applicants to make review requests.

Agree in principle

I acknowledge that bureaucratic processes can, at times, disempower applicants who are vulnerable due to housing circumstance and/or in crisis. As previously stated, I accept that a more interactive approach should be taken in relation applicants,

particularly vulnerable clients, to assist them to prepare formal written requests for a review of a decision under clause 31.

However, I do not believe that modification needs to be made to PRHAP to enable this level of assistance to be provided. Improvements in relation to engagement with and responsiveness to applicants in general as well as in the clarity of information provided can be achieved within the current PRHAP parameters. A critical component of good engagement with clients is the provision of clear information and the support necessary to engage with the agency. The necessity to provide clear information, as well as how to build engagement, is being addressed through the development of a service delivery framework as part of the Gateway Quality Improvement Project. This project will also develop a range of quality assurance measures as part of a continuous improvement process within Gateway Services to improve customer service.

Advice not considered misleading

I do not agree with the finding that it was misleading to tell Ms A that her application (needs assessment) had been re-assessed in the light of the additional information she had provided, given the capacity and process available under clause 14 of PRHAP. However I accept that Ms A should have been more adequately advised of the process and the reasons for the decision on each occasion.

Housing ACT actions:

- *Development of an operational guideline for reviews of decision*
- *Review of the existing operational guideline on reassessment of applications*

Recommendation 3

Housing ACT either implement an internal review procedure for reassessing applications in the light of further information provided by applicants, or cease referring to a re-assessment if no such procedure exists. An internal review procedure should include a referral of the application to an independent assessing officer, or senior assessing officer. Notifications of internal reviews should include reasons for the decision to maintain the application on the High Needs list if the application is not elevated to the Priority list.

Agree in principle

Operation guideline option

As indicated above, I do not accept that there is no formal process available for re-assessment of applications in the light of further information provided by applicants. Such a process is specified under clause 14 and occurs on a daily basis within Gateway Services. This process could be expanded by way of a housing operational guideline. This has been forwarded to the Gateway Quality Improvement Project for development.

Housing ACT actions

- *As per recommendation 2*

Recommendation 4¹⁵

Housing ACT review its policy and procedure for triaging applications for Priority housing to ensure that *all* eligible applications are referred to the MDP. Housing ACT should ensure that all officers exercising discretionary powers have appropriate delegations to make assessments that include any discretionary considerations. Housing ACT should also ensure that any 'comparability test' used to rank applications against each other prior to referral to the MDP is consistent with legislation and the PRHAP, and is supported by clear guidance, policy and procedure.

Disagree

Housing ACT does not support this recommendation as comparative assessment will unnecessarily increase pressures on the priority list and increase waiting times for people to be housed. Housing ACT is confident that all eligible applications are referred to the MDP. That is, all cases assessed as meeting the criteria for priority consideration as outlined clearly in the operational guideline on housing needs category, are referred to the MDP.

The issue of 'triaging' applications has been raised and addressed many times across a number of investigations by your office. The triaging process is a necessary administrative process for the management of the high volume of applications received and reviewed within Gateway Services.

Currently, each assessing officer conducts at least eight assessments a week, may undertake the same number of re-assessments a week and may be passed a number of other cases from officers who are on leave. As you would understand, a comprehensive assessment is time consuming and often involves phone calls to support agencies, close review of a number of support letters, phone calls to the applicant themselves and possibly the arrangement of and attendance at a case conference.

Each assessing officer must make triaging decisions about their competing cases in order to manage their workloads. The only alternative to a system of triaging is a strict first-in-first-serve process, which has the potential to leave high risk applicants in situations of unacceptable risk, such as domestic violence, children at risk, or transfer applicants at risk of violence. Clearly this would not be the flexible and responsive service expected of Housing ACT by the ACT public.

When demand outstrips supply to the degree that it does with public housing assistance, all levels of Housing ACT must necessarily make decisions about demand management.

There are a number of supports in place to ensure all assessing officers have assistance to make the decisions required to manage their substantial workload, including weekly meetings with their team leader, informal meetings with their peers, meetings with the Manager and Senior Manager of Gateway Services and consultation with other senior officers within the department with specific expertise

¹⁵ Following further discussions with Housing ACT we agreed to change the emphasis of Recommendation 4. A newly drafted Recommendation 4 now appears in Part 4 of this report.

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

such as domestic violence or issues related to Aboriginal and Torres Strait Islander applicants.

This process is not inconsistent with PRHAP including determinations made under the program. The capacity to allocate a needs category to an application derives primarily from clause 13(3) of PRHAP but is supported by the determination relating to housing needs categories. This power is delegated down to the AS04 level.

I accept that previously there was a backlog of cases written up ready to be heard by the MDP and by necessity these needed to be triaged (as a panel cannot do justice to cases without adequate time to consider them). I have been advised that the triaging of these was done by the Senior Manager of Gateway Services in consultation with the management team of Gateway (and other officers with specific expertise as required).

While this backlog has now been cleared, it is important to note that this means that there are now over 150 people on the priority housing list which will, given the shortfall in supply, now mean delays in being able to house these applicants.

Annex A – Housing Needs Categories¹⁶

Priority Housing	<i>Applicants must demonstrate exceptional, urgent and critical needs that cannot be resolved by any reasonable means other than the early provision of public housing.</i>	<p>Able to demonstrate a range of complex needs with evidence of significant risk factors that would be addressed or substantially alleviated through the early allocation of public housing, including:</p> <ul style="list-style-type: none"> • primary or secondary homelessness, including clients exiting Supported Accommodation Assistance Program services • families with children; • formally diagnosed mental health issues, including the effects of past trauma and torture; • other serious and chronic health issues • disability including frail-aged, where natural supports have broken down, or are at serious risk of breaking down; • Aboriginal and/or Torres Strait Islander persons, and families having difficulty accessing private rental accommodation and facing complex issues; • women with or without children escaping domestic violence; • children at risk of abuse or neglect. <p>Supplementary principles</p> <ul style="list-style-type: none"> • An applicant with a single risk factor may be considered for inclusion if that factor is assessed as being extremely critical or detrimental in relation to their well-being or that of their family. • An applicant must also demonstrate an inability to find appropriate and affordable housing on the private market; for this purpose rent on the private market will be deemed unaffordable where it exceeds 50% of household income. • Inclusion will be confined to applicants who are currently capable of independent living and with the capacity to undertake a housing tenancy to address their longer term housing needs. A clear distinction will be made between applicants who meet these requirements and those for whom crisis or short-term housing is more appropriate to their needs.
High Needs Housing	<i>Applicants must demonstrate significant needs that cannot be resolved by any reasonable means other than the provision of public housing within a reasonable timeframe. This</i>	<p>Able to demonstrate one or more risk factors that would be addressed or substantially alleviated through the provision of public housing, including:</p> <ul style="list-style-type: none"> • existence of one or more of the risk factors identified for the Priority housing category but to a degree that does not justify admission to that category; • experiencing private rental barriers such as extreme affordability problems, or demonstrable and ongoing discrimination; • having a need for housing that addresses

¹⁶ Housing Assistance Public Rental Housing Assistance Program (Housing Needs Categories) Determination 2007 (No 1)

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

	<i>includes significant affordability issues in obtaining housing on the private market.</i>	special needs such as a disability or a chronic medical condition that cannot be reasonably catered for through the private housing market; <ul style="list-style-type: none">• living in overcrowded conditions, placing children at an identifiable risk.
Standard Housing	<i>Applicants facing significant affordability issues in obtaining housing on the private market</i>	<ul style="list-style-type: none">• Incomes within ACT public housing eligibility criteria

Annex B – Public Housing Multi- Disciplinary Panel (MDP)

TERMS OF REFERENCE

BACKGROUND

To ensure that Housing ACT can provide housing assistance to those who most need it the Public Housing Multi Disciplinary Panel (MDP) was established to determine whether applications for Housing Assistance meet the eligibility criteria for the Priority Housing Category.

ROLE

The role of the MDP in relation to applications for Housing Assistance is to:

1. Consider applications referred by Housing ACT to the Panel for a decision on both eligibility for, and entry to the Priority Housing category.
 - a) having regard to all relevant considerations;
 - b) consistency with the Housing Assistance Act, Housing Assistance Public Rental Housing Assistance Program 2008 (No 1), Housing ACT policies and procedures;
2. Advise the Director of Housing ACT of the decision with reasons for the decision;
 - a) the MDP may decide an applicant should be placed on the Priority Housing list if the application meets the criteria outlined in the Determination, and there is sufficient space on the list, either through natural attrition or the relative need of the applicant is greater than others currently being considered;
 - b) the MDP may decide that an applicant should not be placed on the Priority Housing list if the application does not meet the criteria outlined in the Determination. Where an applicant is not placed on the Priority Housing list the MDP may offer suggestions to assist them resolve some of the presenting issues while the applicant continues to wait on the High Needs Housing list for allocation;
 - c) the MDP may decide that although an applicant has demonstrated exceptional, urgent and critical needs that would otherwise qualify an applicant for Priority Housing, there is sufficient doubt about the applicant's capacity to independently maintain a tenancy, and therefore should not be entered onto the Priority Housing list. The MDP may recommend that Housing ACT try to further engage the applicant with appropriate support agencies and a support meeting/case conference held to identify client's needs;
 - d) the MDP may decide that an applicant should not be placed on the Priority Housing list if there is insufficient information to make a recommendation and request that Housing ACT seek further information from the applicant;

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

- e) the MDP may decide that an applicant is eligible on the basis of needs but should not be placed on the Priority Housing list due to insufficient space on the list. In this situation the application meets the criteria outlined in the Determination, however, the relative need of the applicant is less than that of other applications being considered by the MDP at the time;
 - f) the MDP may decide that an applicant should be removed from the Priority Housing list, and returned to their chronological listing on the High Needs Housing category, if it is determined that an applicant's circumstances does not meet the criteria outlined in the Determination.
3. provide to the Director of Housing ACT advice on the impact of policies and procedures as a result of matters arising out MDP sessions.

MEMBERSHIP

The Senior Manager of Gateway and Operational Services will chair the MDP.

Senior officers, of at least Senior Officer Grade C, from across the ACT Government and representatives from the community with relative experience in the provision of human services will be eligible to sit on the Panel.

A panel of three members, excluding the chair, will be established for each session of the MDP. Ideally panel members should not be directly involved in the provision of support to the applicant who's case is being considered. Where this is unavoidable panel members will declare the interest and will not take part in the decision making process to determine relative need of that applicant.

JURISDICTION

The purpose of the MDP is to consider applications for Housing ACT Housing Assistance through the Housing Assistance Public Rental Housing Assistance Program 2008 (No1) recommended for the Priority Housing category.

The MDP will make recommendations on entry to, or removal from, the Priority Housing list for applications referred by Housing ACT. The Director of Housing ACT will have delegated authority to add to or remove an application from the Priority Housing category.

Applications will be referred to the Panel by Housing ACT in the following circumstances:

- when it appears a new application may meet the Priority Housing criteria outlines in the Determination;
- when Housing ACT becomes aware that an existing applicant's circumstances have changed such that they appear to meet the Priority Housing criteria outlined in the Determination;

The Panel is not responsible for making recommendations in relation to general waiting list management, such as the order in which applicants on the Priority Housing list are housed.

STRUCTURE

A MDP will be comprised of four members, drawn from a collection of approved candidates from within the ACT Government and representatives from community agencies. Each MDP will ideally consist of:

- the chairperson; and
- three panel members consisting of:
 - i. one member from the Department of Disability, Housing and Community Services;
 - ii. one member from an ACT Government agency, other than DHCS;
 - iii. one community representative.

The chair will lead the meeting and oversee the preparation of documentation outlining the written decision for each referral. The chair will have responsibility to ensure that:

- the panel members exercise their independent delegation in making the decision;
- the information provided on each case is sufficient to enable the MDP make an informed decision and that all relevant issues are considered;
- the circumstances of the applicant are adequately and fairly considered:
 - a. having regard to all relevant considerations;
 - b. an applicant's personal circumstances are thoroughly reflected in the case overview;
- the views of all panel members are equally considered and that, where consensus cannot be reached, a dissenting panel member's view is acknowledged; and
- ensure the quality, efficiency and consistency of decisions made.

Panel members will participate actively in the process for each case referred for consideration, within the terms of reference of the MDP.

A departmental officer whose role is to provide secretariat support to the MDP will attend each MDP session. On request from the MDP the Team Leader of the Client Assessment and Support team will provide advice on legislative, policy and procedural matters as well as on factual matters of cases. They will not participate in the review process.

MDP SESSIONS

The MDP may inform itself as it sees fit, but must consider:

1. the referrals prepared by the Department.

The Chair may inform themselves as they see fit but must consider:

1. the views of the MDP
2. the referrals prepared by the Department.

ACT Ombudsman—Housing ACT, Assessment of an application for Priority housing

All application files relating directly to the referrals will be available at each session of the MDP for the panel members to consider.

The MDP may seek clarification on any matter pertinent to an application from relevant departmental officers, who may be requested to attend a session and advise on matters that may not be fully evident from the written material provided to the MDP.

The MDP will be held fortnightly with the provision for sessions to be held weekly if the necessity arises.

Applicants, their advocates and support people do not have the right to attend the MDP session at which their application is to be considered, nor do they have a right to make a written or oral submission to the MDP in support of their application. They may however provide any evidence they may wish at the time of their assessment, or advise Housing ACT of a change in circumstances at any time.

The MDP may, either during the meeting or out of session, ask that Housing ACT provide additional information or to further clarify any relevant matter.

ACCESSIBILITY, ACCOUNTABILITY AND FEEDBACK

The applications and allocation process should be known and understood by tenants, applicants and their advocates. Material outlining what to expect, who and how to contact should be available.

The application process should be clearly explained to applicants at the time of application to ensure that it is clearly understood.

MDP sessions are closed to the public and all client information provided to panel members is subject to the requirements of the privacy legislation.

Applicants are informed of the decision in writing, with reasons for the decision.

Applicants who are not entered onto the Priority Housing category, or are removed from the category are informed of any further right to appeal such as the Housing Assistance and Tenancy Review Panel (HATRP) and / or Administrative Appeals Tribunal (AAT) as provided for by law.

GLOSSARY

CAP	Central Access Point
CAQS	Consumer Advocacy and Quality Service
CEAS	Canberra Emergency Accommodation Service
CRA	Commonwealth Rent Assistance
Determination	Housing Assistance Public Rental Housing Assistance Program (Housing Needs Categories) Determination 2007 (No 1)
HACT	Housing ACT
MDP	Multi-Disciplinary Panel
NAHA	National Affordable Housing Agreement
PRHAP	Public Rental Housing Assistance Program