

# How do you tell someone they have to move?

## Housing ACT's implementation of mandatory relocation under the Growing and Renewing Public Housing Program

### OWN MOTION INVESTIGATION REPORT

Report by the ACT Ombudsman,  
Iain Anderson, under the *Ombudsman Act 1989 (ACT)*



# Highlights



## WHY DID WE DO THIS REPORT?

- Public housing tenants in the ACT are some of our most vulnerable community members.
  - We received several complaints regarding ACT Housing's transition from voluntary to mandatory relocation.
  - We wanted to look at whether ACT Housing's administration of the transition to mandatory relocation was appropriate and reasonable.
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## WHAT DID WE FIND?

- ACT Housing underestimated the impact on tenants.
  - Their communication with tenants was impersonal and caused significant distress.
  - The personal circumstances of tenants should have been considered before notifying them about mandatory relocation.
  - While clearly well-intentioned and based on legitimate public policy goals, Housing ACT did not plan adequately for implementation of the Program.
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## WHAT DID WE RECOMMEND?

### **We made 9 recommendations for improvement:**

- 2 recommendations related to improving policies and procedures for Tenant Relocation Officers (TROs).
  - 2 recommendations related to communication and providing up-to-date and accurate information about the Program on the internet.
  - 5 recommendations related to planning and evaluation, namely training TROs, monitoring and taking on board lessons learned and proactively engaging with tenants based upon their individual circumstances.
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## LESSONS LEARNED

- Agencies need to understand, and plan for, likely impacts of new or changed government policy on the community members impacted.
  - Agencies should think through program delivery with empathy and compassion for the impacted community.
  - Agencies should continue to monitor programs and make adjustments to policy and processes as needed.
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## NEXT STEPS

- Housing ACT accepted 8 of the 9 recommendations and accepted in principle the remaining recommendation. Housing ACT has advised of action it will take in response to each recommendation.
- We will continue to monitor the delivery of the Growing and Renewing Public Housing Program and the implementation of our recommendations.

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## EXECUTIVE SUMMARY

Public housing is a critical service provided by the ACT Government to people who might not be able to afford housing otherwise. It assists some of the most vulnerable members of our community, who do not always have the skills and experience to engage with complex government processes or to make formal complaints. Accordingly, public housing programs must be delivered well.

The ACT Government's Growing and Renewing Public Housing Program (the Program) commenced in 2019. It aims to deliver 1400 new homes across 6 years (originally 5 years but extended due to the impacts of COVID-19), to support more people and households in need of housing assistance. To achieve this the Program seeks to relocate tenants from properties that can be redeveloped or sold to generate revenue to fund the Program.

During the initial phases of the Program, Housing ACT relied purely on voluntary relocations to achieve its targets. However, as it became apparent that voluntary relocations alone would not meet these targets, in February 2022 Housing ACT shifted to mandatory relocations. Letters were hand delivered to 337 tenants informing them that their property had been identified for sale or redevelopment and they would need to move.

In the first half of 2022, our Office received 9 complaints from tenants who had been told they must move because their properties had been identified for renewal. We investigated 6 of these complaints and in November 2022 made comments to Housing ACT in relation to 3 of the complaints, aimed at improving communication with tenants and the process for tenants seeking an exemption from mandatory relocation. To Housing ACT's credit, it engaged constructively with our investigations and made improvements to the Program in response to our comments.

The Office commenced this own motion investigation in December 2022 to build on those early improvements. We did so recognising the challenges involved in delivering public housing in the ACT, including high demand, population growth, limited supply, increasing repair and maintenance costs, and the changing needs of tenants as they age.

Our investigation found that although Housing ACT has improved delivery of the Program since it commenced, further changes should be made, especially in relation to Housing ACT's policies and procedures, communication with tenants, and planning and evaluation.

The recommendations in this investigation report are particularly focused on improvements that will strengthen the support and assistance provided to tenants with known vulnerabilities. It is essential that Housing ACT balance the legitimate public policy goals of the Program with the needs of public housing tenants, especially the most vulnerable: it is one thing to speak of a people-centred approach and another thing to deliver it.

While the recommendations in this report are directed specifically to implementation of the Program, the report should be considered by any ACT Government agency considering current or future programs involving vulnerable ACT residents. In particular, agencies should design and implement such programs by:

- having a people-centred approach to communication and engagement, which takes account of vulnerabilities from the outset
- publishing clear and up-to-date information that is easily located and accessible, and
- conducting appropriate program and risk planning, including building review and evaluation into program delivery.

## Recommendations

### Policies and procedures

#### **Recommendation 1:**

Housing ACT update its Growth and Renewal Exemptions Policy and Practice Guide and Required Relocation Operational Policy to require Tenant Relocation Officers to advise tenants of exemption criteria and processes at their first engagement.

#### **Recommendation 2:**

Housing ACT finalise its Business Process Reengineering to improve policies, practices and procedures for Housing ACT staff, particularly Tenant Relocation Officers. These documents should provide:

- an end-to-end practical guide on the steps and processes in mandatory relocation
- practical guidance, including staff roles and responsibilities; engagement with and support for vulnerable people; service standards; and quality assurance measures.

### Communication

#### **Recommendation 3:**

Housing ACT update website content to ensure information about the Program is easy to locate and implement a process to ensure:

- website content is updated to reflect any significant changes made to the Program
- information is regularly reviewed for accuracy and currency.

#### **Recommendation 4:**

Housing ACT publish information about the exemption criteria and process on its website.

### Planning and evaluation

#### **Recommendation 5:**

Housing ACT develop and deliver specific training for new and existing Tenant Relocation Officers (TROs) to ensure TROs are equipped with the necessary skills and training to:

- proactively engage appropriately with vulnerable tenants about mandatory relocation
- understand and communicate key features of the Program to tenants who are required to relocate, including the exemption process and the support available to tenants.

#### **Recommendation 6:**

Housing ACT use key findings from the Growth and Renewal Tenant Relocation - Review of the Communication and Engagement Process currently underway to conduct a formal evaluation of the Program and implement recommendations for improvement.

#### **Recommendation 7:**

Housing ACT implement a process to collect, analyse and use information from complaints received, to improve implementation and service delivery of the Program.

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**Recommendation 8:**

Housing ACT establish a process to use available information about tenants' individual circumstances – such as age, disabilities and dependents – to:

- proactively exempt tenants from mandatory relocation where their circumstances align with the Program's exemption criteria, and
- inform its engagement and communication with vulnerable tenants.

Housing ACT's relevant policies and procedures should be updated to reflect this process.

**Recommendation 9:**

Housing ACT monitor the implementation and effectiveness of risk mitigation strategies to determine if they are achieving intended objectives.



## PART 1: INTRODUCTION AND SCOPE OF INVESTIGATION

### Our role

- 1.1 The role of the ACT Ombudsman is to:
  - consider complaints about the actions of ACT government agencies,
  - influence systemic improvement in public administration in the ACT, and
  - provide assurance that ACT Government agencies and other designated entities in our jurisdiction act with fairness and integrity.
- 1.2 Our oversight includes taking individual complaints about the Community Services Directorate and Housing ACT, as well as influencing systemic improvement in the administration of public housing.

### Background to the investigation

- 1.3 The Office received 9 complaints about Housing ACT between February and June 2022 from public housing tenants whose properties were included in the mandatory relocation phase of the Program. The Office assessed these complaints individually and in 6 cases, the Office commenced a formal investigation into the complaint.
- 1.4 Several non-tenant stakeholders in the ACT also approached the Office to express concerns about the way the mandatory relocation phase of the Program was being implemented.
- 1.5 There was also media coverage of the mandatory relocation phase of the Program including reports of alleged negative impacts on vulnerable tenants.
- 1.6 The scope of an own motion investigation into matters of administration is broader than formal investigations into individual complaints.

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*The Office commenced an own motion investigation into the Program having regard to the vulnerability of many of the ACT's public housing tenants and the likelihood of the Program having a big impact on the lives of tenants who had been living in properties and locations for years.*

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- 1.7 On 6 December 2022, the acting ACT Ombudsman wrote to the Director-General of the Community Services Directorate (CSD) informing CSD the ACT Ombudsman had decided to commence an own motion investigation related to Housing ACT under s 5(1)(b) of the *Ombudsman Act 1989* (the Act).

### Objective, scope and methodology

- 1.8 The objective of the investigation was to investigate implementation, communication, and engagement in relation to the mandatory relocation of tenants under the Program.
- 1.9 The Office is aware of legal proceedings in the ACT Supreme Court involving 3 tenants who claim mandatory relocation under the Program breaches the *Human Rights Act 2004* (ACT). The legal issues raised in those proceedings are not within the scope of this investigation.

- 1.10 The methodology of the investigation was primarily desktop review and analysis. The Office sought relevant information and copies of documentation from Housing ACT, CSD and the Chief Minister, Treasury and Economic Development Directorate (CMTEDD).
- 1.11 The findings of the investigation and our recommendations are based on assessment of the material received in response to requests for information (RFIs) to Housing ACT and CSD, as well as Cabinet-related material provided by CSD via CMTEDD.

## **PART 2: THE GROWING AND RENEWING PUBLIC HOUSING PROGRAM**

### **Overview of the Program**

- 2.1 The Program commenced on 1 July 2019. It followed an earlier phase called the Public Housing Renewal Program<sup>1</sup>.
- 2.2 The Program forms part of the ACT Government's implementation of its ACT Housing Strategy (the Strategy<sup>2</sup>), in particular *Goal 3: Strengthening Social Housing Assistance* and *Objective 3A: Grow and Renew Social Housing to Better Meet Demand of its Housing Strategy*.
- 2.3 As outlined in the ACT Housing Strategy: Growing and Renewing Public Housing 2019-2025 Communications Strategy (the Communications Strategy), the Program is intended to increase the supply of public housing properties in a market where demand far exceeds supply, and address Canberra's aging public housing stock.
- 2.4 The Program identified specific public housing properties to sell or redevelop, to raise revenue for new public housing stock. If done well, the Program has the potential to benefit many Canberrans living in public housing.
- 2.5 Specifically, the Program aims to deliver at least 1,400 public housing properties by 2025<sup>3</sup> by:
  - redeveloping approximately 300 existing sites to deliver 700 new homes
  - building approximately 420 new homes on vacant purchased land
  - buying approximately 140 homes.
- 2.6 According to Housing ACT, the following stock management options were considered to reach the Program's goals:
  - options for existing dwellings – retain, sell, or knock down
  - options for procuring new dwellings – construction on Housing ACT land (from knockdowns of existing dwellings), construction on vacant greenfield sites (allocated through the Indicative Land Release Program) or purchased on the competitive market.

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<sup>1</sup> Between February 2015 and June 2019, Housing ACT's Public Housing Renewal Program replaced 1,288 dwellings from multi-unit public housing complexes along Northbourne Avenue and in other areas of Canberra. The new homes constructed or purchased as part of this program ranged from single dwellings to small developments and were scattered across both new and established areas.

<sup>2</sup> A Ministerial Statement on the Strategy, made by the Minister for Housing and Suburban Development, Ms Yvette Berry, on 30 October 2018, and the following Legislative Assembly debate, can be found at [Page 4425 week12 2018 - 9th Assembly Hansard - ACT Legislative Assembly](#).

<sup>3</sup> The Program's original end date of 2024 was extended to 2025, due to construction delays related to the effects of COVID-19.

2.7 Housing ACT stated that properties are identified for inclusion in the Program based on a range of factors, including:

- the needs of tenants
- property characteristics
- age and condition
- maintenance costs
- location
- existing levels of public housing in the area.

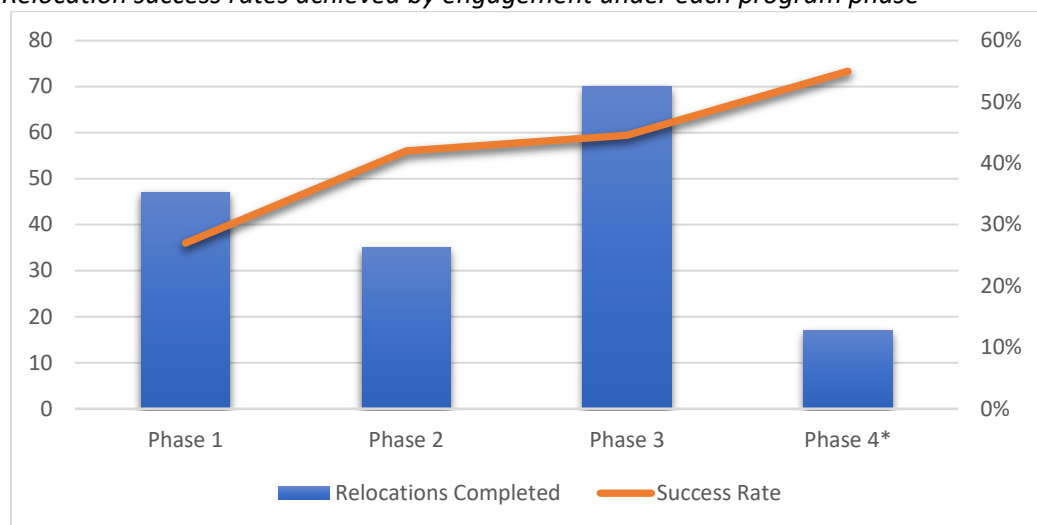
2.8 According to Housing ACT, properties identified for renewal or sale mainly include existing standalone dwellings that are older, inefficient and/or deemed by Housing ACT to no longer meet tenant needs, or are no longer viable to upgrade.

2.9 Housing ACT told our Office it was committed to meeting the goals of the Program within the set timeframe to alleviate significant pressures in the public housing Priority Housing Waitlist while balancing the needs and rights of existing tenants in identified properties. They said the relocation of public housing tenants from properties included in the Program is an important factor in enabling the Program's aims and targets to be achieved.

2.10 To date, there have been 4 phases of the Program. Phases 1, 2 and 3 involved the voluntary relocation of tenants:

- Phase 1 resulted in 47 voluntary relocations
- Phase 2 resulted in 35 voluntary relocations
- Phase 3 resulted in 70 voluntary relocations.

Figure 1<sup>4</sup> – Relocation success rates achieved by engagement under each program phase



2.11 Based on the number of voluntary relocations achieved in Phases 1, 2 and 3 of the Program, Housing ACT's assessment was that voluntary relocations alone would not deliver the 300 or so existing housing sites to redevelop that were needed to meet the Program's deliverables. Their assessment was that Phase 4 of the Program therefore needed to shift from voluntary to mandatory relocation of tenants.

2.12 Housing ACT advised our Office that Phase 4 of the Program commenced on 21 February 2022 with the hand delivery of letters to 337 tenants informing them that the

<sup>4</sup> Derived from information provided by Housing ACT in the response dated 31 January 2023.

property they live in had been identified for sale or redevelopment and they would need to move to a different Housing ACT property. Attachment 2 sets out further information regarding the mandatory relocation process and the role of Tenant Relocation Officers (TROs).

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*2.13 The primary focus of this investigation is the transition from voluntary to mandatory relocation, the implementation of this phase (Phase 4) of the Program, and how this was communicated to tenants.*

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## **PART 3: ISSUES ARISING OUT OF THE INVESTIGATION**

### **Policies and procedures**

Lack of clear criteria or process for deciding exemptions

- 3.1 Housing ACT advised our Office that the mandatory relocation phase commenced on 21 February 2022. During the first week, 337 tenants received mandatory relocation letters hand-delivered by TROs. If tenants were not available, the letter was left in their letter box and a follow-up phone call was made the following week.
- 3.2 This letter was accompanied by a 'Tenant Relocation Factsheet', designed in a frequently asked questions (FAQ) format. In response to the FAQ 'What if I don't want to move?', the factsheet advised:
- .... If you are living in a public housing property that has been identified for sale or renewal, you will need to relocate. Working with your Tenant Relocation Officer and discussing any concerns will help them find the most suitable home for you.*
- Under the Residential Tenancies Act 1997, tenants are required by law to move if the property has been identified for sale or redevelopment or if it is considered unsafe.*
- If after all options have been explored and you do not accept any suitable offers for your next home, the government will follow the appropriate legal processes to require you to leave the property. These steps may include issuing you with a Notice to Vacate the property, followed by an application to the ACT Civil and Administrative Tribunal for an eviction order.*
- This is a last resort, and we will always try to work in partnership with you first to find a suitable relocation home."*
- 3.3 The factsheet makes no reference to an exemption process, although we understand that there was some discretion within Housing ACT to exempt properties from the Program.
- 3.4 Housing ACT's 'Required relocation operational policy' (RRO Policy) dated August 2021 states that discretion is provided for tenants not to relocate in situations where tenants can demonstrate relocation would have significant adverse health and safety impacts.
- 3.5 It also states that if 2 suitable property offers are declined by a tenant, a TRO identifies concerns, or there is non-engagement by the tenant, a tenancy review would be conducted from which potential outcomes were the exercise of a discretion not to relocate the tenant or mandatory relocation.
- 3.6 Our Office understands 9 properties were exempted from the Program prior to commencement of Phase 4 (February 2022) due to information held by Housing ACT at the

time. It is not clear to us that tenants were able to otherwise request an exemption at this stage of the Program.

- 3.7 It is also not clear if TROs received specific training about what information they are required to provide to tenants about seeking an exemption, or whether there were any quality controls or quality assurance checks in place to ensure consistency in TROs' assessment of risk<sup>5</sup>.
- 3.8 Our Office started receiving complaints from tenants following the commencement of Phase 4 of the Program from February 2022. Complaints received from February to June 2022 did not indicate that the tenants were aware of any way for them to seek an exemption at the time they received the February 2022 letter.
- 3.9 In April 2022, 2 months after the commencement of Phase 4, Housing ACT finalised its Growth and Renewal Exemptions Policy and Practice Guide (the Exemptions Policy). This policy provided guidance on the circumstances in which an exemption from relocation under the Program may be granted and the associated decision-making process for the yet to be established Tenant Relocation Exemption Panel (TREP). It does not appear that the Exemptions Policy has been provided directly to tenants or made available publicly either in April 2022 when first developed, or since then.
- 3.10 On 16 June 2022, 4 months after the commencement of Phase 4, the TREP was established and operational. The TREP assesses and decides applications for exemptions in accordance with the Exemptions Policy. Housing ACT acknowledged that the discretionary exemption process available prior to the TREP was not clearly identified and communicated to tenants.
- 3.11 Under the Exemptions Policy, relevant criteria for granting an exemption focus on age, health, and wellbeing. There needs to be a strong connection between the requirement to relocate and a significant risk to health and wellbeing. Applications for exemption are assessed on a case-by-case basis to determine whether, on balance, an individual tenant's circumstances and risks justify removing the property from the Program whilst considering the impact this will have on the Program objectives<sup>6</sup>.
- 3.12 Housing ACT advised our Office the decisions made by the TREP are not appellable because under the *Housing Assistance Public Rental Housing Assistance Program 2013 (No 1)* a decision of the Housing Commissioner to require a tenant to transfer under subclause (1)(a) or (2) is not a reviewable decision. A further request for an exemption will only be considered if new information, not previously considered, is received. Housing ACT tenants may apply to the ACT Civil and Administrative Tribunal should they consider the action illegal or alternatively apply to the Supreme Court.
- 3.13 Housing ACT advised our Office that after the TREP was established, a further 5 properties previously considered for exemption by the TROs were referred to the TREP. According to the RRO Policy, the TREP exemption process required tenants or a support person to complete the application for exemption and submit to the TREP directly with any supporting evidence. All tenants were offered details of independent advocacy, legal assistance, and other supports. TROs were also able to support tenants.

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<sup>5</sup> See finding 'Training of Tenant Relocation Officers (TROs)'.

<sup>6</sup> Growth and Renewal Exemptions Policy and Practice Guide – April 2022, Page 7.

- 3.14 Housing ACT advised that, as at 30 January 2023, 59 exemptions have been granted by the TREP, with 16 exemption applications denied and 2 applications awaiting hearing.



- 3.15 In late 2022, following the establishment of the TREP and a consultation process (review) completed by Housing ACT's Growth and Renewal Implementation Panel (GRIP)<sup>7</sup>, a 'Tenant Relocation Exemption Factsheet' was developed and provided to tenants.

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- 3.16 *We are satisfied that there is now an established decision-making body, the TREP, with policies and processes to facilitate consistent and considered exemption decisions.*
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We understand that this is communicated to tenants via the factsheet. We are aware of instances where TREP members have demonstrated flexibility and an awareness of tenant vulnerabilities and circumstances in engaging with tenants through an exemption process.

Examples of this include an instance where the TREP committed to not undertaking any relocation activity within 12 months to enable further assessment of the family's housing requirements. In another instance the TREP acknowledged the potential impact the tenant would experience through relocation and requested that referrals were made to appropriate support services and that all efforts be made to relocate the tenant within a close vicinity to their current support network, family and infrastructure such as public transport and shops.

- 3.17 We note that the Exemptions Policy states that TROs will ensure that each tenant is advised of exemption processes ideally at the first engagement but definitely within the first 2 engagements. We consider that tenants should always be advised of exemption processes at the first engagement.

#### Findings

- 3.18 We found that when the mandatory relocation phase of the Program commenced, Housing ACT did not have clearly established and documented criteria for deciding exemptions or a clear process for tenants to seek an exemption and have it determined.

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<sup>7</sup> See finding 'Communication with tenants'.

- 3.19 This is concerning given the considerable impact of mandatory relocation on tenants. A fully functioning and transparent exemption process should have been in place from the commencement of the mandatory relocation phase. We were not satisfied that Housing ACT gave this sufficient consideration in transitioning from voluntary to mandatory relocations.
- 3.20 The exemptions process should have been clearly communicated to all tenants at the time they were informed they would be required to relocate. The absence of a clear exemption process prior to the introduction of TREP placed undue pressure on vulnerable people.

**Recommendation 1:**

Housing ACT update its Growth and Renewal Exemptions Policy and Practice Guide and Required Relocation Operational Policy to require Tenant Relocation Officers to advise tenants of exemption criteria and processes at their first engagement.

Guidance available to Housing ACT staff

- 3.21 We considered the effectiveness of Housing ACT's Standard Operating Procedures (SOPs) and related factsheets and material in providing guidance to Housing ACT staff as they implement the Program and interact with tenants.
- 3.22 Housing ACT developed a range of SOPs and related factsheets and support material referencing related policies and legislation. These documents are very detailed and focus on specific steps in the process.
- 3.23 It is difficult to ascertain the effectiveness of the SOPs and support material in providing guidance to Housing ACT staff. Much of this material relates to filling out forms and while this information may be required depending on the tenant's circumstances, it would be valuable to have a practical guide for staff to help them understand and apply the processes involved in mandatory relocations.
- 3.24 Housing ACT is currently undertaking 'Business Process Reengineering' work to improve practices and processes for Housing ACT tenants and staff which will include the commencement of new supporting material and upgrading of some existing SOPs. We understand this work commenced in 2022 and is ongoing. Housing ACT did not advise of an anticipated timeframe for completion.

Findings

- 3.25 This is a positive step to providing clearer support and guidance for Housing ACT staff. However, it would have been advantageous, with the likelihood of less uncertainty and anxiety, for both Housing ACT staff and tenants if improvements had been considered and made prior to the commencement of mandatory relocations at Phase 4 of the Program.

**Recommendation 2:**

Housing ACT finalise its Business Process Reengineering to improve policies, practices and procedures for Housing ACT staff, particularly Tenant Relocation Officers. These documents should provide:

- an end-to-end practical guide on the steps and processes in mandatory relocation
- practical guidance, including in relation to staff roles and responsibilities; engagement with and support for vulnerable people; and service standards and quality assurance measures.

## Communication

- 3.26 In December 2020 an initial letter was provided by Housing ACT to 476 tenants, titled '*Have you heard about the Growing and Renewing Public Housing program?*' The letter included subheadings, similar to a Frequently Asked Questions factsheet, throughout and 'pop-out' information on facts and benefits. For example:

*"Did you know that over 1,600 public housing properties across Canberra were built in the 1950s and 1960s? This means that many older properties no longer meet the needs of our diverse and rapidly growing population and many tenants don't live in homes that suit them."*

- 3.27 In our view this correspondence had the appearance of marketing material from government. It was not personalised to the tenant and advised tenants that if they would like to learn more about the Program, discuss options to move or attend an information session, to contact Housing ACT. It did not expressly ask tenants to volunteer to participate in the Program, which was the primary objective of the first 3 phases of the Program. As such, tenants may have considered it to be promotional material and disposed of it without paying any due attention. Housing ACT considered this letter to be formal notification advising the tenant that the property had been identified for disposal (voluntary stage).
- 3.28 The next 'formal' communication by Housing ACT about the Program was provided in late February 2022 to advise 337 tenants in identified properties that they would be required to relocate. Had tenants disregarded the December 2020 letter or not recognised the letter as an offer to relocate, the February 2022 letter may have come as a great shock, particularly as it was titled '*Moving to your new home*'. Housing ACT told our Office that tenants were advised during TRO engagement during earlier phases that while the Program was voluntary at that stage, this may change in the future and any changes will be communicated to all affected tenants.

Housing ACT received a complaint from a tenant shortly after the commencement of the mandatory relocation phase of the Program. The tenant had received 3 letters prior to Phase 4 commencing about relocating to a new property. Each time he had advised Housing ACT that he did not want to move. The tenant then received the February 2022 letter advising him that relocation was now mandatory and he would be moved to a new location. The tenant called the number on the letter and spoke with a TRO. The tenant was very upset about having to move after repeatedly saying no to moving during the voluntary phases of the Program.

- 3.29 The Communications Strategy should have foreseen that an adverse reaction by some tenants to being required to relocate was a major risk to the success of the Program and developed appropriate monitoring and mitigation strategies to manage and support those affected, particularly as the risk matrix developed as part of the initial business plan for the Program did include this risk. The Communications Strategy, when updated for Phase 4 on 5 July 2021, noted the potential for adverse reactions by tenants but focused on this in terms of possible media attention. Strategies were designed to 'decrease escalation to media and ministerial channels' and focused on 'quality tenant-focused communications to reduce negative media coverage'.
- 3.30 Communication with tenants improved as the rollout of Phase 4 of the Program progressed. The Communication Strategy underwent several updates and later versions focused more on the impacted tenant and identified tenants unwilling to move as a key risk to the success of the Program.



- 3.31 A consultation process (review) was completed in late 2022 by Housing ACT's Growth and Renewal Implementation Panel (GRIP) – which is responsible for management and oversight of operational function for the Program. This consultation, involved seeking feedback internally and externally from organisations such as ACT Disability, Aged and Carer Advocacy Service (ADACAS), ACT Shelter and Legal Aid ACT regarding the different iterations of the letter for tenants whose properties have been identified for sale or redevelopment in the Program and amendments were made to the operation of TREP.
- 3.32 Subsequent correspondence adopted a more tenant-centred approach and implemented improvements identified by the GRIP, including:
- confirming TROs have engaged or attempted to engage with the tenant prior to the letter and detailing discussions if engaged
  - providing information to answer 'why was my property selected for the Program?' with personalised information identifying the specific reason why relocation was considered required in relation to the condition of the property
  - developing a separate letter and factsheet regarding the exemption process and eligibility
  - providing timeframes to tenants regarding relocation.

### Findings

- 3.33 In relation to Housing ACT's communications with tenants, we found:
- Housing ACT did not initially communicate clearly with tenants about what the Program was intended to achieve.
  - Housing ACT did not initially acknowledge and engage with tenants' unique circumstances and work with tenants to consider the impacts on vulnerable people.
  - There was a lack of policies and procedures at the commencement of the Program and for Phase 4 of the Program and an inadequate communication strategy which overlooked the impact on tenants affected by the mandatory relocations.
  - The 'opportunity to move to a more modern or more energy efficient dwelling' was communicated as a great benefit to tenants without consideration of any attachment to their existing home or location or their individual circumstances.
- 3.34 Tenants should have had access to specifically designed documents or other information sources that clearly set out, in plain language, relocation and property upgrade processes from their perspective from the commencement of the Program. The sporadic nature of communication with tenants regarding the rollout of the Program was concerning.

### Availability of key information online

- 3.35 Access to information, particularly through the internet, ensures transparency regarding how the program operates, and helps to ensure that tenants are aware of policies and procedures that impact them.
- 3.36 As part of its 2018 strategy, Housing ACT developed a website to provide a central online location for information about the services, program and policies designed to support the government's commitment to affordable and accessible housing ([www.act.gov.au/growthandrenewal](http://www.act.gov.au/growthandrenewal)). This website was to be progressively updated as actions, policies and program are implemented and was intended to help the community know where to go for help, advice, information, and support, or to discuss their ideas.

- 3.37 While tenants were provided with the link to this website in communication from Housing ACT, we found that information specific to the Program was difficult to find on the ACT Government's Community Services – Housing ACT webpage<sup>8</sup>.
- 3.38 Core information about the Program is located on the Housing ACT Strategy Growing and Renewing Public Housing page<sup>9</sup> which is accessed through the 'News and Events' link under 'About Housing ACT.' This page includes details about the Program, tenant relocation, case studies, frequently asked questions and email and telephone contact details.
- 3.39 Other information specific to the Program was found at the following locations:
- the 'Policies & Legislation' page; however, it was difficult to find because it was located in a long list of factsheets and was not specifically identified as being related to the Program
  - the 'Latest News' section of the 'Homes and Housing' part of the website, despite the Program having been operational since 2019.
- 3.40 There are no specific contact details for the Program under the 'Contact Us' page of the Housing ACT part of the website, leaving tenants to work their way through the 'Customer Service Enquiries' line, which appears to be the same as the contact details provided on the Housing ACT Strategy Growing and Renewing Public Housing page.
- 3.41 We consider email and telephone contact details for the Program should also be included on the 'Contact Us' page so that they can be accessed easily by tenants who have not located the Housing ACT Strategy Growing and Renewing Public Housing page.
- 3.42 We also did not identify any specific detail about the possibility of exemption from the Program and the exemptions process on the internet site. In fact, the information available on the webpage could be interpreted as no exemptions being available. We noted that the website still includes the same wording that was included in the initial factsheet that accompanied the February 2022 letters and does not refer to the existence of an exemption process.
- 3.43 We do not think the publicly available information on the availability of an exemption and the process to seek such an exemption is sufficiently accessible and transparent.
- 3.44 Likewise, it was difficult to reach the relevant webpage for the Program through a keyword search, particularly if a person were unaware of, or could not recall, the actual name of the Program and was simply searching using 'relocation' or similar terms. This would only generate links to factsheets and FAQs hosted on different parts of the site.

## Findings

- 3.45 We found that Housing ACT has not made key information regarding the Program easily accessible online and in some instances key information has not been made publicly.
- 3.46 It is essential that Housing ACT ensure all tenants can access policy documents that impact them. The Housing ACT website should be populated with visible, current, and up-to-date content relating to the Program, and arrangements made for those tenants with literacy issues, or without access to a computer at Access Canberra shopfronts.

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<sup>8</sup> [Home - Housing \(act.gov.au\)](https://act.gov.au)

<sup>9</sup> [ACT Housing Strategy Growing and Renewing Public Housing - Housing](#)

- 3.47 The Housing ACT Strategy Growing and Renewing Public Housing page could be highlighted through a link on the Housing ACT Strategy page, as an important implementation measure of the ACT Housing Strategy. A graphics tile for the Program should also be created on the Managing your tenancy Section of the site<sup>10</sup>.

**Recommendation 3:**

Housing ACT update website content to ensure information about the Program is easy to locate and implement a process to ensure:

- website content is updated to reflect any significant changes made to the Program
- information is regularly reviewed for accuracy and currency.

**Recommendation 4:**

Housing ACT publish information about the exemption criteria and process on its website.

## Planning and evaluation

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*3.48 While clearly well-intentioned and based on legitimate public policy goals, the above findings demonstrate that Housing ACT did not plan adequately for implementation of the Program.*

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We consider many of the issues identified above could have been avoided with better planning.

- 3.49 The Program's Communications Strategy stated, '*a primary objective of communicating with tenants is to communicate how the program will affect their individual households and tenancies*'. However, we found that the initial communication with tenants was not personalised. Housing ACT also did not appear to have developed contingency plans outlining exactly what action would be taken in response to opposition from tenants, such as establishing a clear exemption process and criteria prior to the introduction of Phase 4. The Communications Strategy also stated it '*will provide transparency around Housing ACT processes and policies*' yet the exemption process has still not been published.

### Training of Tenant Relocation Officers (TROs)

- 3.50 The role of TROs is critical to the successful implementation of the Program and requires appropriate engagement and communication with vulnerable tenants.

- 3.51 Housing ACT advised that its recruitment process for TROs aims to ensure appropriate candidates are selected who have the necessary skills and experience to work with vulnerable people. TROs receive instruction on frameworks, forms and SOPs relating to the Program and undertake the same core training as all other Housing ACT staff including Aboriginal and Torres Strait Islander Awareness, Customer Service, Domestic and Family Violence, Standard Mental Health First Aid, Applied Suicide Intervention Skills, Deescalating

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<sup>10</sup> [Managing your tenancy - Housing \(act.gov.au\)](https://act.gov.au/tenancy)

Workplace Conflict and Aggression, Disability Awareness, Complaints Management, Keeping Children and Young People Safe, and Trauma Informed Practice.

- 3.52 TROs do not receive specific formal training about the TRO role or liaising with tenants. No new or additional training was provided to TROs when the Program shifted from voluntary to mandatory relocation. While Housing ACT reported TROs are mentored and/or provided with on-the-job training, no information was provided about the content or extent of mentoring and/or on-the-job training.
- 3.53 Information provided by Housing ACT indicates TROs may face challenging circumstances, for example, at times being subject to verbal abuse from tenants. Complaints received by Housing ACT also indicated some tenants were unsatisfied with the style and content of TRO's communication and interaction in relation to the Program. The complaint data suggests there were instances where TROs were unable to provide the appropriate service to meet the needs of tenants and would have benefitted from being able to immediately escalate challenging issues to a higher-level engagement officer within Housing ACT.
- 3.54 One of these complaints concerned a tenant who claimed the TRO was recording that she had a mental illness and had told her he had been 'trying to get you out of this house for ages.' The allegation regarding recording that the tenant had a mental illness was denied by the TRO but the TRO acknowledged a poor choice of words when referring to celebrating when the tenant accepted a property offer.

#### Finding

- 3.55 The TROs play a pivotal and crucial role in the effective implementation of the Program. In consideration of their responsibilities and the vulnerability of the tenants with whom they interact, specific and specialised training, guidance, mentoring, and escalation management is necessary for TROs to feel supported and to better fulfill the demanding expectations of their role.

#### **Recommendation 5:**

Housing ACT develop and deliver specific training for new and existing Tenant Relocation Officers (TROs) to ensure TROs are equipped with the necessary skills and training to:

- proactively engage appropriately with vulnerable tenants about mandatory relocation
- understand and communicate key features of the Program to tenants who are required to relocate, including the exemption process and support available to tenants.

#### Review and evaluation

- 3.56 During our investigation we considered any reviews or evaluations that Housing ACT conducted of the Program to date, and any future plans including anticipated timing.
- 3.57 The original business case for the Program provided to the ACT Government stated:

*Program reviews are also proposed to assess the performance and operations of the Growth and Renewal Program. Suggested dates are:*

- December 2020 (mini review to assess impacts of the first year's capital delivery program)*
- December 2022 (mid-program review)*
- December 2024 (post-implementation review).*

- 3.58 Despite the three proposed reviews/evaluation processes listed above, no reviews have been completed for the Program except for a tenant satisfaction survey completed in July 2022, and consultation with Program stakeholders regarding the relocation letter managed by the GRIP in late 2022. To date, there has been no formal evaluation completed of the Program as a whole.
- 3.59 On 1 December 2022, the Deputy Director General of CSD approved an independent review of the communication and engagement process in relation to the Program (the Growth and Renewal Tenant Relocation - Review of the Communication and Engagement Process). The aim of undertaking an independent review is to “provide a level of assurance that the revised Growth and Renewal Relocation communication and engagement is client centric” and “provide a level of assurance against external scrutiny”. The document states, “the review provides an opportunity to confirm the improvements made by GRIP has had a positive impact on those clients selected as part of the Program” and “a focused review will also provide a higher level of assurance to mitigate third-party scrutiny, including media attention and potential future compensation claims”.
- 3.60 The scope and focus of the review are to consider and review the approach and communication tools used by TROs and the TREP, in engaging with affected clients in addition to gauging the experience of a range of participants who engaged with TROs, in cases initiated both by Housing ACT and by the tenant. The Review will consider the period between 1 January 2022 and 1 December 2022, and will include a client survey. The review is anticipated to be finalised by early 2023.
- 3.61 It is expected that the Review final report will include findings, suggest solutions, and make recommendations for improvement. Upon the review's completion Housing ACT will provide the Office with a copy of the final report.

#### Findings

- 3.62 Housing ACT has not completed any reviews of the Program as a whole to date and has not taken advantage of available complaints data or tenant demographic data to evaluate and implement improvements to the Program. Risk analysis and mitigation strategies were developed by Housing ACT but the agency did not evaluate the effectiveness of such strategies and make adjustments where needed.

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*3.63 Given the size of the vulnerable cohort involved in the Program, and the risks arising from the move to mandatory relocation from voluntary relocation, it is our view that an independent evaluation of the mandatory relocation phase of the Program should have been undertaken earlier.*

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For example, a mid-term evaluation would have been useful to identify lessons learned, address issues or problems and to develop recommendations. While Housing ACT had milestone reviews designed as part of the business plan for this Program, these reviews were not implemented when scheduled.

- 3.64 Key performance indicators such as number of successful relocations, feedback/complaints received from tenants, and regular reporting from TROs could have highlighted some issues as they evolved and allowed Housing ACT to address them earlier and achieve a greater number of relocations during the earlier phases of the Program.

**Recommendation 6:**

Housing ACT use key findings from the Growth and Renewal Tenant Relocation - Review of the Communication and Engagement Process currently underway to commence a formal evaluation of the Program and implement recommendations for improvement.

Complaint management system and using complaints as a source of feedback to inform improvements and complaint records

- 3.65 We sought information from Housing ACT regarding complaints received about TROs or other relevant Housing ACT staff in relation to the Program. Housing ACT advised that it 'cannot identify complaints specifically about the Growth and Renewal Program, however, can identify complaints about staff which were raised as a direct response to the Program.' Housing ACT provided a spreadsheet, Tenant Relocations Complaint Data, listing nine complaints received from 16 September 2020 to 13 July 2022. Housing ACT advised that all staff complaints relating to the Program have been resolved with tenants receiving a letter confirming the complaint has been investigated, actioned, and completed.
- 3.66 Upon analysis, the Office found that several complaints were expressing concern about the Program itself rather than, or in addition to, dissatisfaction with the TROs.

Housing ACT received a complaint from a tenant who stated that she had received a 30 second phone call in which she was informed by the TRO that her relocation was 'compulsory', and the TRO would come to her house to collect the required signed documentation. The tenant complained about the TRO's 'stand over tactic' and that the conversation with the TRO 'was a shock and like a hammer that came out of the blue'. It appeared that the tenant was very upset about the Program itself and not just her interaction with the TRO.

- 3.67 Housing ACT provided a copy of the SOP for its complaints management process. The Office considers this document needs to be further developed to provide clearer guidance to staff when dealing with vulnerable people. It presently appears to be more of a complaint handling overview without the detailed procedures and steps that would be helpful to complaint handling officers as they analyse and resolve complaints.

Findings

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*3.68 It appears that complaint data is not being used as a source of feedback to inform improvements to the Program. This is an important missed opportunity for Housing ACT to improve its operations by valuing its complaints.*

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Housing ACT should collect and analyse complaint data about the Program to improve the delivery of this program. The 'Improve' section of the Commonwealth Ombudsman Better Practice Complaint Handling Guide may assist in this regard.

**Recommendation 7:**

Housing ACT implement a process to collect, analyse and use information from complaints received, to improve implementation and service delivery of the Program.

Use of tenant information prior to properties being included in the Program.

- 3.69 During our investigation we considered Housing ACT's use of existing demographic data regarding tenants to inform its planning and delivery of Phase 4 of the Program.
- 3.70 While 9 properties were removed from Phase 4 of the Program prior to its commencement in response to information provided by TROs regarding tenants considered to be at significant risk, more broadly we found that Housing ACT did not undertake an analysis of existing information to assess potential benefits and disadvantages to affected tenants to inform whether properties would be included in the Program.
- 3.71 Despite modelling its operations on the Model Social Landlord framework, Housing ACT did not provide for tenants' individual circumstances to be considered when identifying properties for redevelopment and disposal under the Program. Its policy is rather for tenants to 'opt out' by requesting an exemption.
- 3.72 Housing ACT advised our Office that 'There was no ability to make a considered decision on each household within the Program before engagement with the tenant.' Housing ACT reported that it does not, and should not, have all tenants' circumstances and life events detailed within files.
- 3.73 However, Housing ACT does record tenant information including gender, age, household composition, Aboriginal or Torres Strait Islander Status (if declared) and disability information (if declared). Housing ACT also stated that, "The Program was designed to ensure tenant circumstances would be considered through the TRO engagement process, to better understand the needs and impacts to tenants regarding relocation."
- 3.74 We consider Housing ACT could have applied discretion in approaching vulnerable tenants based upon known information and potentially exempted properties of particularly vulnerable tenants, rather than moving directly to mandatory relocation and placing the onus on tenants to initiate an exemption.
- 3.75 Housing ACT maintains that it is inappropriate for a landlord or Government entity to make decisions for individuals who may or may not wish to relocate. However, the model that was adopted in the Program generated fear and anxiety in the public housing community.

**Case study**

Mrs X was contacted in person, via phone and in writing by Housing ACT and advised that her property had been identified for redevelopment under the Growth and Renewal Program. Mrs X was informed she would be moved to a different Housing ACT property. Mrs X's original communication with Housing ACT commenced during the voluntary phases of the Program and continued when her property was identified for inclusion in Phase 4.

Mrs X was an elderly and physically impaired pensioner who had lived in her property for several decades and believed that it would be her home for life. She submitted a complaint to the Ombudsman concerning her forced inclusion in the Program and stating her need to remain in her present home where her surroundings were familiar to her and she could orientate herself safely in her day to day living. Mrs X described the emotional and physical stress of having to orientate herself in unfamiliar surroundings due to her impairments if she were to move.

Mrs X applied to the TREP for their consideration but at that stage had no clear understanding of what the outcome would be. She provided Housing ACT with letters of support including from her general practitioner, government representatives and advocacy agencies. She received an exemption approximately 3 months later and was no longer required to participate in the Program.



However, during the process of applying for exemption, Mrs X informed the Ombudsman that she suffered great distress at the prospect of having to move. Mrs X's extreme vulnerability should have alerted Housing ACT to a need to exempt her property. There should have been a discretionary process in place to consider exceptional circumstances before proceeding with the mandatory relocation phase of the Program.

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3.76 *Given the complex individual circumstances of some tenants, and the potential for advice about mandatory relocation to lead to the kinds of stressors reported to our Office, we consider that Housing ACT should have taken additional steps to identify any particular individual vulnerabilities prior to communicating with tenants about relocation.*

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3.77 There would have been a benefit on drawing on the tenant information already held by Housing ACT, given that many of the properties were later exempted. A total of 59 properties have been exempted by the TREP as at 30 January 2023.

3.78 In response to a complaint investigation conducted by our Office, Housing ACT advised that information it already held about tenants would not have been sufficient to grant an exemption in any of these individuals' cases. Notwithstanding this, we consider that tenant information could have been used to at least inform communication with affected tenants, including by identifying those who might be particularly at risk of being adversely impacted by receiving notice of mandatory relocation. Things which could have been considered are significant assistive modifications made to property, the age of the tenant, and any known disabilities, medical conditions or vulnerabilities.

3.79 In September 2022, in response to a complaint investigation conducted by our Office, Housing ACT advised that it had 'updated its Exemptions Policy and Practice Guideline [sic] to ensure that vulnerable tenants for whom there is a clear case for exemption are not needlessly put through an exemption process.' Housing ACT advised that the update includes:

*Under extraordinary circumstances, the Chair may, if there is sufficient evidence to warrant an exemption and there is concern about the processes impact on the tenants wellbeing, grant an exemption with consent from the tenant. For example, 97 year old tenant with dementia/ vision impairment who has received property modifications for disability and on the sales- not redevelopment- pathway.*

3.80 In reviewing this version of the Exemptions Policy (dated April 2022, provided by Housing ACT to our Office in its response to this complaint investigation), we found that the above referenced update is step 5 in the TREP process, and relies on the TREP Chair exercising their discretion after reviewing the relevant tenant's application for an exemption. This indicates to our Office that under Housing ACT's current Exemptions Policy, a highly vulnerable tenant would still be required to engage in the TREP exemption process, including by completing and lodging a full application with supporting evidence, prior to a decision being made by the TREP to exempt their property.

3.81 We are not satisfied that the updates to the Exemptions Policy achieve Housing ACT's stated effect of not needlessly putting vulnerable tenants through an exemption process. Indeed, according to the Exemptions Policy it appears that all tenants, including the most vulnerable for whom there is a clear case for exemption, are still required to follow the



exemption process, including lodging a full application, before having their vulnerabilities considered and being granted an exemption.

- 3.82 Elements of this process – including completing application forms, submitting evidence and appearing before the TREP – would be stressful for vulnerable people, even accounting for any support that the TRO or independent advocates or legal representation is able to offer.

### Findings

- 3.83 We consider there should be a process where Housing ACT proactively consider properties for exemption using information already held by Housing ACT before informing tenants that they are required to relocate.
- 3.84 Although Housing ACT reported they had made changes to its Exemptions Policy following our earlier complaint investigation, it is our view that these changes have not gone far enough to fix the problem as the Exemption Policy does not include a process for proactively exempting a tenant without the tenant being required to participate in the TREP process.
- 3.85 We also found that Housing ACT did not draw on its data to consider the demographics of the household or the circumstances of tenants and exempt properties before approaching tenants regarding voluntary or mandatory relocation.

#### **Recommendation 8:**

Housing ACT establish a process to use available information about tenants' individual circumstances – such as age, disabilities and dependents – to:

- proactively exempt tenants from mandatory relocation where their circumstances align with the Program's exemption criteria.
- inform its engagement and communication with vulnerable tenants.

Housing ACT's relevant policies and procedures should be updated to reflect this process.

### Risk management and analysis

- 3.86 During our investigation we considered Housing ACT's evaluation of risk during critical stages of the Program and its risk mitigation strategies to assess effectiveness.
- 3.87 Housing ACT undertook risk analysis activities as part of its:
- Business Plan dated 15 January 2019
  - The Communications Strategy initially developed in September 2019 and updated in February 2020 and again in July 2021 to reflect the shift to mandatory relocations
  - Ministerial workshop held in June 2021.
- 3.88 We found that the level of risk associated with 'achievement of support from tenants and the community' assessed during the initial development of the Program was underestimated, and the mitigation strategies put in place by Housing ACT to address this risk did not adequately address the risk or were not implemented in a way that achieved the intended effect.
- 3.89 For example, a mitigation strategy in the Communications Strategy was to 'understand individual tenant circumstances and concerns, and tailor engagement approach to suit', but at the commencement of Phase 4 this did not occur.

- 3.90 A further example can be seen in the mitigation strategy for 'Lack of access to information' where it refers to using a range of channels to distribute information, however the exemptions policy and process still do not appear on the Homes and Housing Website.
- 3.91 Further, it appeared to our Office that Housing ACT did not have a settled or documented plan for rolling evaluation of the implementation of its risk mitigation strategies, particularly at critical parts of the Program such as the transition from voluntary to mandatory relocation. Rather, Housing ACT appeared to act in response to risks as and when they eventuated.

#### Findings

- 3.92 We consider it would have been more effective for Housing ACT to monitor the implementation and effectiveness of its risk mitigation strategies and make proactive changes as needed as the Program progressed.

#### **Recommendation 9:**

Housing ACT monitor the implementation and effectiveness of risk mitigation strategies to determine if they are achieving intended objectives.

## Attachment 1: Growing and Renewing Public Housing Program timeline

<b>29-October-2018</b>	Housing ACT Strategy released - Goal 3, 'Strengthening Social Housing Assistance' included 'Objective 3A: Grow and Renew Social Housing to Better Meet Demand'
<b>01-July-2019</b>	Program commenced
<b>20-August-2019</b>	Steering Committee inaugural meeting
<b>24-September-2019</b>	Growth and Renewal Operational Committee inaugural meeting
<b>July 2019 - June 2020</b>	Phase 1 of the Program (voluntary relocation)
<b>July 2020 - Nov 2020</b>	Phase 2 of the Program (voluntary relocation)
<b>01-December-2020</b>	Letter sent to 476 tenants regarding voluntary relocation
<b>November 2020 - June 2021</b>	Phase 3 of the Program (voluntary relocation)
<b>01-June-2021</b>	Minister's Workshop - discussed strategies to improve success of the Program  (included consideration of mandatory relocations and the establishment of the Growth and Renewal Inclusive Partnership (GRIP))
<b>01-July-2021</b>	Communications Strategy updated in response to mandatory relocations (the aim was to reflect the need for 'human-centric' communication for tenants required to relocate)
<b>01-February-2022</b>	Director-General approved advising tenants of mandatory relocation
<b>21-February-2022</b>	Phase Four of the Program - introduction of mandatory relocation  Letter informing 337 tenants was hand delivered
<b>16-June-2022</b>	Housing ACT established Tenant Relocation Exemption Panel (TREP) - a more transparent process for tenants to appeal mandatory relocation
<b>01-December-2022</b>	Deputy Director-General approved conducting independent review on the Program's communication and engagement process (review not yet completed)

## Attachment 2: Mandatory relocation process and the roles of TROs

A summary of the relocation process and the roles of Housing ACT staff based on the information available to us is provided below – noting as reflected in the main body of the report, the Housing ACT policy framework does not clearly cover the exact roles and responsibilities of the TROs and how they are to be actioned. The below information has been drawn from the RRO Policy provided to our Office by Housing ACT.

### *Engaging about Relocation*

Housing ACT will inform a tenant/s that their property has been identified as required under the Program. A Growing and Renewing Notification Letter, outlining the new Program parameters, and a Relocation Factsheet, answering frequently asked questions, will be sent to each household including those tenants that have previously been notified. All other tenants (beyond those identified in the Program) will also be notified of the program changes by letter.

Once this has occurred, TROs will initiate or respond to any initial questions and arrange an appointment to visit the tenant/s. The TROs will explain the process in greater detail and highlight the benefits of relocating, which may include dwelling size, energy improvements, greater access to services and/or remaining in the tenant's preferred area but also acknowledge that moving house is challenging and that Housing ACT want to understand their needs and provide reasonable support to make the move as smooth as possible.

It may be at this appointment, or in the following engagement that the TRO's will complete the Resident Information Form, which will detail the household's needs for relocation.

The TROs may meet with tenants on several occasions to discuss their circumstances, potential property offers, assistance to view the properties and arrange the physical relocation.

### *Assessment*

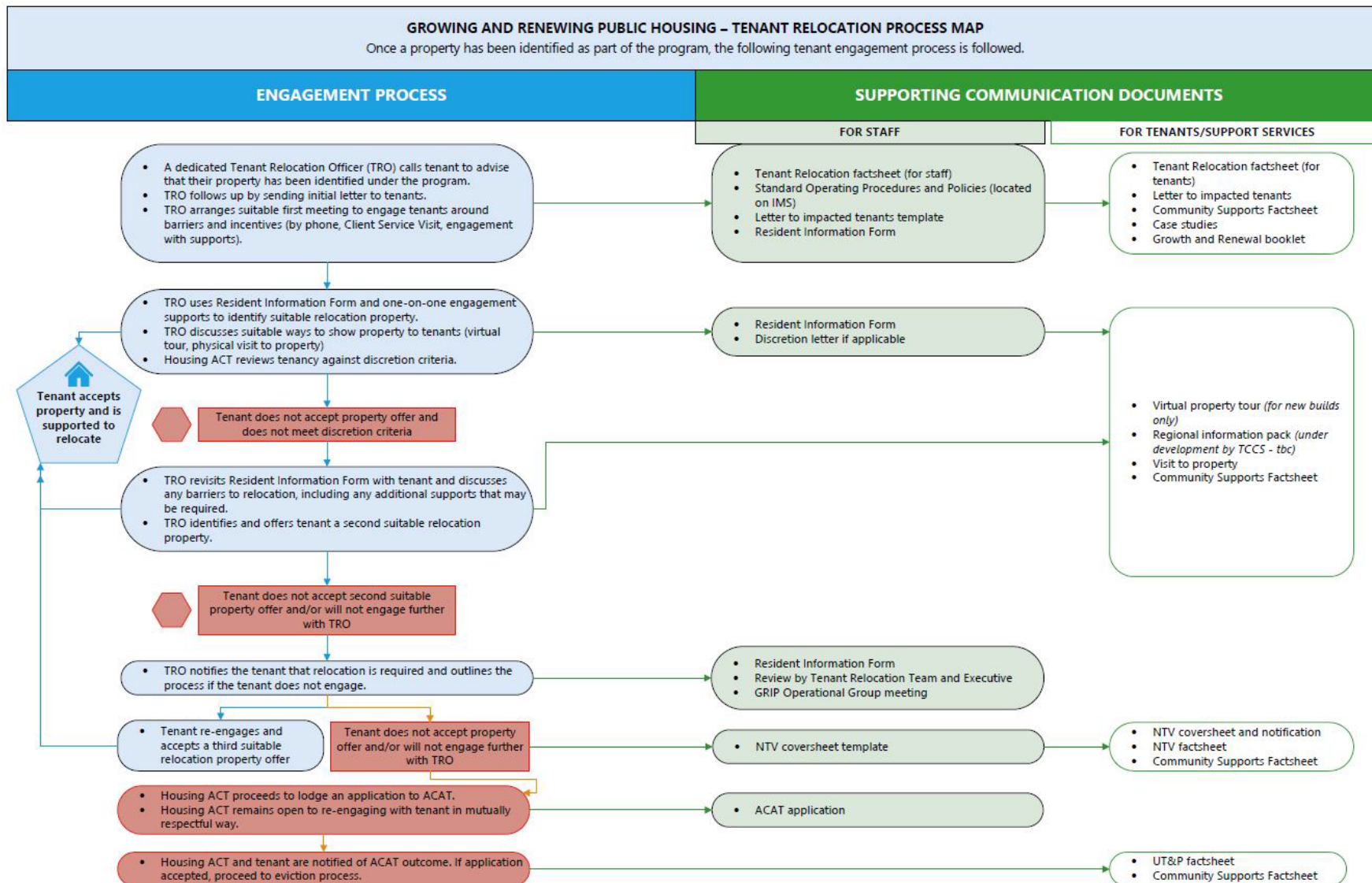
The TROs will monitor, update and provide accurate data on the status of tenants throughout the relocation journey. There will be risks flagged throughout the assessment process and a requirement to consistently re-evaluate the assessment, approach and experience for tenants and households. To manage the number of relocations in an orderly and systematic manner, the following Assessment will be utilised to provide a high-level pipeline of progress and risk.

White	Awaiting engagement & due diligence
Green	Active engagement
Yellow	Awaiting suitable property or physical relocation
Orange	Likely Escalation: non-engagement, declined 2 suitable offers, TRO concerns identified
Purple	Escalation: Notice to Vacate (NTC) & ACT Civil & Administrative Tribunal (ACAT) action
Red	Discretion: relocation stopped
Blue	Relocation complete

**How do you tell someone they have to move?**

**Housing ACT's implementation of mandatory relocation under the Growing and Renewing Public Housing Program**

Tenant Relocation Process Map (provided by Housing ACT to our Office)





**ACT**  
Government  
Community Services

Mr Iain Anderson  
ACT Ombudsman  
GPO Box 442 Canberra ACT  
Via email: [actombo@ombudsman.gov.au](mailto:actombo@ombudsman.gov.au)

Ref: DBC-23/596

Dear Mr Anderson

## **ACT OMBUDSMAN OWN MOTION GROWTH AND RENEWAL PROGRAM**

I am writing in response to your correspondence of 20 June 2023, about the completion of your investigation into Housing ACT's Growth and Renewal Program.

Thank you for providing me with your report. I understand senior Housing ACT officials have had the opportunity to discuss your findings with members of your office.

The Directorate welcomes opportunity for continuous improvement and constructive feedback to assist in the delivery of the Growth and Renewal Program. Please see enclosed the Directorate's response to the nine recommendations.

As you may be aware, the required relocations process is currently the subject of legal proceedings in the Supreme Court. This may result in the Directorate needing to consider further changes to the program and I will provide advice to the Ombudsman on any additional changes as soon as possible.

The Directorate will continue to engage with your office and provide regular updates on the implementation progress of recommendations at their quarterly meetings.

Yours sincerely

Jo Wood  
Acting Director-General  
Community Services Directorate

20 July 2023

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## ACT Ombudsman Own Motion Investigation – Growth and Renewal Program

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### [Recommendation 1](#)

*Housing ACT update its Growth and Renewal Exemptions Policy and Practice Guide to require Tenant Relocation Officers to advise tenants of exemption criteria and processes at their first engagement.*

#### *Response*

**Agreed**

**Date of completion: 31 December 2023**

Housing ACT will undertake a review of the Growth and Renewal Exemptions Policy and Practices and will implement the findings of this review by no later than end of December 2023. Engagement on relocations including the sitting of the Tenant Relocation Exemption Panel has been paused until the completion of this review. This will not include tenants who are enthusiastic to move to a property that better suits their needs now.

As part of this review to ensure consistency across Growth and Renewal policy and practices, the Growth and Renewal Exemptions Policy and Practice Guide as well as the Required Relocation Operational Policy will be updated to reflect that Tenant Relocation Officers are to advise tenants of the exemption criteria and processes at their first engagement.

### [Recommendation 2](#)

*Housing ACT finalise its Business Process Reengineering to improve policies, practices and procedures for Housing ACT staff, particularly Tenant Relocation Officers. These documents should provide:*

- *an end-to-end practical guide on the steps and processes in mandatory relocation*
- *practical guidance, including in relation to staff roles and responsibilities; engagement with and support for vulnerable people; and service standards and quality assurance measures.*

#### *Response*

**Agreed**

**Date of completion: 31 March 2024**

Housing ACT has been undertaking Business Process Reengineering in aim of improving and updating process, policies, and standard operating procedures.

In response to this recommendation and broader feedback in relation to the Growth and Renewal Program, Housing ACT will formulate a specific stream of work for Growth and Renewal within the broader reengineering work currently underway.

It is accepted that within the scope of this, newly developed practice guides, operational procedures, fact sheets and other practical resources for staff and clients will be created or updated where necessary and operationalised as an outcome.

### Recommendation 3

*Housing ACT update website content to ensure information about the Program is easy to locate and implement a process to ensure:*

- *website content is updated to reflect any significant changes made to the Program*
- *information is regularly reviewed for accuracy and currency.*

#### *Response*

#### **Agreed**

**Date of completion: 31 December 2023**

Housing ACT will work in partnership with the Community Services Directorate Communications and Engagement Team to review the current Tenant Relocation website content to ensure that Program information is accurate, current, and easily locatable.

Information published on the Community Services Directorate webpage will be reviewed and updated every 12 months, or earlier if there are any changes made to the Program. This commitment will be reflected in the Standard Operating Procedures to ensure it is an embedded review process.

### Recommendation 4

*Housing ACT publish information about the exemption criteria and process on its website.*

#### *Response*

#### **Agreed**

**Date of completion: 31 December 2023**

The Exemption and Required Relocation Policy review as committed to in *Recommendation 1*, seeks to ensure the exemption criteria and process supports procedural fairness, is trauma informed and considers community consultation feedback.

On completion of this review, Housing ACT will work in partnership with Community Services Directorate Communications and Engagement Team, to publish the updated information about the exemption criteria and process on the Community Services Directorate website.



### [Recommendation 5](#)

*Housing ACT develop and deliver specific training for new and existing Tenant Relocation Officers (TROs) to ensure TROs are equipped with the necessary skills and training to:*

- *proactively engage appropriately with vulnerable tenants about mandatory relocation*
- *understand and communicate key features of the Program to tenants who are required to relocate, including the exemption process and support available to tenants.*

### *Response*

#### **Agreed**

**Date of completion: 31 March 2024**

Housing ACT will work in partnership with the Community Services Directorate People Capability and Culture Team to develop a training response to support the specific engagement capabilities and needs of the Tenant Relocation Officer role in required relocations.

The review of Tenant Relocation Officer training needs and requirements will be informed by the review of the Exemption and Required Relocation Policy as committed to in *Recommendation 1*. Due to the dependencies of the review which will be finalised by 31 December 2023 informing the training package, the training response will then be implemented by the end of the following Quarter (31 March 2024).

### [Recommendation 6](#)

*Housing ACT use key findings from the Growth and Renewal Tenant Relocation - Review of the Communication and Engagement Process currently underway to commence a formal evaluation of the Program and implement recommendations for improvement.*

### *Response*

#### **Agreed in principle**

**Date of completion: 31 March 2024**

Housing ACT will use the key findings of the Review of the Communication and Engagement Process that is currently being undertaken by Axiom, and broader Business Process Reengineering work underway to make appropriate changes to support improvement in the service delivery of the Tenant Relocation program.

Housing ACT will consider options for a formal evaluation of the Program and the most useful timing for an evaluation following the review and implementation of revised policies and procedures.

### [Recommendation 7](#)

*Housing ACT implement a process to collect, analyse and use information from complaints received, to improve implementation and service delivery of the Program.*

### *Response*

#### **Agreed**

**Date of completion: 31 December 2023**

Housing ACT is committed to identifying opportunities for continuous improvements of our service delivery and has a robust complaints data collection process. The current governance structure of the Growing and Renewing Public Housing Operational Committee, will be utilised to incorporate the analysis of Growth and Renewal Program complaints data and trends in its reporting for discussion on a quarterly basis.

### Recommendation 8

*Housing ACT establish a process to use available information about tenants' individual circumstances – such as age, disabilities and dependents – to:*

- *proactively exempt tenants from mandatory relocation where their circumstances align with the Program's exemption criteria.*
- *inform its engagement and communication with vulnerable tenants. Housing ACT's relevant policies and procedures should be updated to reflect this process.*

### *Response*

#### **Agreed**

**Date of completion: 31 March 2024**

The review of the Exemption and Required Relocation Policy and practices as committed to in *Recommendation 1*, will inform engagement and communication with clients. The review will also establish a process in which client's individual circumstances based on available information will be examined against an updated exemption criteria. It is proposed that for those individuals identified as meeting the exemption criteria, a request to the delegate will be sought.

### Recommendation 9

*Housing ACT monitor the implementation and effectiveness of risk mitigation strategies to determine if they are achieving intended objectives.*

### *Response*

#### **Agreed**

**Date of completion: Completed**

A comprehensive review of the Growth and Renewal Program risks and mitigation effectiveness was undertaken in Quarter 3 2022-23 and will be reviewed annually for the remainder of the Program. The Growing and Renewing Contract Management Group is responsible for managing and regularly reviewing risk and mitigation strategies, and reporting issues of concern to the Joint Consultant Committee.