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| 4. Making Client Focused Decisions |
| Operational Guidelines |

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# When do these operational guidelines apply?

These operational guidelines should be followed by designated service providers and social housing organisations when making decisions related to the Victorian Housing Register (the register) to:

* recommend or not recommend an application for approval
* approve or not approve an application
* remove an application from the register
  + determine if an offer is a reasonable offer.

These guidelines form part of a set of guidelines that together form the Eligibility Policy Framework.

These operational guidelines do not apply to decisions in relation to the allocation or tenancy management of social housing. Refer to the Public Housing Allocations Operational Guidelines, Community Housing Allocations Framework, and the relevant organisation’s tenancy management policies for further information.

# Purpose statement

These operational guidelines aim to ensure that participating organisations provide a fair and consistent, client focused decision making process for all applicants to the register.

The register is a partnership between the Department of Health and Human Services and participating registered agencies. Further to this, designated service providers are also involved in making recommendations to the register.

These guidelines are overarching and not intended to replace processes within participating organisations. Their purpose is to provide guiding principles about making relevant decisions.

These guidelines recognise the significant impact that relevant decisions may have on households and a person’s ability to access social housing.

The intent of these guidelines is to support staff to appropriately make decisions and exercise discretion, taking into account all relevant considerations, including the individual circumstances of a case. They must be applied subject to any relevant legal requirements in a given case.

# Making decisions

All staff making relevant decisions must act fairly in decision making. A client focused decision will have reasons that explain and justify it. When making a decision the following are useful guiding questions:

* Are you authorised to make the decision?
* Have you gathered and recorded all the relevant information?
* Have you considered all the information available on relevant matters?
* Have you only relied on relevant matters?
* Where relevant, have you given the affected person an opportunity to be heard?
* What evidence is your decision based on?
* Have you acted fairly?
* Have you considered the relevant policies?
* Have you recorded your reasons?
  + Have you fully informed the person affected?

## Guiding principles

The decision-maker should take into account the following guiding principles:

* the decision making process should be fair and transparent
* applicants should be part of the decision making process where practicable
  + decisions should take into account all relevant considerations, including the individual circumstances of a case.

### Human rights considerations

In deciding what action to take, staff must give proper consideration to the relevant human rights in accordance with the *Charter of Human Rights and Responsibilities Act 2006* s38(1) (the Charter).

This consideration should include the potential impact the proposed action they are undertaking through these operational guidelines may have on the person’s (and their household’s) rights under the Charter*.*

Any person taking action in line with these operational guidelines must:

* understand the objective and rationale of the actions they are taking or the decisions they are making
* understand in general terms which of the rights of the person affected by the decision may be relevant and where, and if so, how those rights will be interfered with by the decision that is made
* identify the countervailing interests or obligations
* have evidence that consideration has been given to the impact of the proposed action or proposed decision on the person’s Charter rights
* consider whether any limitation to Charter rights is reasonable, balanced, proportionate and necessary to achieve the objective
* choose any least restrictive measure available which still meets the objective
  + balance competing private and public interests, in particular in what information is published about the register, and the relative housing needs of people on the register.

## Documenting decisions

Documenting decisions is critical to making client focused decisions as it ensures transparency and accountability for all decisions made. Each participating organisation must have a record keeping process in place where decisions about the register are documented.

When recording the relevant decision the person making that decision should record:

* their name
* the person the decision was about
* the date the decision was made
* the reasons for making the decision
* the evidence you relied on
  + findings on material facts.

In addition the applicant should be informed of what the decision is and advised of any rights they have to apply for a review. It should also be checked if there is anyone else who is required to be informed about the decision.

# Seeking a review of a decision

Applicants have the right to request a review of a decision made about their application or to lodge a complaint if they are not happy with a service.

The ability to seek a review or appeal of a relevant decision is one method of ensuring that the eligibility policy framework is applied consistently and equitably.

## Guiding principles

An effective review system must be modelled on the principles of fairness, accessibility, responsiveness, efficiency and integration.

An approach to a review process supports:

* people understanding their rights and responsibilities
* information on the review process being easily accessible
* increased satisfaction of clients in the management of their review
* the recording of data to identify emerging and existing trends or systemic issues
* staff to demonstrate an awareness of the review processes
* staff to develop the range of skills and capabilities required to manage reviews
  + an organisational culture that is focused on effective, person-centred complaints resolution and utilising feedback for continuous improvement.

Refer to the [*Complaints, appeals and feedback processes* operational guidelines](https://fac.dhhs.vic.gov.au/complaints-appeals-and-feedback-processes) https://fac.dhhs.vic.gov.au/complaints-appeals-and-feedback-processes for more information about how a decision may be reviewed or appealed.

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