

HOUSING APPEALS TRIBUNAL

INFORMATION PACK FOR PROSPECTIVE PANEL MEMBERS

Background

The Housing Appeals Tribunal (HAT) was set up in 2005, in accordance with the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005. The Tribunal is a mechanism for social housing tenants to appeal against decisions made by Housing or the Guernsey Housing Association. This can be in relation to rent payments, rent rebates, tenancy reviews, allocations and applications for social housing.

Housing appeals process

Housing is mandated to manage, both directly and indirectly, the allocation of housing for people who have a significant housing need and who are unable to purchase or rent long-term accommodation in the private sector.

If Housing makes a decision against a tenant or applicant which that person feels is unreasonable, unfair, or against the law, there is a right for that person to ask a panel of independent people to review that decision, i.e. appeal.

There are a number of stages to the process which may result in an appeal to the Housing Appeals Tribunal, which are set out in the table below.

Stage	Action	Time period specified in legislation
1	Housing makes a decision relating to a tenancy or application for social housing and advises tenant or applicant of that decision.	Not applicable.
2	Tenant or applicant either accepts the decision or asks Housing to review the decision.	Within 28 days
3	Housing is required to review the original decision and either confirm, vary or rescind the decision. This is called an internal review.	Within 28 days
4	Tenants or applicants who remain aggrieved by the confirmed decision may formally appeal against it.	<p>Notice of appeal must be served on the Clerk to the HAT Panel before the end of a period of 28 days beginning on the date of the notice confirming the relevant decision.</p> <p>The Tribunal may accept late submissions if there are good reasons why the deadline could not be met, but is not obliged to do so.</p>

On receipt of a notice of appeal, the Clerk to the HAT Panel must forward it to the Chairperson of the Panel, or the Deputy Chairperson if he/she is unavailable, requesting the appointment of a Tribunal, constituted by three Panel members, to hear and determine the appeal.

Main duties

Since 2005, the Housing Appeals Panel has considered 22 appeals that have gone to the Tribunal; however there has not been an appeal since 2013.

When an appeal is received, the Chairperson will appoint three members of the Housing Appeals Panel to form a Tribunal, for the purpose of hearing and determining the appeal. The Chairperson will nominate one of them to chair the Tribunal. The Chairperson may nominate him or herself. Panel members are usually appointed to sit on Tribunals on a simple rotation basis, unless a Panel member has a conflict of interest which prevents him or her from sitting.

Panel members are required to review the appeal papers in advance of the Tribunal date and arrange with the Clerk to the Housing Appeals Panel for any additional information that they feel is required to be requested from either Housing or the appellants.

Following a Tribunal, the Chairperson is responsible for drafting the Judgement of the Housing Appeals Tribunal and for communicating the Tribunal's decision to Housing and the appellants.

Panel members are also required to attend ad-hoc meetings of the full Panel to consider and take decisions on routine matters pertaining to the Panel and the administration of its duties.

The following people are not eligible to be appointed to the Panel:

- i) Members of the States of Deliberation and States of Election.
- ii) Members of the States of Alderney or the Chief Pleas of Sark.
- iii) Any Constable or Douzenier.
- iv) Any procureur or overseer of the poor, or a member of a parochial outdoor assistance board.

Qualifications and experience

No specific qualifications are required, and training and guidance will be given. However, prospective Panel members will need to demonstrate that they can meet the key criteria, set out on the following page.

Key criteria

Candidates must be able to demonstrate a number of skills, including the ability to:

1. Act with integrity and have independence of mind;
2. Work independently and as part of a team;
3. Employ excellent communication and interpersonal skills when dealing with people from a wide range of backgrounds;
4. Absorb, interpret, and challenge complex information, including written material, and identify the salient points;
5. Readily read situations and respond appropriately;
6. Identify key issues and disregard any irrelevant facts and issues;
7. Work in a logical manner, within the HAT Appeals Panel timescales, as set out in the States Housing (Tribunal and Appeals) (Guernsey) Regulations, 2005 (as amended);
8. Undertake and/or assist with the drafting of Tribunal judgements;
9. Challenge the views of others constructively and without becoming confrontational;
10. Weigh up all the facts relating to a matter without being unduly swayed by any particular point of view or set of circumstances and then reach a balanced decision, while taking into account the provisions of the relevant legislation and previous Tribunal decisions;
11. Provide reasons for supporting or rejecting an appeal in language that is readily understandable by the appellant; and
12. Enhance one's own knowledge and understanding of Housing Tenancy matters.

Should Housing receive more expressions of interest than there are vacancies on the Panel, each expression of interest received will be assessed in an objective way, against the skills areas identified above.

Remuneration

Panel members receive an allowance of £76.00 per half day when preparing for Tribunal hearings, sitting to determine an appeal, drafting Judgements, and attending Panel meetings.

How to apply

Applicants are invited to submit an expression of interest detailing their professional and other relevant experience, together with a covering letter indicating their reasons for applying for this position.

The positions of Chair and Deputy Chair of the panel are also vacant. If you wish to apply for either position, please indicate this on your expression of interest.

Expressions of interest should be sent to housingappealtribunal@gov.gg or posted to:

Clerk to the Housing Appeals Panel
Edward T. Wheadon House
Le Truchot
St Peter Port
GY1 3WH

The closing date for applications is 31 January 2020.

Please note that following the selection process, the appointment of the successful candidates will be subject to the approval of the States of Guernsey.

Further information

To ask questions about the role, or for further information, prospective applicants are encouraged to contact Alissa Whales on 732494 or email housingappealtribunal@gov.gg.

Prospective applicants are also advised to view the documents listed below:

1. [The States Housing \(Tenancies, Rent and Rebate Scheme\) \(Guernsey\) Law, 2004](#)
2. [The States Housing \(Tribunal and Appeals\) \(Guernsey\) Regulations, 2005](#)
3. [The States Housing \(Tribunal and Appeals\) \(Guernsey\) \(Amendment\) Regulations, 2010](#)