

Live-In Carer Policy

Applicability: WHC Social Housing
WHC Transitional Housing
WHC Affordable Housing

Authorisation: WHC Board

Policy date: September 2017

Document version: Approved 1.0

Policy Review date: September 2019

Related WHC Policies:

- Charter of Rights and Responsibilities
- Affordable Housing
- Transitional Housing
- During A Tenancy
- Ending A Tenancy
- Rent
- Non-Rent Charges
- Arrears Management
- Complaints and Appeals
- Privacy

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1 Purpose and Applicability

WHC is committed to empowering women to continue to live independently and age-in-place for as long as possible. This commitment recognises that women's circumstances can change over time. Some of these changes may mean a live-in carer is required to enable tenants to reside in a WHC property.

The policy applies to all Social, Transitional and Affordable Housing properties managed by WHC. The policy applies to all WHC staff, Social, Transitional and Affordable Housing applicants and tenants.

The *Charter of Rights and Responsibilities* guides the interactions between WHC, applicants and tenants.

2 References

2.1 External or Statutory Requirements

This policy complies with the following external legislation or requirements:

- NSW Carers (Recognition) Act 2010
- NSW Anti-Discrimination Act 1977
- Housing Act 2001
- Community Housing Providers (Adoption of National Law) Act 2012
- NSW Residential Tenancies Act and Regulation 2010
- NSW Civil and Administrative Tribunal Act and Regulation 2013
- NSW Civil and Administrative Tribunal Rules 2014
- Housing Pathways Policies
- NSW Community Housing Access Policy
- NSW Community Housing Eligibility Policy
- NSW Community Housing Rent Policy
- Centrelink eServices, Centrepay and Electronic Verification of Rent (EVoR) Terms and Conditions
- Social Security (Administration) Act 1999

2.2 Internal Requirements and Forms

This policy refers to the following internal documents, which are on the WHC website:

[*Live-in Carer Application*](#)

[*Rental Subsidy Application*](#)

[*Centrelink Multiple Consent and Authority*](#)

[*Absence from Property form*](#)

2.3 Definitions

A **Live-in Carer** under this policy is a person who proposes to reside with a WHC tenant to provide ongoing and essential personal care, support and assistance to the tenant, because the tenant has significantly reduced capacity to live independently. This need may come about where a tenant:

- has a permanent or chronic disability
- has a serious medical condition (including a terminal or chronic illness)
- has a severe mental illness
- is frail and aged

As stated in the *NSW Carers (Recognition) Act 2010*, a person is not a carer if they provide support and assistance under a contract of service or a contract for the provision of services, or doing voluntary work for a charitable, welfare or community organisation, or as part of the requirements of a course of education or training.

The following terms are used in this document, with specific meaning:

- “affordable housing” is subsidised rental accommodation for people in paid employment earning very low to moderate income, managed under the *NSW Affordable Housing Guidelines*
- “social housing” is subsidised rental accommodation for people earning very low or low income who meet the eligibility requirements under *Housing Pathways Policies*
- “transitional housing” is time-limited subsidised rental accommodation for people engaging with Specialist Homelessness Services (SHS) working towards long term sustainable housing options
- “transfer” relates to a tenant-initiated transfer to a more suitable social housing property, managed under *Housing Pathways Policies*
- “may” is an acceptable action or requirement but not mandatory
- “must” or “shall” or “will” designates a mandatory requirement or action
- “residential tenancy agreement” or “rental lease” or “lease” is the written agreement between WHC and the tenant with all terms and conditions of the tenancy

3 Requirements

3.1 General

WHC has a commitment to provide housing that is safe, easy to maintain for a tenant, and that allows a tenant to live in it sustainably.

Under normal circumstances, and consistent with our *During A Tenancy Policy*, WHC approval is required if an additional occupant is to reside at the property.

- Approval for a live-in carer may be granted where the tenant can demonstrate that a live-in carer is needed (see Requirements below) and complies with the above definition.

If WHC approves the *Live-in Carer Application* the tenant will be entitled to an extra bedroom for the live-in carer (see Section 4.1). This will require WHC:

- firstly assessing and determining if the tenant’s current property is suitable for accommodating a live-in carer;
- if not, reviewing options for facilitating a transfer to move the tenant to a more suitable property.

3.2 Specific Requirements and Eligibilities

Each of the following requirements must be met before a live-in carer can be approved to take up residence in a WHC property with a tenant:

- medical evidence that supports the tenant's requirement for a live-in carer
- proof of identify and income evidence for the proposed live-in carer, including evidence that the proposed live-in carer is aged 18 years or more
- evidence that the proposed live-in carer:
 - a. is receiving a Carer's Payment or Carer's Allowance from Centrelink¹, or
 - b. is in other ways a fit-and-proper person to perform the role of live-in carer
- agreement from the tenant and proposed live-in carer that income of both people will be combined as household income for rent calculation purposes. Refer to the **Rent Policy**.

3.3 Exception to the Income Eligibility Rule

An exception to the income eligibility rule occurs when a tenant who requires a live-in carer meets all the eligibility criteria for social, transitional or affordable housing, but the inclusion of the income of the proposed live-in carer results in the application exceeding the applicable income eligibility limit.

In this situation, WHC will make a determination, in consultation with the tenant, regarding the threshold for assessing the combined income. This determination may include the option to continue to assess the tenant as a single occupant.

3.4 Tenant and Carer Responsibilities

Live-in carers approved under this policy have responsibilities associated with living in a WHC property:

- Live-in carers are expected to respect and uphold the tenancy terms and conditions agreed to by the tenant and act in accordance with the **Charter of Rights and Responsibilities**.
- Live-in carers must not sign the Residential Tenancy Agreement. They are an authorised occupant of the household and have no independent tenancy rights under the lease.
- Live-in carers are required to move out of the property if the tenant stops living in the property.
 - If the tenant moves to long term aged care or dies, up to four (4) weeks' notice after the tenant vacates will be granted. Refer to the **Ending A Tenancy Policy**.
 - During this period, only the live-in carer's income will be included in the assessment of the household's gross income for rent calculation purposes. Refer to the **Rent Policy**.
- WHC must be immediately notified if there are any change in circumstances that affect:
 - the requirement for a live-in carer
 - a change in the live-in carer's status or circumstances, including their income
 - the appropriateness of the property or location for the tenant's needs
 - the tenant or the live-in carer is no longer in residence and the expected duration of the absence (for example, due to hospitalisation). Refer to the **During A Tenancy Policy**.

¹ Proof of a Carer Payment or Allowance must include copies of one of the following:

- Income Confirmation Scheme (ICS) Consent Authority or a Centrelink Income Statement confirming receipt of the Carer Payment or Carer Allowance
- A recent Carer Circumstances Review Form issued by Centrelink
- Concession card of the person receiving the care that identifies the live-in carer's name.

3.5 Failure to disclose

It is the responsibility of the tenant to notify WHC immediately a live-in carer is needed and before the individual has taken up residence.

Consistent with the *During A Tenancy Policy* and the *Rent Policy*, if a tenant has unauthorised occupants living with them, their rental subsidy may be cancelled. WHC may also take formal action to terminate the tenancy.

4 Property Considerations for Tenants with Live-In Carers

4.1 Additional Bedroom

Tenants approved to have a live-in carer are entitled to an extra bedroom to ensure the live-in carer has their own accommodation.

Where the tenant's current property is assessed as not having a room suitable to be occupied as a bedroom by the live-in carer, or the building is not suitable for the approved live-in carer, the tenant will be offered a transfer to alternative accommodation better suited to their circumstances.

4.2 Supplementary Property Needs

In circumstances where the tenant's current property is unsuitable for their care needs, WHC will assist to facilitate a transfer to a property that can better accommodate their specific needs, as detailed in the *During A Tenancy Policy*. Example property attributes may include (but not limited to):

- ground floor or lift access where the tenant has mobility issues with respect to stairs;
- extra space for storage of required medical and rehabilitation equipment;
- minor property modifications.

5 Approval Status

5.1 Records

WHC staff will keep securely on file official approval documentation related to a live-in carer.

5.2 Reviews

The six-monthly income assessment and rental subsidy review process (refer to the *Rent Policy*) will include a formal reassessment of the tenant needs and circumstances, including in relation to the live-in carer arrangements.

Any changes in circumstances or in property requirements will be documented and actioned as per usual WHC policy and procedures.

WHC will also initiate live-in carer status reviews should circumstances change or if a request for a review is received at any time.

5.3 Reassessment or Termination of Live-In Carer Approval

If WHC becomes aware that the approved live-in carer is acting in such a way as to jeopardise the tenancy, the tenant will be notified and options discussed. These circumstances include, but are not limited to:

- the live-in carer presents an unacceptable risk of harm to the tenant, to other WHC tenants or to neighbours
- the live-in carer is associated with repeated anti-social behaviour
- the live-in carer refuses to disclose income or contribute to the rental charges agreed in the combined income assessment
- the live-in carer has a history of having committed registerable offences that may jeopardise tenant, neighbour, visitor or staff safety and wellbeing.

6 Complaints and Appeals

Tenants who have a complaint about how the Live-In Carer Policy has been administered, or who wish to appeal a decision, should refer to the **Complaints and Appeals Policy**.

6.1 Complaints

WHC will manage all complaints in a fair and transparent way to ensure that the organisation's service delivery is responsive to concerns raised by applicants and tenants.

All complainants will receive a written response from WHC about the outcome of the investigation of their complaint within 21 working days.

6.2 Appeals

If an applicant or tenant does not agree with a decision made by WHC, or thinks that the decision is unfair, then they can lodge an appeal against that decision. The basis of an appeal may include any of the following reasons:

- Inadequate consideration was given to their individual circumstances;
- The decision involved an inadequate interpretation of WHC policy;
- The decision was made contrary to the WHC policy;
- The procedure used to reach the decision was not fair and correct.

All appeals should be made to WHC in writing. WHC will then review the decision and will inform the applicant or tenant in writing about the outcome of the review within 21 days.

If the applicant or tenant does not agree with the outcome of the WHC review, they can then lodge a second-tier external appeal to the Housing Appeals Committee (HAC). The Housing Appeal Committee is an independent agency that reviews certain decisions made by staff of Community Housing organisations and Housing NSW. For information on the Housing Appeal Committee call 1800 629 794 or go to www.hac.nsw.gov.au

7 Privacy and Confidentiality Statement

The WHC will ensure that applicant, tenant and household member information is kept confidential. It will not release any personal information to a third party without the prior written consent of the applicant, tenant and/or household member, or unless where WHC is lawfully authorised and required.

The WHC will ensure that any personal and sensitive information is not collected, used, stored or disclosed other than for the proper purposes of its services. From time to time, de-identified demographic information may be released to third parties for statistical purposes only.

Refer to the **Privacy Policy**.