

HOW WE REVIEW DECISIONS ON HOMELESS APPLICATIONS

These notes explain that you do not have the right of a review of all decisions and gives information about the process that is followed when the Council reviews a homeless decision.

The law governing homeless reviews is contained in sections 202 and 203 of the Housing Act 1996 and Part 2 of the Homelessness (Review Procedure etc) Regulations 2018.

Which decisions can I ask to be reviewed?

You have a right to seek a review of the following decisions made in relation to your homeless application:

1. Eligibility (if found 'not eligible') s.202(1)(a)
2. Duties owed to those found to be homeless or threatened with homelessness s.202(1)(b) – (priority need, intentionality, restricted duty)
3. The steps to be taken in a personalised housing plan at the prevention duty s202(1) (bc)(i)
4. The prevention duty has ended s202(1) (bc)(ii)
5. The steps to be taken in a personalised housing plan at the relief duty s.202(1) (ba)(i)
6. The relief duty has ended s.202(1) (ba)(ii)
7. Received a Notice for deliberate and unreasonable refusal to co-operate with the Council s.202(1) (bb)
8. Referral to another housing authority because it is considered that the conditions for referral are met s.202(1)(c)
9. Suitability of accommodation offered (you can only request a review of the suitability of your temporary accommodation where the Council has accepted a full housing duty towards you s.202(1)(f).
10. Applicants can request a review of the suitability of accommodation whether they have accepted the offer s.202(1B)
11. Suitability of accommodation offered by way of a private rented sector offer s. 202(1)(g)
12. Suitability of accommodation offered by way of a final accommodation offer or a final offer through the Council's Housing Allocation Policy s.202(1)(h).

When can I ask for a review?

You must ask for a review within 21 days of notification of the decision. It is preferable for your request to be in writing to act as a record of your concerns.

Can I get help with my request for a review?

There are solicitors that specialise in Housing Law who may be able to represent you. Alternatively, you can seek assistance from a support worker, family or friend or any other statutory or non-statutory agency.

Who will deal with your review?

The Officer who will carry out the review will not have been involved in making the decision which you want reviewed and will be senior to the Officer who made the decision.

The reviewing officer may ask a junior officer or our contractor Mark Prichard to make enquiries in connection with the review or carry out administrative tasks. They may contact you in connection with your review.

What information should I put in my review request?

Ideally you should explain why you think the original decision is incorrect and provide any new information that supports your request for a review. However, simply putting in writing that you want to request a review is enough to start the process.

You may be given a reasonable period during the review to make any further submissions or provide additional information.

Additional procedural safeguards apply if:

- The reviewing officer concludes there was a deficiency or irregularity in the original decision, or in the way the original decision was made, and
- The reviewing officer is considering making an adverse decision (a decision against your interests) on one or more issues.

In this situation the reviewing officer will:

- Notify you in writing that they are minded to making an adverse decision
- Confirm the reasons why they are considering making an adverse decision
- Confirm that you or someone acting on your behalf may make further representations to the reviewing officer orally or in writing, or both orally and in writing
- Offer you an opportunity to meet the reviewing officer, so you can make oral representations in person.

However, such a meeting would not give you a right to call third party witnesses or to cross examine witnesses.

What happens next?

Once the Council has received your written request for a review you should receive a letter within seven days acknowledging receipt of your request for a review (apart from 3, 5, 7 decisions listed above). It will also explain the process by which your review will be carried out and provide you with the name of the reviewing officer.

How long will the Review take?

Most reviews should be completed within 8 weeks (56 days) apart from those reviews listed in points 3,5,4 & 7 earlier in this document, in these three circumstances they should be completed within 3 weeks (21 days). If your review is going to take longer to complete, we will advise you in order to agree an extension.

Do I need to tell the Council if my situation changes?

Yes. You must tell us if your situation changes in any way that could affect the duties we may owe you. For example, you must tell us if you obtain accommodation, even if it's only temporary.

You must also tell us if your contact address, telephone number or email address changes. This is because we may need to contact you in connection with the review.

Note: If you are seeking the review of a negative decision, we would strongly advise you to try and find alternative accommodation yourself and liaise with your Homeless Prevention or Relief Officer if you require further assistance. If you wait until your review is complete, there is no guarantee that on review the Council will overturn the original decision.

If need further information, please contact the Housing Department at Town Hall Castlefield Road Reigate RH2 0SH. Telephone number 01737 276000.