

## **Requesting a review of a Homeless Decision**

If you have made a homeless application and do not agree with the decision reached by the council, you can ask for that decision to be reviewed. This factsheet explains when and how to ask for a review.

The council has a duty to provide advice and help to anyone who is homeless or threatened with homelessness in 56 days. If you make a homeless application, we will consider your individual circumstances to decide what, if any, housing duty is owed to you. If you disagree with a decision made on your homeless application, you may be able to ask for a review.

### **Which decisions can I ask to be reviewed?**

You are entitled to seek a review of the following decisions on homeless applications (or on the relevant duties owed you as a result of these decisions):

- eligibility (if you have been found 'not eligible')
- homelessness (if you have been found to be 'not homeless')
- the reasonable steps, or any changes to those steps, set out in your Personal Housing Plan (to prevent or relieve homelessness)
- the prevention duty has been brought to an end
- the relief duty has been brought to an end
- priority need (if you have been found to be a 'non- priority need' case)
- intentionality (if you have been found to be 'intentionally homeless')
- restricted duty (if a member of your household is a 'restricted person')
- referral to another housing district (if the decision is to refer your case to another council or that the conditions for a referral have been met)
- suitability of accommodation (you can only request a review of the suitability of your temporary accommodation where the council has accepted a full housing duty towards you and you are occupying temporary accommodation pending you finding suitable permanent accommodation through the council's Housing Allocation Policy).
- suitability of settled accommodation offered to you in discharge of our full housing duty (Final offer of accommodation owed to a person/household to whom we have accepted a homelessness housing duty)

- discharge of duty (where the council concludes that it no longer owes you a duty to house you because of a change in your circumstances or due to an act resulting in the loss of your current temporary accommodation or an unreasonable refusal of a suitable offer of settled accommodation).
- makes a decision to give an applicant notice that they have deliberately and unreasonably failed to cooperate with the council
- makes a decision to give notice that the council will bring the duty to help secure accommodation to an end.

### **When can I ask for a review?**

The law says that you must ask for a review within 21 days of the decision. If you are outside this time, you **do not have a right** to a review. We may consider it however, if you show that exceptional circumstances caused you to be late.

### **Can I get help with my request for a review?**

You may find that an independent legal or specialist housing adviser can help you with this process. Let us know that you are asking for a review as soon as you can, and then seek this help to save time. You may also wish to provide new information, in which case you may need the help of professionals, such as social workers or doctors, who know about your situation.

### **Who will deal with my review?**

Your review will be dealt with by one of the council's review officers. This person will be independent of the original decision and experienced in housing law so that they can reach a new decision on your case.

You can contact the review officer in writing:

Review Officer  
 West Suffolk councils (Forest Heath and St Edmundsbury)  
 Housing Options Team  
 West Suffolk House  
 Western Way  
 Bury St Edmunds  
 IP33 3YU

### **What happens next?**

You will receive a letter within one week which acknowledges your request for a review. It will also explain the process. Your case will be examined objectively and independently to make sure that the original decision was reached in a lawful way and was correct based on the information available.

A new 'review decision' will be reached. This must take account of your current circumstances and since the original decision was made. We may need to make enquiries and seek further information so this can take time. If you have a

solicitor or specialist adviser acting for you, we will contact them rather than contacting you directly.

### **How long will it take?**

The law allows for up to eight weeks to complete most reviews (and longer for reviews of some referral decisions). However, in some cases the process can take longer and it may be necessary for you, your representative or the review officer to ask for an extension to complete the review.

### **Will I continue to be accommodated?**

The council does not have a duty to accommodate you while the review is being carried out and we do not normally provide accommodation, so you will need to make alternative arrangements. We may have to provide accommodation in exceptional circumstances - where we believe the original decision could be unlawful and may be overturned, or where new information puts it in doubt and you would face exceptional hardship without accommodation (more so than other people who are homeless).

### **What is the law around the review process?**

Section 202 of Part 7 of the Housing Act 1996 (amended in 2002) instructs councils how reviews are to be carried out. The procedures for reviews are covered in Statutory Instrument 1999 No. 71.

### **What if I think the review decision is still wrong?**

If you still believe the council has made an unlawful decision, the law allows you to seek a County Court Appeal (Section 204 of the 1996 Act). You must apply to the county court within 21 days of the notification of the review decision and on a point of law. It is recommended that you obtain legal advice if you do seek such an appeal.

Last updated: 25 March 2018