

Requesting a review of decisions made under the Homelessness Reduction Act 2017

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. This is a statutory review and is carried out in accordance with Section 202 of the Housing Act 1996.

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).
- notice that you have deliberately and unreasonably failed to cooperate with the council
- notice that the council will bring the duty to help secure accommodation to an end.

When can I ask for a review?

You must ask for a review within 21 days of notification of the decision. It is preferable if your request is made in writing to highlight your concerns, however your request can be in writing or verbally. If you request a review outside the 21 days you will not have the right to a review. The Council may consider it however, if you show that exceptional circumstances caused this request to be late.



Your review will be decided on a point of law. If the council has not made an error in law it is likely that your review may not succeed.

Can I get help with my request for a review?

You may wish to find an independent legal or specialist housing adviser to help you with the process, alternatively you can seek assistance from a support worker or family / friend, who will be able to assist you to make the initial request for a review. It is imperative that you make a request for a review as soon as possible. Detailed representations as to why you think the original decision is incorrect can be submitted at a later date. Do not wait to find a solicitor to represent you before you request a review.

You can find the law and regulations on the Legislation.gov.uk website and solicitors and housing advisors will also keep copies.

Who will deal with my review?

Your review will be dealt with by a senior Council Officer who was not involved in the original decision, or a legal representative contracted to complete the decisions on behalf of the council.

How do I request a review?

Please send a review request to Specialist (People) Team;
E-mail: housing@ryedale.gov.uk
Mail: Specialist (People), Ryedale House, Old Malton Road, Malton, YO17 7HH
Phone: 01653 600666

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 will be given a reasonable period during the review to make any further submissions or provide additional information; However, please ensure you provide your full name and contact details (current address or care of address, e-mail address, mobile number) so we can be sure who is requesting the review and how to contact you.

In addition, the Council will use whatever contact details you supply to provide you with the Council's review decision once completed. If a solicitor or advocate is acting on your behalf your review decision will be forwarded to them by e-mail or post.

What happens next?

Upon the Council receiving your request for a review you will receive a letter within 7 days, which will acknowledge receipt of your request for a review. It will also explain the process by which your review will be carried out and contact details should you or your solicitor or advocate wish to ask any queries relating to your review.

You may be asked to provide additional information or attend an interview with an Officer. The review will take into account your current circumstances and any new information since

the original decision. If you have a solicitor or advocate acting for you, we will contact them rather than contacting you directly.

How long will it take?

Unless a longer period of time has been agreed with the applicant, the authority (or authorities where the decision concerns a local connection referral) must notify its review decision within three weeks from:

- the date the request for a review was made where the review concerns a decision as to the steps a local authority will take to discharge the prevention or relief duty, or to end the relief duty, or to serve a notice of unreasonable and deliberate refusal to cooperate
- the day the applicant makes representations in response to a 'minded to' letter (see below)
- eight weeks from the date the request for a review was made, where the decision under review does not concern local connection or fall under the three-week duty rule above
- ten weeks from the date the request for a review was made where there is a local connection issue, or twelve weeks where an arbitrator on local connection has been appointed. (An arbitrator must notify the notifying and notified authority within eleven weeks, or by no later than one week before the end of any longer period that has been agreed in order to allow the authority to comply with its deadline).
- If there is no notification of a decision within the relevant deadline, the applicant should either:
 - agree in writing an extension of time with the authority. This will often be a good option provided that the client is accommodated pending review
 - appeal to the county court on a point of law or apply for a judicial review). This will be necessary where the initial decision of the local authority was correct on the facts as known to it at the time, but where fresh material has been put to the authority, which it has not considered because it has failed to carry out the review.

How does the Council decide whether to overturn the original decision?

Your particular situation is considered objectively, taking account of the relevant law, Government guidance and any information you provide. You can get independent advice on how likely it is that a review will be successful in your particular case.

You can get advice from:

- **Citizens Advice Ryedale** – Harrison House, Norton Road, Malton, YO17 9RD – 01653 695542
- **Shelter's free housing helpline**
- 0808 800 4444 (open weekdays 8am – 8pm and 8am – 5pm weekends, 365 days a year)
- You can check if you can get legal aid at www.gov.uk/check-legal-aid

What if my situation changes once I have asked for a review?

You must tell the Council if your situation changes. For example you must tell us if you move address, even if it's only temporary. We will take account of any changes in your situation when making a decision on your review.

You may commit a criminal offence if:

- you don't tell the Council about a relevant change in your circumstances
- you withhold information we need to administer your homeless application, or
- you make a false statement intending to make us believe that you're homeless or qualify for accommodation or help

Will I continue to be accommodated during the review?

If you were provided with temporary accommodation, you will receive a notice of when it will come to an end in your decision letter. The Council does not have a duty to accommodate you while the review is being carried out. Therefore we suggest that you make alternative arrangements once you have received your decision letter. Please do not wait until your accommodation is nearing its end before you request a review.

The Council does have a discretionary power to provide you with temporary accommodation pending the completion of your review. Upon receiving your review request, you will receive a letter advising you whether or not we will provide you with accommodation during the review.

If the original decision made was a negative decision and you are seeking a review of that decision, we would strongly advise you to try and find alternative accommodation yourself, with support from the Customer Services (People) team, who assist applicants in finding affordable alternative accommodation; if you wait until your review is complete, there is no guarantee that the Council will overturn the original decision and have a duty to provide accommodation.

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.

(Reviewed July 2018)