

Homelessness

Asking for a review of a decision



➤ *Factsheet 21.*

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 leaflet explains when and how to ask for a review.



The Council has a duty to provide advice and help to anyone who is homeless. 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 the decision is that you are ‘ineligible’ (do not qualify) for assistance due to your immigration or legal status in the UK)
 - homelessness (if you have been found ‘not homeless’)
 - priority need (if the decision is that you are ‘not in priority need’)
 - intentionality (if you are considered ‘intentionally homeless’)
 - referral (if the decision is to refer your case to another council – you can ask for a review at two stages in the process, both when we refer you and when the other council accepts a duty to you)
 - suitability of accommodation (you can only request a review of the suitability of your temporary accommodation if the Council has accepted a full housing duty)
 - discharge of duty (where the Council decides that no further duty is owed to you because it considers these duties have ended).
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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 either by email to housingreviews@rbkc.gov.uk or alternatively in writing:

Review Officer
Housing Needs Department
2nd Floor
The Town Hall
Hornton Street
London W8 7NX

What happens next?

You will receive a letter within one week which acknowledges your request for a review. It will also explain the process. If you do not have an address, this letter (and any others concerning your review) will be kept in the Customer Services Centre at the Town Hall for you to collect. 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 circumstances now 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. You can find copies of these in your local library, and housing advisers and solicitors will also keep copies. You can find the law on the internet at www.opsi.gov.uk/acts/acts1996/1996052.htm and the Statutory Instrument at: www.opsi.gov.uk/SI/si1999/19990071.htm#n3

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.





Information from this document can be made available in alternative formats and in different languages. Please contact Housingline on **020 7361 3008** or email **housing@rbkc.gov.uk**.



www.rbkc.gov.uk