

Homeless Review Procedure



1. Introduction

This leaflet explains how you can ask for a decision to be reviewed, if you have applied to the Council for assistance as a homeless person, and you are not satisfied with our decision or the way in which we have dealt with your application.

We will deal with your homelessness application fairly, and will investigate your circumstances thoroughly. In reaching our decision, we will carefully consider all the facts provided by yourself, and others you have given us permission to contact, or who have provided information in support of your application.

After completing our enquiries in accordance with the legislation, you are issued with a decision letter that concludes the Council, does not have a duty to house you, you can ask for the decision to be reviewed. This is a statutory review and is carried out in accordance with Section 202 of the Housing Act 1996. This leaflet explains when and how to ask for a review.

Before using the full Review Procedure, we recommend that you contact your Housing Officer who dealt with your application originally. This is particularly useful if you think that we may not have fully understood your circumstances.

In most cases, this will clear up any misunderstandings satisfactorily and quickly, and you are encouraged to do this before requesting a Review.

2. What the Housing Review Procedure covers

This procedure covers decisions about:

- 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 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.

This procedure does NOT cover:

a) New information which you have overlooked and was not made available to your caseworker.

However, if you have new information, your caseworker will investigate it, and reach a fresh decision.

b) New information which relates to a change in your circumstances after the decision was made.

c) Grievances about administrative matters e.g. charges for emergency accommodation.

d) An appeal to extend the time limits within which you should have made any request for a Review of our decision.

Review Procedure

You should write to the Principal Housing Officer and ask for a Review, giving your reasons. You must do this within 21 days of being notified of the Council's original decision.

We may agree a longer period with you, in exceptional circumstances, and if so we will confirm this to you in writing.

The Principal Housing Officer will acknowledge your request within 7 days of receiving it. It is important to request a review as soon as possible. If you fail to request a review within the stipulated 21 days you will lose your entitlement to a review. If you request a review outside the 21 days you will have to show the Council that there were exceptional circumstances as to why you could not request a review within the 21 day time period. The Council will then decide as to whether to conduct a review out of time or not.

You have the right to ask someone else acting on your behalf to put in your review do so. It would help if you gave the reasons in full why you disagree with the Council's decision.

a) The Principal Officer will carry out the review, checking that all the relevant information has been collected and interpreted correctly to reach the decision. The Principal is the Senior Officer who would not have been involved in the original decision. She may invite you to a meeting to explain your reasons for asking for a review.

The total period for a Review to be completed is within 56 days of the request for the Review. If we need to find out more or check information

which you have given us, we may ask you to agree to a longer period. We would confirm our agreement in writing.

This completes the legal right to a Review for homeless applicants

5. What else can you do if you disagree with the Council's decision?

There is no right to a further review to be carried out by the Council after the Review has been completed. However, we will always be happy to reconsider your application if your circumstances change. Please speak to your Housing Officer if this applies to you.

You are also free to consult your local elected Councillor at any stage of your application. If you do not know who your local Councillor is, we can tell you.

In certain circumstances, you may be able to complain to the Ombudsman, or have the legal right to appeal to the

County Court, as explained briefly below:

If you have exercised a legal right to a Review, and you are aggrieved about the decision because you feel that you have been treated unfairly as a result of maladministration, you may complain to a Local Government Ombudsman.

Please ask us for a leaflet about how to complain to the Ombudsman. You may be able to appeal to the County Court, if:

- you are dissatisfied with the decision on the Review, *or*
- you are not notified of the decision on the Review within 56 days after receiving your request, unless we have mutually agreed to a longer period in writing.

A Solicitor should be able to give you advice about how to appeal to the County Court.

For other general housing needs enquiries see our website www.aylesburyvaledc.gov.uk/housing , email us on housingneeds@aylesburyvaledc.gov.uk or call 01296 585197 or 585168.



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