



## Requesting a Review of Your Homelessness Decision



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## **Requesting a Review of Your Homelessness Decision**

### **Types of Review**

There are many instances when you can request a review of the actions or decisions that have been made in relation to your current or potential homelessness situation. This leaflet explains the rights that you have, the processes involved and the decisions that can be reached. The stages that you can request a review are as follows;

- (a) eligibility for assistance (section 202(1)(a));
- (b) what duty is owed if you are found to be homeless or threatened with homelessness (section 202(1)(b));
- (c) of the steps you are to take in your personalised housing plan at the prevention duty (section 202(1)(bc)(i));
- (d) to give notice to bring the prevention duty to an end (section 202(1)(bc)(ii));
- (e) of the steps you are to take in your personalised housing plan at the relief duty (section 202(1)(ba)(i));
- (f) to give notice to bring the relief duty to an end (section 202(1)(ba)(ii));
- (g) to give notice under section 193B(2) in cases of deliberate and unreasonable refusal to co-operate (section 202(1)(bb));
- (h) to notify your case to another authority under section 198(1) (i.e. a decision to refer the applicant at the main housing duty, to another housing authority because they consider that the conditions for referral are met) (section 202(1)(c));
- (i) under section 198(5) as to whether the conditions are met for the referral of your case to another housing authority at the relief duty or main housing duty (including a decision reached either by agreement between the notifying and notified authority, or taken by a person appointed under the Homelessness (Decisions on Referrals) Order 1998 where agreement cannot be reached) (section 202(1)(d));
- (j) under section 200(3) (i.e. where a decision is made that the conditions for referral are not met and so the notifying housing authority owe the section 193 main housing duty) or a decision under section 200(4) (i.e. a decision that the conditions for referral to a notified authority in Wales are met and the notified authority owe the section 193 main housing duty) (section 202(1)(e));
- (k) as to the suitability of accommodation offered to you under any of the provisions in paragraph (b) or (j) above or the suitability of accommodation offered under sec-

If longer time is needed to complete the review you will be advised and an extension requested.

### **What decision could the review reach?**

- \* The original decision could be confirmed. If this happens you have no further right to review with the Council although you may have the ability to review to the County Court. You will be given reasons for this.
- \* The Council could be minded to confirm the decision despite a procedural irregularity. This means that the rules about how the decision is made have not been followed properly. If this is the case you may be asked to attend an oral hearing.
- \* The original decision could be over-ruled and another adverse decision against your interest could be made. You will be given reasons for this.
- \* The original decision is overruled

### **What happens if I don't agree with the S202 review decision?**

You can appeal to the County Court on a point of law within 21 days of being notified of the Council's review decision.

**How will I find out about the outcome of the review and what are the timescales?**

You will be notified in writing. Review timescales are as follows;

Time scale	Section applicable
3 weeks from the day of the request for a review, or 3 weeks from the day on which representations are received,	section 202(1)(ba)(i), (bc), or section 202(1) (bb) and the effect of the notice is to bring the prevention duty to an end
8 weeks from the day of the request for a review	202(1)(a), (b), (ba)(ii), (c), (d), (e), (f), (g), or section 202(1)(bb) and the effect of the notice is to bring the relief duty to an end
10 weeks from the date of the request for a review	202(1)(d) and was made jointly by 2 housing authorities under section 198(5) (a decision on whether the conditions for referral are met
12 weeks from the date of the request for a review	202(1)(d) and it was taken by a person appointed by the notifying authority and the notified authority in accordance with the Schedule to the Homelessness (Decisions on Referrals) Order 1998.

tion 193(7) in relation to allocations under Part 6 (section 202(1)(f)). Applicants can request a review of the suitability of accommodation whether or not they have accepted the offer (section 202(1B));

(l) as to the suitability of accommodation offered to you by way of a private rented sector offer under section 193 (section 202(1)(g)); or,

(m) as to the suitability of accommodation offered to you by way of a final accommodation offer or a final Part 6 offer under section 193A or 193C (section 202(1)(h)).

You must lodge the review request either verbally or in writing within 21 days of the date of the decision letter. If it is outside the 21 days we may agree to extend this time period in certain circumstances.

**What Happens Next?**

You will receive written confirmation of your request for a review and the name of the officer who will be conducting the review. This officer will be senior to the officer who made the original decision and was not previously involved in the original decision. A review can also be conducted by someone acting as an agent of the housing authority. You will be asked if you would like to provide further written information to be considered when reviewing the case. You will also be offered the opportunity to make oral representation.

The reviewing officer will look at the decision afresh and how the circumstances exist at the time of the review decision.

**Oral Hearings**

If you request an oral hearing a date and time will be arranged for you and any representative to attend a meeting at the Council. The reviewing officer will be present, as will the officer who made the original decision. A summary of the reasons behind the original decision will be given and you will have an opportunity to challenge any aspect of the original decision and provide any further information you feel may be relevant. The reviewing officer will ask any further questions relevant to the review. You will not be given a decision at this meeting.

**Will I be provided with accommodation during the review?**

You may request that accommodation is made available and the reasons for this. It will be at the discretion of the local authority whether accommodation is provided pending a decision being made on the review.