

12 YOUR RIGHT TO ASK FOR DECISIONS TO BE REVIEWED

- 12.1 What decisions can I ask the Council to reconsider?
- 12.2 What does category 12.1(h) mean?
- 12.3 How do I find out if I have a right to review a particular decision?
- 12.4 When will the Council tell me about my right to ask for a review?
- 12.5 What will the Council tell me about my right to review when I receive a decision on my application?
- 12.6 How do I ask for a review?
- 12.7 What if I don't receive the decision letter? Can I still ask for a review?
- 12.8 I've missed the 21-day time limit. Can I still ask for a review?
- 12.9 Do I need to provide reasons for asking for a review?
- 12.10 What procedure does the Council follow if I ask for a review?
- 12.11 Can I ask for a copy of my housing file?
- 12.12 Who will make the review decision?
- 12.13 How will the decision on my review be made?
- 12.14 How will you tell me about the review decision?
- 12.15 When will I get the review decision?
- 12.16 I'm dissatisfied with the review decision. Can I appeal?
- 12.17 Can I complain about the review decision?

12.1 What decisions can I ask the Council to reconsider?

You can ask the Council to review the following decisions:

- (a) a decision about what priority band status you're entitled to (see **9.6** to **9.10** for the banding groups)
- (b) a decision about what your waiting time date is (see **8.1**)
- (c) a decision that you're not entitled to go on the Housing Register (see **Section 6** for the rules on who is allowed onto the Housing Register)
- (d) a decision that your application will be taken off the Housing Register (see **8.10**)
- (e) a decision that your priority has been reduced (see **9.11** and **9.12**)
- (f) a decision that you refused an offer of housing (see **11.10**)
- (g) a decision that a refusal of housing should count as one of your two offers (see **11.10**)
- (h) a decision about the facts of your case that are likely to be, or have been, taken into account when considering whether to allocate accommodation (see **12.2**).

See **5.2** for details of what our initial decision letter will contain.

12.2 What does category 12.1(h) mean?

Category **12.1(h)** (see **12.1** above) covers various possible negative decisions that you may not be told about. These decisions usually form part of another decision that you *will* have been notified of. For example, you may want us to review a decision that someone doesn't form part of your household, a decision about your financial resources, or a decision about the nature and effect of a medical condition you have. We may not tell you about these kinds of decisions because they're part of another decision, eg what band priority you are entitled to, or whether or not you're entitled to go on the Housing Register. If you want us to look again at a decision of the type described at **12.1(h)** it's usually a good idea to ask us first to confirm the information we took into account. This will help you to effectively exercise your right to a review.

12.3 How do I find out if I have a right to review a particular decision?

Please refer to **12.1** above. If you're still unsure if you can ask us to reconsider a decision contact the Housing Customer Services Team and we'll help you. You can contact Customer Services by telephoning [...] or by emailing [...].

12.4 When will the Council tell me about my right to ask for a review?

We'll tell you about your right to ask for a review whenever we notify you of a decision that carries the right to review.

12.5 What will the Council tell me about my right to review when I receive a decision on my application?

We'll tell you:

- About your right to ask for a review of the decision.
- The decisions you can ask us to reconsider (see **12.1**).
- That if you want to ask for a review we must receive your request within 21 days of you being notified of the decision (unless the decision concerns the refusal of offers, see **11.10**)
- About where you can get independent advice.

The decision letter will explain that a copy of the decision notification is available to collect from the Council's office for a reasonable period. The letter also explains that if you do not receive the decision letter (or email) you'll be treated as having been notified when the letter was sent to the postal or email address you gave us.

12.6 How do I ask for a review?

If you want us to review a decision you must ask us within 21 days of being notified of the decision (subject to **11.10** where the review concerns the refusal of offers). If you don't receive the decision letter you must ask us within 21 days of when the decision letter was produced and sent to the address or email address you gave us. You don't need to complete a special form to ask for a review (although you can choose to use the form we provide for requesting a review). You can telephone or email us and ask for review.

You'll need to make sure you clearly ask for a review and tell us which decision(s) you want us to look at again.

Or you can complete the review form which is available online at: [...].

12.7 What if I don't receive the decision letter? Can I still ask for a review?

Yes, you can still ask for a review if you don't receive a copy of the decision. However, there are special rules. You must ask us to reconsider the decision within 21 days of when you're legally treated as having received the decision (this is called 'the date of deemed service').

The date of deemed service depends on how we sent the decision to you, and is:

- the second business day after the letter was posted, if sent by first class post, or
- the day you were sent or given the decision if it was hand delivered, personally served or emailed to you on a business day before 4.30 pm, or if after 4.30 pm, on the next business day.

If you don't ask us to reconsider the decision within 21 days of the date of deemed service you will lose your right to a review. However you can still ask if we're willing to extend the time limit (see **12.8**).

12.8 I've missed the 21-day time limit. Can I still ask for a review?

A review request received after the 21-day period has expired will be referred to the Housing Options Team Manager or another senior Council officer. They'll consider why your request was late and decide if we should extend the time limit and carry out a review.

12.9 Do I need to provide reasons for asking for a review?

Yes. We prefer it if you provide your reasons when you submit your review request. This helps us to make a quicker decision. However we'll write to you and give you a date by when you must provide your reasons and provide any supporting information you want us to consider (see **12.10** for details of the review procedure).

12.10 What procedure does the Council follow if I ask for a review?

Once we've received your review request we will, within 21 days, notify you in writing:

- that you, or someone acting on your behalf, can make representations in writing to the Housing Options Team in connection with the review
- of the procedure we'll follow in connection with the review, including the dates by which:
 - we must receive any supporting information (this cannot be earlier than 14 days from our letter confirming the procedure)
 - the date by which you'll be notified of the decision
- who will be carrying out the review
- the reviewing officer's contact details
- that the review decision will be notified in writing

- of the reasons for any adverse decision
- that you may ask for further information about any decision made about the facts of your case (see **12.1(h)**).

The reviewing officer may offer you an opportunity to make verbal representations in connection with the review. They may also ask other officers within the Housing Options Team to carry out tasks in connection with the review, eg making inquiries.

If, before the deadline for receipt of representations, you ask for further information about any decision relevant to the decision under review (for example matters covered by **12.1(h)**) the reviewing officer will ensure a response is given. He or she will extend the period for receiving representations if necessary to ensure fairness.

The Council will notify you of the decision made on your review within eight weeks of the date on which you asked for the review (unless an extension to this deadline is needed; see **12.15**).

12.11 Can I ask for a copy of my housing file?

Yes. We may charge you £10 to provide this. Please also see **16.5** about your legal rights to obtain information.

12.12 Who will make the review decision?

A Housing Services officer who was not involved in the original decision and who is senior to the officer who made the original decision will make the decision on your review.

12.13 How will the decision on my review be made?

The reviewing officer will consider the information you've given, and reconsider all of the relevant facts at the time the review is decided, in light of this policy and any legal requirements. We will consider information received since the original decision was made if it is relevant.

12.14 How will you tell me about the review decision?

We'll confirm the review decision in writing by post or email.

12.15 When will I get the review decision?

We'll usually notify you of the decision within eight weeks of when we received your review request. We may take longer if:

- we need more time to make the decision
- the extension of time is reasonable, having regard to the facts of your particular case, and
- we have notified you in writing of our reasons for needing an extension.

12.16 I'm dissatisfied with the review decision. Can I appeal?

No. You don't have any statutory right to appeal a negative review decision. You may be able to go to court using a process called judicial review. However to apply to court you'd need reasons for claiming that the Council has acted unlawfully. You should seek independent legal advice.

12.17 Can I complain about the review decision?

Yes. You can complain under the Council's Complaints Policy if you're dissatisfied with a review decision or the manner in which it was made. You can also complain if you're dissatisfied with any other aspect of how your housing application has been dealt with. A copy of the Council's Complaints Policy is available on the Council's website.

If your complaint is about something a partner Registered Social Landlord (housing association) has done (that doesn't concern something the Council has done or is responsible for) you may complain using that landlord's complaints policy (details of complaints policies are given on each partner landlord's website).

If you want to complain to the Public Services Ombudsman for Wales you must usually first exhaust the formal complaints procedure.