

Your right to a homeless review

If you disagree with a decision the Council makes on your homeless application you can ask us to review that decision. This guide tells you about your right to request a review. It also explains what happens when you ask for a review.

What is a homeless review?

By law you can ask the Council to look again and change a decision we’ve made on your homeless application. This is called asking for a ‘review’.

Which homeless decisions can I ask the Council to review?

You can ask the Council to reconsider the following types of decision:

- A decision that you’re not homeless
- A decision that you’re not threatened with homelessness
- A decision that you’re not eligible for help (because of your immigration or nationality status)
- A decision that you don’t have a priority need
- A decision that you became homeless intentionally (or became threatened with homelessness intentionally)
- A decision that your case should be referred to another council because you don’t have a local connection with our area but have a connection with another council’s area
- A decision that your case has been transferred to another council because you don’t have a local connection with our area but have a connection with the other council’s area
- A decision that accommodation offered to you is suitable (where we’re under a duty to arrange accommodation for you or the accommodation is being offered to end our duty towards you).
- A decision that you’re not owed one of the following duties or a decision that one of the following duties has ended:
 - The duty to prevent homelessness. This is a duty to help secure that suitable accommodation does not cease to be available for your occupation. The Council owes this duty when we’re satisfied you are threatened with homelessness and eligible for help (under section 66 of the Housing (Wales) Act).
 - The interim duty to secure temporary accommodation. The Council must provide temporary housing when we have reason to believe you may be homeless, may be eligible for help, and may have a priority need (under section 68 of the 2014 Act).
 - The duty to help homeless applicants secure accommodation. This is a duty to help you find suitable accommodation. The Council owes this duty when we’re satisfied you are homeless and eligible for help (under section 73 of the 2014 Act).



- The duty to secure accommodation for homeless applicant in priority need when the section 73 duty ends (under section 75 of the 2014 Act).
- A decision that we've taken reasonable steps to help you find accommodation while owing you the section 73 duty to help you find accommodation. You can ask us to review our decision that we've taken reasonable steps to help you when the section 73 duty comes to end, either because a period of 56 days has ended (from when we accepted you were homeless) or because the Council has decided that reasonable steps to help you were taken before the 56-day period ended.

What if I'm unsure whether a particular decision can be reviewed?

The decision letter we send you will tell you if you can ask for a review. Please contact us if you have you have questions. You can also get independent advice (see 'Can I get independent advice?' below).

Is there a time limit for asking for a review?

Yes. You must ask for a review within 21 days of being notified of the decision. This usually means 21 days from when you receive the decision letter. Special rules apply if you don't receive the decision letter (see the next section 'What if I don't receive the decision...').

If you accepted accommodation some time ago and want us to reconsider its suitability you'll need to demonstrate that the accommodation has *become* unsuitable (since you accepted it) because your circumstances have changed.

What if I don't receive the decision letter, only find out about the decision after the 21-day deadline has expired and want the Council to review the decision?

If you don't receive the decision letter we can usually treat you as if you did receive it (by law). This is because decisions are available for you (or someone on your behalf) to collect from our office at [\[insert office details/address\]](#). However, you can ask us to extend the 21-day deadline (and accept a late review) if you miss the deadline because you didn't receive the decision (see the next section below).

What if I miss the 21-day deadline for asking for a review?

You lose your right to review if you miss the 21-day deadline for asking for a review. However you can ask us to accept a late review (by extending the 21-day time limit). By law we're not obliged to accept a late review request. However, we'll consider whether we should make an exception in your case. You'd usually need to show a very good reason for your delay in asking for a review.

How do I ask for a review?

You (or someone acting on your behalf) can request a review in person at our offices, by phone, by email, or in writing. Make sure you clearly ask for a review and tell us which decision (or decisions) you want us to reconsider.



If you prefer you can use the **Requesting a homeless review** form. You can complete the form at [\[insert webpage URL\]](#). Or you can download the form and post or email it to us. We'll post or email you the form if you ask us.

You can email your review request to [\[insert email address\]](#).

Must I give my reasons for asking for a review when requesting the review?

No. We'll always write and give you a date by when you must provide your reasons and any supporting information you want us to consider.

But explaining why you're asking for a review straight away can help us make a quicker decision.

Can someone else act on my behalf?

Yes. You can ask someone else to act for you in connection with your review. You must confirm in writing that they're acting on your behalf (representatives usually have a form you can complete). See 'Can I get independent advice?' below for organisations that may be able to advise and represent you.

Can I get independent advice?

Yes. The following organisations may be able to advise and represent you in connection with your review:

- **Shelter Cymru**
Tel: 0345 075 5005 (open 9.30am – 4pm Monday to Friday)
Email: emailadvice@sheltercymru.org.uk
Find a local advice centre near you at sheltercymru.org.uk/get-advice/advice-near-you/
- **[Local agency name]**
Tel: [\[Tel number\]](#) / Email: [\[email address\]](#)

You can also get advice from:

- **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

Do I need to provide an address? What if I'm homeless and don't have an address?

We strongly advise you to provide a contact address because we'll need to write to you during the review process. You should also tell us if your address changes (even if it's only a temporary address).

If you're moving from place to place or sleeping rough we suggest you get an independent adviser to represent you. We can then send your letters to them (see 'Can I get independent advice?' above for organisations that may be able to represent you).

We strongly advise you provide a telephone number and email address so we can contact you during the review process. This is particularly important if you have problems receiving your post. We can



email the letters we're sending you. Or we can phone you to tell you a letter is ready to collect from our office at [\[insert office details/address\]](#).

Who will make the decision on my review?

A Council officer who was not involved in the original decision will make the review decision. We sometimes ask an independent contractor to carry out the review on our behalf.

What procedure does the Council follow when carrying out a review?

Once we've received your review request we will write to you within 5 working days and:

- Invite you to make written and/or oral representations in connection with the review (if you want you can get someone else to make representations on your behalf).
- Give you a date by when we must receive your reasons for requesting a review and any supporting information (this won't be earlier than 14 days from when we send you the letter).
- Confirm the procedure we'll follow in connection with the review.
- Confirm who will carry out the review.
- Give you the name and details of a Council officer you can contact if you have any questions about your review.

If the reviewing officer considers there was a deficiency or irregularity in the original decision or in how the decision was made, but is considering making an adverse review decision, special safeguards apply. The reviewing officer would then:

- Give you advance notice in writing that they're considering making an adverse decision, despite the deficiencies or irregularities.
- Confirm the reasons why.
- Confirm that you (or someone acting on your behalf) can make more representations to the reviewing officer (orally and/or in writing), and
- Give you (or your representative) an opportunity to meet with the reviewing officer to make oral representations.

Will I receive a copy of the review decision in writing?

Yes. We will send you a written copy of the review decision to the address you've given us. If the decision goes against you the letter will tell you why we made the decision.

You can collect a copy of the decision letter from our office at [\[insert office details/address\]](#). If you don't receive the letter we can treat you as if you did receive it (because it will be available for you to collect).

How long will the Council take to make a decision on my review?

By law we must notify you of the decision within 8 weeks of your review request, unless you agree an extension in writing. We will try and make a decision as soon as possible, once we've looked into your case and received all the information we need.



We can take up to 10 weeks to make the review decision if the original decision was that your case has been referred to another council (because you don't have a local connection with our area but have a connection with the other council's area).

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

Your particular situation is considered objectively, taking account of the relevant law, Welsh 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 (see 'Can I get independent advice?' above for organisations that may be able to advise and represent you).

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 relevant 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 the Council arrange accommodation for me while I wait for a decision on my review?

You can ask the Council to arrange temporary accommodation, but we're not under a duty to do so. We usually only arrange accommodation when the original decision was flawed, or when there are exceptional circumstances.

What if I'm unhappy with the review decision? Can I appeal?

Yes. You can appeal to the county court if you disagree with the Council's review decision, or if the Council fails to notify you of a decision within eight weeks (or within a longer period we've agreed in writing).

You can only appeal 'on a point of law'. This means you have reasons for claiming the Council made a legal error in how it dealt with your review. You should get independent legal advice (see 'Can I get independent advice?' above). A legal adviser will be able to tell you if you're entitled to legal aid to pay for an appeal.

Does my right to ask for a review mean I can't complain?

No. You can also use the Council's formal complaint procedure. For example you can complain if you're unhappy with how we've handled your case. However, you should ask for a review if you want us to overturn a decision we've made on your homeless application.

More information about the Council's complaints procedure (and a complaint form) is available online at [\[insert webpage URL\]](#)



You can also complain to the Public Services Ombudsman for Wales. The Ombudsman is likely to uphold a complaint if you've suffered injustice because we've mishandled your case. However, the Ombudsman may decide they can't investigate until you've exhausted our complaints procedure. Also, the Ombudsman may refuse to look into a complaint if you have a right of review or appeal.

More information about making an Ombudsman complaint (and a complaint form) is available online at www.ombudsman-wales.org.uk

What if I have more questions about homeless reviews?

Please contact the Housing Options Team, and we'll be happy to help you. Our contact details are given below.

[Insert address and contact details of housing options team]

