



**Elmbridge**  
Borough Council

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## **Elmbridge Borough Council - Procedures for Requesting a review of your homelessness decision**

The Council must notify an applicant requesting a review of the procedure to be followed in connection with the review and this leaflet explains the procedures and timelines that will apply if you request a review in summary.

### **Types of Review**

You can request a review of many 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 reason you are requesting a review is important as there are 2 different timelines for you to provide information in support of your case dependant upon the reason / type of review you are requesting.

The main times that you can request a review are as follows;

- (a) eligibility for assistance
- (b) what duty if any is owed if you are found to be homeless or threatened with homelessness
- (c) of the steps you are to take in your personalised housing plan at the prevention duty ;
- (d) of the Council to give notice to bring the prevention duty to an end
- (e) of the steps you are to take in your personalised housing plan at the relief duty
- (f) of the Council to give notice to bring the relief duty to an end
- (g) of the Council to give notice in cases of your deliberate and unreasonable refusal to co-operate
- (h) of the Council 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 the Council considers that the conditions for referral are met)
- (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
- (j) as to the suitability of accommodation offered to you under any of the provisions above (not interim) or as a private sector offer or as a final part 6 offer of social housing.
- (k) as to the suitability of accommodation offered to the applicant by way of a private rented sector offer under section 193 ([section 202\(1\)\(g\)](#))

- (l) as to the suitability of accommodation offered to the applicant by way of a final accommodation offer or a final Part 6 offer under section 193A or 193C ([section 202\(1\)\(h\)](#)). Applicants can request a review of the suitability of accommodation whether or not they have accepted the offer.
- (m) of any decision made by the Council to end its section 193 main housing duty

### **When can I request the review**

You need to lodge the review request verbally or preferably in writing within 21 days of the date of notification / the decision letter. If you submit your request after this timeline a review would only be considered in exceptional circumstances.

### **How do I request a review**

You should send an email to [Jmartin@elmbridge.gov.uk](mailto:Jmartin@elmbridge.gov.uk) as well as to [housingoptions@elmbridge.gov.uk](mailto:housingoptions@elmbridge.gov.uk). You may also send a letter addressed to Juliette Martin Homlessness Prevention and Advice Team, Civic Centre, High Steet, Esher KT10 9SD

You do not have to provide grounds or reasons for requesting a review of the Council's decision. However, we invite you to do so as this helps the Council to understand the reasons or grounds for requesting a review and to obtain any new information and particular issues that you may have in relation to the decision.

You or someone acting on your behalf may also make written representations in connection with the request for a review and the time frame in which you provide representation depends upon the reason for the request being made.

If you wish to make written representation and your request for a review relates to

1. The reasonable steps in your personalised housing plan (during the prevention or relief duty) **or**,
2. A notice bringing the prevention duty to an end (including where the reason for this is deliberate and unreasonable refusal to co-operate) **You must submit your written representations to the Council within 2 weeks from the day on which you requested the review** . This timeframe may be extended but only where it is agreed in writing between you and the Council.

**For all other reasons** for requesting a review i.e. not for the reasons set out in 1 and 2 above and you wish to make representation to the Council **we request your written representation to be submitted within 21 days of the date you requested your review**.

In reviewing a decision, the Council will have regard to any information relevant to the period before the decision was made as well as any new relevant information obtained since the original decision. Please note there is no right to request a review of a decision reached on an earlier review.

### **What happens after I have submitted my request for a review**

An officer who was not involved in the original decision and who is senior in rank or grade to the officer who took that decision will carry out the review. They can carry out multiple reviews relating to your case as long as they were not involved in the original decisions that you may have requested a review of.

In addition the Reviewing Officer must consider whether there is ‘something lacking’ in the decision, i.e. were any significant issues not addressed or addressed inadequately, which could have led to unfairness. Alternatively, have there been intervening events between the date of the original decision and the review decision which might alter the decision on review

If the reviewing officer thinks that they are likely to uphold the original decision but there has been a deficiency or irregularity in the original decision, or in the manner in which it was made they will need to advise you of the following:

- (a) that they are so minded and the reasons why; and,
- (b) that you or someone acting on your behalf, may within a reasonable period make oral representation, further written representations or both.

**How long will it take to know the outcome of my request for a review.**

This varies dependent upon the grounds for requesting a review – some decisions are subject to an expedited review process.

<b>Time frame for Council to issue the review decision</b>	<b>Type of review</b>
3 weeks from the date the request for a review was made or from the day an applicant makes representations	Decision as to the steps within the personalised housing plan for the authority under the prevention duty, service to the applicant of notice of unreasonable and deliberate refusal to co operate to bring the duty to an end.
8 weeks from the day of the request for a review	Where the decision does not concern local connection or fall under the 3 week rule above including ending the relief duty
10 weeks from the date of the review request	Where the decision relates to local connection and if the conditions for referral are met
12 weeks from the date of the review request	Where the decision relates to local connection and an arbiter has been appointed as there is no agreement between authorities on ongoing housing assistance.

You will be sent a letter advising as to the decision on review which will include notification of your right to appeal to the County Court on a point of law against the review decision and the period in which you should make any such appeal.

***The following decisions are not subject to the internal review process set out in this leaflet***

- ***A refusal to accept a homelessness application***
- ***The suitability of interim accommodation***
- ***The assessment of need and the content of the personalised housing plan (but you can request a review of the steps the authority is to take to prevent or relieve homelessness.)***
- ***A decision not to provide temporary accommodation pending review***
- ***Decisions about the protection of property***
- ***A refusal to accept an out of time review.***