

# Policy Fact Sheet: Reviews

## (Updated following amendments in the Commons)

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### **What is the measure on reviews?**

This measure (in clause 9) means that new prevention and relief duties<sup>1</sup> will be covered under the existing review legislation, so that applicants will be able to challenge decisions relating to these new stages of the homelessness support process.

### **What is the measure seeking to achieve and why is the Government supporting this?**

It is important that all those who are homeless and threatened with homelessness get the support and help they need to deal with their housing crisis. Having the right to request a review of decisions made by the LHA in the homelessness support process ensures that there is a clear and transparent process for applicants to follow if they are not satisfied with a decision.

### **Why is legislation needed?**

Primary legislation is needed to amend the current law that sets out what decisions an applicant can request a review. This measure includes rights of review in relation to new prevention and relief duties that LHAs will owe through the Bill.

### **How do we see this working in practice?**

Applicants can ask the LHA to review an extended range of decisions. If still dissatisfied, the applicant can appeal to the County Court on a point of law. The County Court can confirm or quash the LHA's decision.

This measure expands the decisions that can be reviewed to include the new prevention and relief duties in the Bill. In addition to the decisions an applicant can already request a review of, they will now have the right to request a review when an LHA decides:

- what steps the LHA will take to help prevent an applicant 'threatened with homelessness' from becoming homeless, or to help an applicant secure suitable accommodation;
- what duties are owed to all eligible persons who are homeless or 'threatened with homelessness';

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<sup>1</sup> See separate factsheets "Policy Fact Sheet: Prevention" and "Policy Fact Sheet: Relief" for further detail

- to end the duty to help prevent an applicant ‘threatened with homelessness’ from becoming homeless, or the duty to help secure suitable accommodation;
- that an applicant has deliberately and unreasonably refused to co-operate with the LHA by failing to take required steps, which then resulted in the LHA ending any prevention or relief duties;
- the suitability of accommodation offered as a final offer (which can be social or privately rented housing), whether or not the applicant has accepted this offer.

## **Key questions and answers**

### **Won't this place a huge administrative burden on local housing authorities?**

The Bill simply extends the scope of the LHA decisions an applicant can request to be reviewed to include new provisions in the Bill. The review process is important to give everyone a voice and ensure a fair and transparent service, and it is therefore vital that this covers all relevant decisions that can affect an applicant's journey.

### **What will the review entail?**

The review process is already set out in secondary legislation (see Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 (SI 1999/71)) and guidance (see the Homelessness Code of Guidance for Local Authorities).

### **How long will the review process last?**

An applicant has a maximum of 21 days to request a review from the date s/he was notified of a decision made by the LHA (or such longer period as the LHA may allow in writing).

An applicant must be notified in writing of a decision on a review. Depending on the outcome of the review, the LHA may also be required to give reasons for its decision.

The time a review process should take is set out in regulations and depends on the type of original decision made by the LHA. The range of times is between 8 and 12 weeks, although an extension can be agreed in writing between the reviewer and applicant if required.

### **How will people know they have the right to request a review?**

The applicant must, by law, be informed in writing by the LHA whenever a decision carrying a statutory right to request a review has been made. It will inform them of the decision itself, their right to request a review of that decision, and how long they have to request such a review.

**What happens if an applicant isn't happy with the outcome of the review?**

There is no right to request a review of a decision reached on an earlier review. However, if an applicant is dissatisfied with a decision on review or if the prescribed time limits are not complied with, an applicant has the right to appeal to a County Court on a point of law.

An appeal to the County Court must be brought within 21 days of the review decision being notified to the applicant. An applicant may apply to the County Court for permission to extend this time limit.