



Policy Fact Sheet: Review of local housing authority decisions under section 202

Introduction

The Homelessness (Review Procedure etc.) Regulations 2018 have been made under the *Homelessness Reduction Act 2017* (HRA) and will be brought into force at the same time as the Act in April 2018. The regulations revoke and replace the Allocation of Housing and Homelessness (Review Procedures) Regulations 1999 and regulations 4-9 set out the procedures to be followed when an applicant requests a review of a housing authority's decision on their case, including new reviewable decisions introduced by the HRA.

Why have the existing review regulations been revoked and replaced?

The HRA expands the list of decisions that can be reviewed to include the new prevention and relief duties. The review process for current reviewable decisions is already set out in secondary legislation (Allocation of Housing and Homelessness (Review Procedures) Regulations 1999). These needed to be amended to set out a procedure for reviewable decisions under the new prevention and relief duties ahead of the Act's implementation.

What do the regulations require local authorities to do? Are local authorities required to do anything new?

Regulations provide a clear process for applicants and local housing authorities (LHAs) to follow and it is vital that this process covers all relevant decisions that can affect an applicant's journey.

The revised review regulations bring all reviewable decisions within scope of the procedures and introduce an expedited review for appropriate decisions during the prevention and relief stage. For the remaining reviewable decisions in the new duties, the revised regulations replicate the existing provisions for the request, completion and notification for current reviews.

What decisions are subject to the new expedited review process and how long will this process take?

Reviews of the following decisions will be subject to an expedited process to be completed within three weeks from the date on which the applicant requests a review unless the applicant wishes to have legal representation. Where representation is chosen the applicant will have two weeks to make representations and the authority will have to respond to the review within three weeks of receiving the representations:

- The steps the authority must take to ensure suitable accommodation becomes available for the applicants' occupation.



- To give notice in a case of deliberate and unreasonable refusal to cooperate where the effect of such notice is to bring the authority's prevention duty to an end (including where the reason for this is deliberate and unreasonable refusal to co-operate).

All other reviews remain subject to the existing time periods for notifying the applicant of the decision on a review. For the majority of decisions this is eight weeks from the day on which a request is made, apart from where the decision relates to the referral of an applicant's case to another authority. Where this decision is made jointly by two housing authorities the review should be completed within ten weeks and where this decision is taken by a person appointed by the two authorities the review should be completed within twelve weeks.

What is the intention behind a shorter review timeframe?

The expedited review timeframe is intended to strike a balance between allowing time for authorities to conduct the review and ensuring there is sufficient time to overturn the original decision so that it has a meaningful impact for the applicant by maximising the opportunity to prevent or relieve their homelessness in a timely way.

This timeframe is open to be extended to a longer period if the applicant and reviewing authority agree in writing.

Key questions and answers

Who may carry out a review?

A review may be carried out by the housing authority itself which made the original decision or by someone acting as an agent of the housing authority. Where the review is to be carried out by an officer of the housing authority, the officer must not have been involved in the original decision, and they must be senior to the officer (or officers) who took that decision.

Can the same officer carry out multiple reviews?

The same officer is able to carry out multiple reviews relating to a single case as long as they were not involved in the original decisions.

When will the existing review regulations be revoked?

The Homelessness (Review Procedure etc.) Regulations 2018 come into effect on 3rd April 2018. Local authorities should continue to abide by the existing regulations until this date.



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