

Operational Procedure 39

Homelessness Decision Review Procedure

Responsible Officer	Senior Housing Officer – Housing Outreach Service						
Issue No.	1	Revision No.	1	Revision Date:	4-6-2007	Doc Ref:	OP39
			2		05-7-2007	rk	
			3		07-09-07	Rk	
			4		09-06-09	Rk	

Background

Housing Officers have to make a final decision on each homelessness application. This tells the applicant what duty the Council has to them and the reasons they have made the decision. If applicants do not agree with the decision, they have a right to have it reviewed.

These duties are detailed in the Housing (Scotland) Act 2001 (Part 1, S4) and the Code of Guidance on Homelessness (Ch 11). We need to give reasons for our Homelessness decisions. If clients don't agree, the review gives them a chance to tell us why.

What can be reviewed? (Section 11.14)

- decisions on duties (if any) owed to applicants who are homeless or threatened with homelessness; this can include temporary accommodation provision.
- the decision to notify another local authority that the local authority believe that the conditions for referral of an application to that other local authority have been met;
- the determination of whether the conditions for referral of an application to another local authority are satisfied; and
- where accommodation is secured for the applicant, whether the provision of that accommodation discharges the authority's duty to the applicant are all open to review.

The aim of the review is to make sure that the decisions taken and our duty to applicants are correct, given the information available. It is vital that Housing Officers get as full a picture of the applicants' situation as possible. This will allow good quality decisions to be made.

Experience of the review process has shown that some requests for a review of homelessness decisions include extra information that was not detailed in the application. In this instance it may not be appropriate for a full review to take place. This information can be looked at as a change of circumstances or additional information.

Process

1. A Homelessness Decision – Right to Review Form should accompany all Homelessness decision letters. This gives details on the review process and a form to complete if the applicant wants a review. (Appendix 1: Homelessness Decision Right to Review Form).
2. Normal processing of Homelessness applications should allow the chance for applicants to provide enough information to make accurate decisions on the SIC's duty to them. However some information may only be made available once a decision has been taken. This will usually be in response to the SIC telling an applicant that they are not homeless / not in priority need.
3. Any request for a review should be in writing and addressed to the Homelessness review officer (Senior Housing Officer – Housing Outreach). The reviewing officer should be senior to the decision making officer and not have input into the original decision made. ¹The request must be made within 21 days of the decision being issued.²
4. If additional information on a case is received then the reviewing officer will ask the Housing Officer to consider this before moving to the Homelessness Decision

¹ Section 11.16; CoGH

² Section 11.15; [Code of Guidance on Homelessness \(CoGH\)](#), Scottish Executive, May 2005

Review process. (See Appendix 2: Flowchart *Homelessness Decision Review Process*)

5. Where it is decided that the request is a review, the Reviewing Officer will look at the decision(s) made and the reason(s) given. They will also assess the original file and information provided at interview, along with any additional information (e.g. medical support information; notices from landlord / parents). This will be to ensure that the Housing Officer has gathered enough information, to make an informed decision.
6. Temporary Accommodation, where required, should be provided to applicants until the decision review has been completed.³ Applicants should be advised of this right⁴, SHO to issue letter HPDR1 (See Appendix 3) within 3 working days.
7. Applicants have the right to have anyone they feel is appropriate to support them through the process e.g. Advocacy Shetland. They need to be able to know about all aspects of the application to support the applicant fully. A review may require the applicant to attend a further interview for clarification of information. Notes from these meeting(s) should be held and used to inform the final decision.
8. Any changes to decisions or observations will be recorded on the Homelessness Decision Review Form (Appendix 4), giving the appropriate supporting links to Guidance and legislation. It will also provide advice for Housing Officers in their handling of the application if there are general points of concern.
9. The review should be completed within 28 days from receipt of request from client. The applicant must be advised, in writing on the outcome of the review. Reasons for the decisions made must also be provided. A copy of the decision letter should be made available for applicants to pick up from the Housing Office (6 North Ness, Lerwick) for 28 days after decision has been made. After that it should be passed back to SHO – HOS for filing in Homelessness Application file.
10. If additional time is needed to finish the review, the applicant should be advised of the timescale and that temporary accommodation (if appropriate) will continue to be provided.
11. The Homelessness Decision Review form will be forwarded to the Housing Officer and Estate Manager. A copy will be held on file. Any advice points should be followed up with the Housing Officer or Team as appropriate.
12. Brief details of cases and outcomes will be recorded & used for reporting purposes to HMT.

Targets:

- 3 days:** Initial response to applicants, or advise that the information is being treated as a change of circumstances / additional information.
- 5 days:** Advice to applicants if Homelessness Decision Review Request was received outside 21 day limit.

³ Section 11.19; CoGH

⁴ Section 11.20; CoGH

- 10 days:** If change of circumstances / additional information has not resulted in a change of decision / duty. Letter to be treated as a Decision Review request. Advise Applicant.
- 28 days:** Issue result of Homelessness Decision Review to applicant. (Or holding letter if further investigation is required, provide alternative timescale for completion).

Appendix 1

Homelessness Decisions—Right to Review

I've got my Homelessness Decision Letter. What next?

The decision letter will tell you about the decision that the Housing Officer has taken about your case. It will also give reasons for the decision and what duty the Shetland Islands Council has to you under the Housing (Scotland) Act 2001.

If you do not agree with the decision or the reasons, you have the right to ask for it to be looked at again. You can ask the Council to review the following decisions: the assessment decision and duties owed to you; the decisions to notify another local authority under the local connection test; if the accommodation secured for you discharges Shetland Islands Council duty to you. For example whether the offer of accommodation made is reasonable.

Applicants have the right to have anyone they feel is appropriate to support them through the process e.g. Advocacy Shetland, a friend or family member. They need to be able to know about all aspects of your application to support you fully.

If you submit a request for review, the Council has a duty to re-assess that decision. You can use this form to ask for a review, or you can write a letter. You must ask for a review within 21 days of getting your decision letter.

Someone who has not been part of the first decision will deal with your review request. This will usually be the Senior Housing Officer – Housing Outreach.

Information can on request be made available in Braille, on tape, in large print and in different languages.

For further information, telephone us on 01595 744360, or email housing@Shetland.gov.uk

Your request may be viewed as either:

- Additional information – in which case a full review is not appropriate. You may provide information in your review request that would have changed the first decision, if the Housing Officer had known about it.
- Review of decision. The outcome of a review could be that the first decision is overturned (changed) or that it is upheld (not changed).

If a decision is changed then your Housing Officer will continue to assess your application from where the reviewed decision stopped. Further investigation into the relevant parts of your application will be followed up.

If the decision is not changed then your application will continue as before.

After a review of the decision, there is no further review available. This should not stop you advising us of further changes in your circumstances that may affect your situation. You will have the right to advice and assistance to help you find alternative accommodation if the Council no longer has a duty to you.

You have the option to go to the **Scottish Public Services**

Ombudsman if you are unhappy with the way your application has been handled.

Contact details:

SPSO

Freepost EH641

Edinburgh EH3 0BR

Phone: **0800 377 7330**

Text: **0790 049 4372**

Fax: **0800 377 7331**

Web: **www.spsso.org.uk**

Code of Guidance on Homelessness:

<http://www.scotland.gov.uk/Resource/Doc/53814/0012265.pdf>

To contact the Housing Service:	Phone: 01595 744360
6 North Ness Business Park	Freephone: 0800 212 829
Lerwick, ZE1 0LZ	Fax: 01595 744395
Open: Mon-Thurs 9am to 5pm Fri 9am to 4pm	Web: www.shetland.gov.uk/Housing
Out of Hours: 01595 695611 (Homeless) / 01595 693972 (Emerg. Repairs)	

Shetland Islands Council Housing Service

Homelessness Decisions — Right to Review Form

Name
Date
Homelessness Application Number

My Address for writing in reply is

Postcode

Dear Sir or Madam,

I wish to have the my homelessness decision reviewed.
Reason for applying for a review (please specify below)

Yours Faithfully,

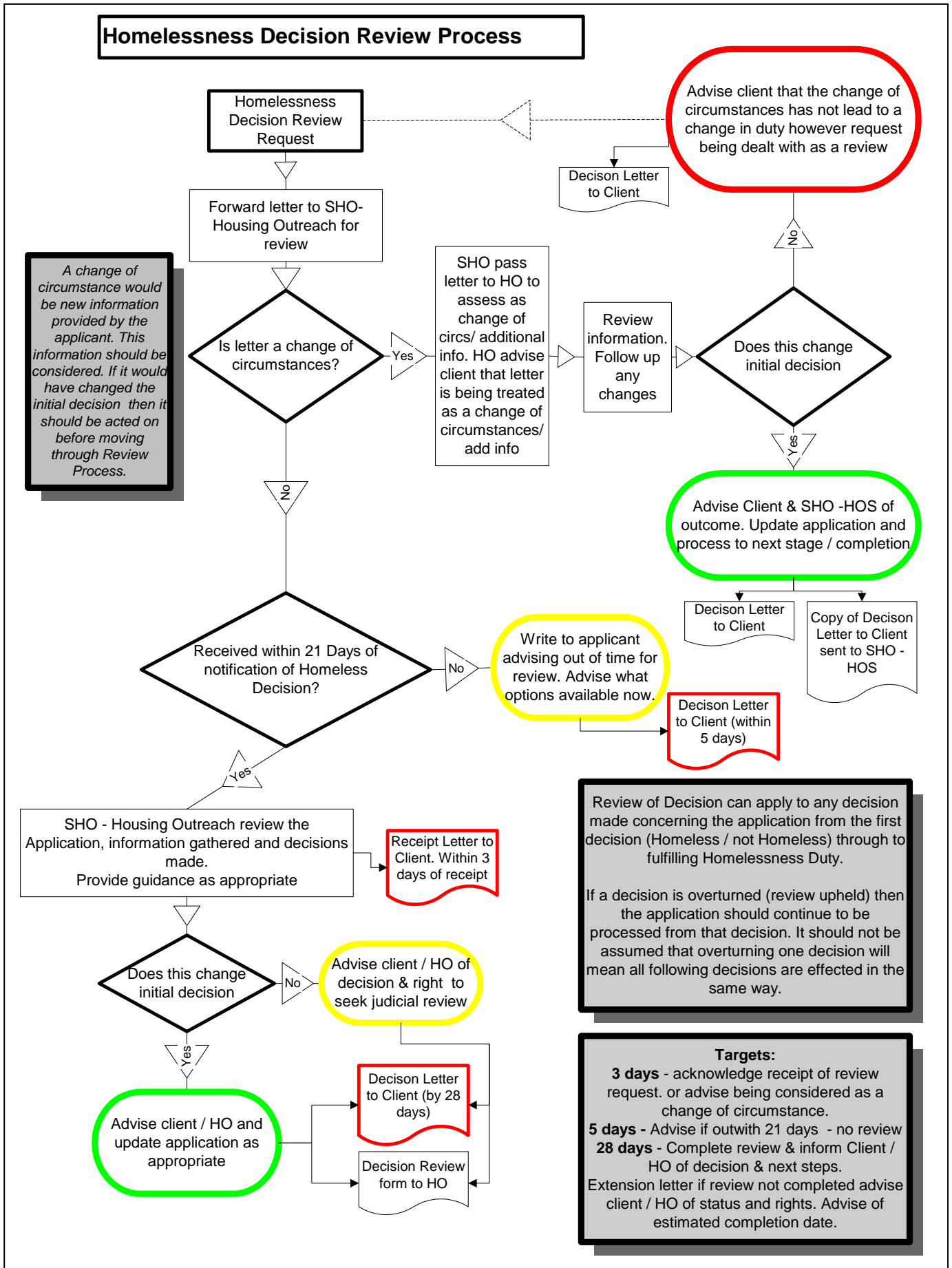
*Sign Here

Please hand to your Housing Officer or Post to:

**FREEPOST RSBL-ZGJR-GBUA
Shetland Islands Council
Housing Service
6 North Ness
Lerwick
SHETLAND
ZE1 0LZ**

*This Form is available in a pre-printed version containing all above information but different formatting. Pre-printed versions should be used where possible. Find at:
O:\Estate Management\Homelessness\Leaflets\HPDR RTR
Form 1v3.pub*

Appendix 2: Flowchart *Homelessness Decision Review Process*



Head of Housing: Chris Medley
Executive Director: Hazel Sutherland

Housing Service
Department of Education and Social
Care
6 North Ness Business Park
Lerwick
Shetland
ZE1 0LZ

Telephone: 01595 744360
Fax: 01595 744395
housing@shetland.gov.uk
www.shetland.gov.uk

If calling please ask for
Rod Keay
Direct Dial: 01595 744

Our Ref: HPDR1/
Your Ref:

Date: 30 June 2009

Dear

Re: Homeless Decision Review

I have received your letter of XXXX requesting a review of the decision made by your Housing Officer XXXXXX on the XXXXX.

The review will be conducted by XXXXX, Senior Housing Officer, Housing Outreach taking into account the Housing (Scotland) Acts 1987 and 2001 along with any subsequent amendments to the above Acts. It will also use the Code of Guidance on Homelessness to inform any decision.

The areas that will be covered in the review are:

You may be asked to attend an interview to clarify your application; you have the right to be accompanied by a friend, adviser or legal representative. Advocacy Shetland is a voluntary organisation that aims to promote the interests of individuals in their dealings with agencies; they can be contacted on 01595 743929/743930.

The review should be completed within 28 days of receipt of your letter; any further delay will be advised to you. During this period of time the Shetland Islands Council will continue its duty to provide temporary accommodation.

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When the review is complete, you will be issued with a decision letter, this will be the final decision on the Council's duty towards you under this legislation.

If you have any further queries about this review, please contact me on the above number.

Yours sincerely

Rod Keay
Senior Housing Officer – Housing Outreach Service

(ensure this address is at the bottom of the page under the salutation)

Contact Details

Shetland Islands Citizen's Advice Bureau
Market House 14 Market Street, Lerwick, ZE1 0JP
Email: sicab@zetnet.co.uk
Tel – 01595 694696

Shelter Scotland
Tel – 0800 800 4444

Advocacy Shetland
Email: advocacy@shetland.org
Tel – 01595 743929

Scottish Public Services Ombudsman
Freepost EH641
Edinburgh EH3 0BR
Tel - 0800 377 7330
Web: www.spsso.org.uk

Appendix 4

Homelessness Decision Review Form

To be used when a client requests a review of the homeless decision.

The review will look at the decision made by the Housing Officer and the information that the decision was made on. The decision of the review will only relate to the stage that was reached in the Homeless application i.e. if the decision under review relates whether or not a client is Homeless, there may be further investigation to be done by the Housing Officer to decide on Priority Need, Intentionality.

As part of the review there may be recommendations for Housing Officers to follow up on certain aspects of the case.

The review will use the Housing (Scotland) Act 2001 & [Code of Guidance on Homelessness](#) as the reference for decisions made and will highlight the relevant section of the guidance that relates to the decision.

Name:		Date of Birth:	
HP Application No.:		Date Review Request received:	
		Date Review Request completed:	
Temporary Accommodation:			
Review Officer:		Housing Officer	

1. Homeless
[Section Housing (Scotland) Act 2001]
[Code of Guidance on Homelessness Sections]

Initial Decision

Review Decision

2. Priority Need
[Section Housing (Scotland) Act 2001]
[Code of Guidance on Homelessness Sections]

Initial Decision

Review Decision

3. Intentionality
[Section Housing (Scotland) Act 2001]
[Code of Guidance on Homelessness Sections]

Initial Decision

Review Decision

4. Local Connection
[Section Housing (Scotland) Act 2001]
[Code of Guidance on Homelessness Sections]

Initial Decision

Review Decision

Details of other area to be reviewed:

Initial Decision

Review Decision

Conclusion:

Action Points:

Action:	Responsible Officer	Timescale	Outcome