



Right to appeal

Where the reviewing officer's decision is adverse and not in your favour the letter will explain that you have the right to appeal the decision. You have to apply to the county court on a point of law where there has been some form of illegality, irrationality and/or procedural impropriety for example, where the decision:

- was beyond or in excess of the council's powers;
- was irrational;
- was in breach of natural justice;
- was the result of bias or bad faith;
- was reached without all necessary inquiries having been undertaken;
- was reached without regard to relevant factors;
- failed to have regard to relevant factors; or
- gave inadequate reasons.

You have 21 days to apply directly to the county court from the date you were notified of the reviewing officer's decision.

**For more information please contact the
Housing Options Team on:**

**Telephone:
01243 534 734**

**Email:
housingteam@chichester.gov.uk**

**Chichester District Council
East Pallant House
1 East Pallant, Chichester
West Sussex PO19 1TY**



Requesting a Review



This leaflet explains the review process and how to request a review of your homelessness decision or the suitability of accommodation.

An applicant who is dissatisfied with a local housing authority's decision in his or her case has the right to request a review under section 202 of the Housing Act 1996.

The reviewing officer must look at all the circumstances afresh and as they exist at the date of the review decision. A statutory review is therefore, the opportunity for you, the applicant, to have your case completely re-examined by the Local Housing Authority.

Who may seek a review?

The right to request a review is only available to the applicant. No member of the applicant's household has the right to a review of another applicant's decision.

An applicant's request for review does not need to be made personally. It may be someone else as the applicant's formal or informal agent (by solicitor or anyone else asked to act on the applicant's behalf).

How to seek a review

There is no prescribed form as to how you request a review, you can therefore:

- email your request to **housing@chichester.gov.uk**
- contact the council via telephone and request a review on **01243 534734** and ask for the **Housing Options Team**
- send a letter to the **Housing Options Team at Chichester District Council, East Pallant House, 1 East Pallant, Chichester, West Sussex, PO19 1TY**

Time in which to request a review

You have 21 days beginning with the day on which you were notified of the authority's decision. If your request for a review is received outside of 21 days, the council may take the view that a particular request for review was not made in time and that it therefore has no duty to conduct a review.

Although no grounds or reasons for requesting the review need be given, you must make it very clear that you are asking for a review of the decision made in your homelessness application or

as to the suitability of an offer of accommodation made to you.

The council has a discretion to agree a longer period in which you can request to review. Therefore, if you have not requested a review within 21 days of being notified of the council's decision you should provide the council with your reasons why you were not able to request the review within the 21 days.

If the council agrees to carry out an out of time review you will be notified in writing. If the council refuses to carry out an out of time review the council are not obliged to notify you.

Procedure on receipt of a request for review

Upon receipt of the review request the council will write to you acknowledging your request. Accompanying the letter will be a copy of the council's review procedure.

The review will be carried out by an officer not involved in the original decision and is senior to the original decision-maker. The original decision-maker is not excluded from assisting the reviewing officer for example, writing and receiving letters, making further enquiries but the review decision will be

made by the reviewing officer.

Conduct of the review

The reviewing officer's first task will be to gather together the relevant documents.

The reviewing officer will decide whether there is a deficiency or irregularity in the original decision or in the manner in which it was made. The types of deficiencies or irregularities that a reviewing officer might consider render the original decision flawed include:

- failure to take into account relevant considerations;
- taking into account irrelevant considerations;
- failure to base the decision on the facts;
- bad faith or dishonesty;
- a mistake of law;
- irrationality or unreasonableness; and
- procedural unfairness i.e. where you have not been given a chance to comment on relevant matters.

If the reviewing officer is satisfied that there was a deficiency or irregularity in the original decision, and is minded to make a decision

in your favour, the reviewing officer will make that decision and inform you in writing as to the outcome of the review.

If however, the reviewing officer is satisfied that there was a deficiency or irregularity in the original decision that is not in your favour the reviewing officer will notify you in writing confirming:

- the reviewing officers decision;
- the reasons for the decision; and
- give you the opportunity to make representations, either orally or in writing or both.

There is no general right for the applicant to have an oral hearing, or even to have a meeting or interview with the reviewing officer. It will be for the reviewing officer to decide whether the facts or circumstances of the particular case warrant an oral hearing.

If the reviewing officer is satisfied that there was no deficiency or irregularity in the original decision, the reviewing officer will write to notify you that the decision has been upheld.

The reviewing officer will consider not only the

material obtained from the original investigation but also any new and relevant material received. If the reviewing officer is minded to make a decision not in your favour based on old or new investigative material, this information will be put to you, for your comment, particularly if you have not already had an opportunity to comment prior to the original decision.

The reviewing officer will make further inquiries, if necessary. It is a decision for the reviewing officer as to what inquiries, if any, are necessary before the reviewing officer can complete the review. Where extenuating circumstances require the reviewing officer to extend the review period, the reviewing officer will contact you to agree an extension. The period for completion of a review can only be longer than 8 weeks if both you and the reviewing officer agree in writing that the period should be extended.

You will be notified of the reviewing officers final decision in writing. Where the original decision is upheld (stays the same) or the decision is not in your favour, the reviewing officer will give reasons for the review decision.