

Requesting a review of an application for a homelessness decision (section 202 review)

We have a duty to provide advice and help to anyone who is homeless or threatened with homelessness. We will consider your individual circumstances and decide what, if any housing duty is owed to you.

What we will do

By law, we must write to tell you our decision, setting out the reasons why we have made it. If you disagree with the decision you may be able to ask us to reconsider it. This is called 'asking for a review'. Such decisions include, if:

- we decide you are not eligible to make an application for accommodation
- you are not homeless or threatened with homelessness
- you do not have a priority need
- you are homeless intentionally (or threatened with homelessness intentionally)
- we refer your case to another Local authority or that the conditions for referral are met
- we give notice that this council will bring the duty to help to secure accommodation to an end
- we discharge duty (where the council says it no longer owes a duty owing to a change in your circumstances, any action resulting in the loss of temporary accommodation or an unreasonable refusal of an offer of suitable settled accommodation)

Is there a time limit for asking for a review?

You must ask for a review within 21 days of the decision. It may be possible to consider a request for a review after 21 days if you can show there were exceptional reasons as to why you were not able to request a review within the time allowed.

Getting help

You, or a person acting on your behalf, may make representations orally or in writing that will be considered as part of the review. You must fully explain why you want to have your decision reviewed.

Alternatively you may instruct a solicitor. You can check to see if you are entitled to help with legal costs at www.gov.uk/check-legal-aid or by telephoning **0345 345 45 45**

You can also contact the Shelter Helpline on **0808 800 4444**

Advice Portsmouth may be able to assist. Email enquiries@adviceportsmouth.org.uk or call **023 9279 4340**.

Alternatively you can contact your local Citizen Advice Bureau, details can be found at www.citizensadvice.org.uk

How to contact us (Housing Needs, Advice and Support)

Email housing.options@portsmouthcc.gov.uk
Telephone **023 9283 4989**
Fax **023 9283 4558**
In writing Housing Needs, Advice and Support, Civic Offices, Guildhall Square,
PO1 2AX

What happens next?

It is not enough to simply say that you want a review; you should explain why you think the decision is incorrect. You will be given a reasonable period of 14 days if you wish to submit additional supporting evidence.

The Reviewing Officer will reconsider all previous information and will take account of any new circumstances or new information provided by you (or anyone acting on your behalf).

The Reviewing Officer is both senior to the original decision maker and has not been involved in making the original decision.

The review will then take place and you will be advised of the outcome of the review within 28 days. This may take a little longer if we need to clarify any points with you before we reach a final decision. You will be sent a full statement, detailing our reasons for reaching the decision.

There are slightly different timescales for reviews of certain types of decision. If your review relates any of the following types of decision, you will have 14 days from the date you request a review to submit any information you would like to be taken into account, and we will let you know the outcome of our decision within 21 days.

- any of the steps set out in, or changes to your Personalised Housing Plan under the prevention and/or relief duties
- to end the prevention duty and/or relief duties
- to give notice that you have deliberately and unreasonably refused to co-operate with the steps set out in your Personalised Housing Plan.

Will I be accommodated during the review process?

You can ask us to arrange temporary accommodation while we consider your review, but we are not under a legal duty to do so.

If you are not satisfied with a decision made on a review of a homeless application

You can appeal to a county court on a point of law, and your appeal must be made within 21 days of you receiving the statement of reasons for the decision.

You should seek legal advice if you are not satisfied with the review decision. They will give you the best advice about how to proceed rather than you approaching the county court directly.