

Fact Sheet

How to request a review of a decision made under
Section 85 of Housing (Wales) Act 2014 Part 2

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If I don't agree with a decision you have made can I ask it to be reconsidered?

You can request a review of a decision under the above act at the following points:

- Outcome of Section 62 assessment
- End of Section 66 Duty
- Transfer of Section 66 Duty to Section 73
- End of Section 73 Duty
- Transfer of Section 73 Duty to Section 75
- End of Section 75 Duty
- Decision not to provide Section 68 Interim
- End of Section 68 Interim Duty
- Section 80 Referral
- Suitability of Accommodation

Your right to request review

Your right to request a review is an important part of a balanced system that protects your rights while ensuring that services are made available by Local Authorities.

You have the right to request a review of the following decisions:

- The decision on whether you are eligible for help - whether you are considered to be a person from abroad who is ineligible for assistance
- A decision that you are not owed a duty from housing because it has been decided you are not homeless or threatened with homelessness
- A decision that you are not in priority need for temporary accommodation
- A decision that a duty owed to prevent or relieve your homelessness has come to an end - the end of the 56 day period of support to relieve homelessness or housing are satisfied that accommodation is available and is likely to be available for at least six months
- A decision that a duty to relieve your homelessness has come to an end - you have the right to request a review of whether or not reasonable steps were taken during the period in which the duty to relieve was owed to help to secure that suitable accommodation would be available for your occupation.
- A decision to end any duty because you have been offered accommodation – You may request a review of the suitability of the accommodation offered
- A decision to refer you to another Authority because you appear to have a local connection with that Authority's area and not with Conwy
- A decision that you are intentionally homeless

There is no right to request a review of the decision reached on an earlier review.

A request for review must be made before the end of the period of 21 days beginning with the day on which you were notified of the decision. This can be extended but only as specified by the Local Authority.

Whilst you can request a review orally or in writing (or both), the request for a review must be made by you or someone acting on your behalf



What happens next?

We must review our decision when a request is made.

The reviewing officer will consider any information relevant to the period before the decision (even if obtained afterwards) and any new relevant information obtained since the decision.

The reviewing officer will not have been involved in the original decision.

You will be invited to state your reasons for requesting a review orally or in writing (or both) in connection with your request for a review (if you have not already done so) and to gather any new information you may have in relation to your review.

How will I know what you have decided?

You will be notified of the decision on your review eight weeks from the day you made the request for a review, where the original decision was made by the Authority

Ten weeks, where the decision was made jointly by two Authorities

Twelve weeks, where the decision is taken by a person appointed

In all of these cases the reviewing officer will seek your agreement to an extension of the prescribed period and any agreement must be given in writing.

Following the completion of the review process, the reviewing officer will notify you in writing of the reasons for the decision and will:

- Confirm whether a duty is or is not owed to the you
- Confirm the original decision on any issue against your interests
- Confirm a previous decision to notify another authority
- Confirm a previous decision that the conditions for referral to another authority are met in your case.

The reviewing officer will explain the reasoning behind the decision of the review where the decision is against your interest.

At this stage, the reviewing officer will advise you of your right to appeal to the County Court against a review decision and of the period in which to appeal.

Right of appeal to county court on point of law

You have the right of appeal to the county court on any point of law arising from the decision on the review if:

- You are dissatisfied with the decision on a review, or
- You are not notified of the decision on the review within the time prescribed

An appeal must be brought by you within 21 days of:

- the date on which you were notified of the decision on review; or
- the date on which you should have been notified



On appeal, a county court is empowered to make an order confirming, quashing or varying the Authority's decision as it thinks fit.

You have the right to appeal to the County Court against a decision of the Authority not to secure accommodation for you pending the appeal. You can also appeal against a decision of the Authority to secure accommodation for you for only a limited period which ends before final determination of the appeal.

Will I be given accommodation pending an appeal to County Court?

The Council may (depending on your circumstances) agree to continue to accommodate you. You have the right of appeal to the County court on a point of law if you are dissatisfied with a decision on a review or are not notified of the decision on the review within the time prescribed. An appeal must be brought by you within 21 days of the date you were notified of the decision on the review (or the date by which they should have been notified). The court may give permission for an appeal to be brought after 21 days, in certain circumstances.

Public Services Ombudsman for Wales

You may complain to the Public Services Ombudsman for Wales if you consider that you have been caused injustice as a result of maladministration or service failure by an Authority. The Ombudsman may investigate the way a decision has been made, but may not question the merits of a decision properly reached other than in relation to the provision of health or social care. For example, maladministration could occur where an authority:

- Took too long to do something;
- Did not follow their own rules or the law;
- Broke their promises;
- Treated you unfairly; and
- Gave you the wrong information.

Where there is a right of review the Ombudsman would expect you to pursue the right before making a complaint.



Dewis Cymru is a place for information about well-being in Wales.

If you would like information that can help you think what matters to you, along with information about local organisations and services that can help, you can visit the Dewis Cymru website at www.dewis.wales

This website will help you access local support services and find information and advice. It is a single, clear and reliable point of access

Mae'r ddogfen hon ar gael yn Gymraeg hefyd.

