



Housing appeals, homelessness reviews and complaints

Tenants Handbook
HOUSING DIRECTORATE



Have we made a mistake? Do you think our service has been poor? Do you disagree with a decision that we've made about you?

... If so, you should let us know. The Housing Directorate manages around 6,500 council properties and provides a variety of housing services. We handle thousands of enquiries every year and we make many decisions. Like any large organisation we can make a mistake, take a wrong decision, or decide something with which you disagree.

This leaflet explains how you can complain or appeal against a decision that we've made in connection with any housing issue, or ask for a review of a homelessness decision.



What's the difference between an appeal, a homelessness review and a complaint?

You can appeal if you are unhappy about a housing decision that we have made about you. If you appeal we will take another look at the decision to see whether it should be changed. In some cases you actually have a legal right to appeal.

You can request a homelessness review if you are a homeless applicant and you want somebody more senior to take another look at a decision we have made about your homelessness. This is a legal right.

You should make a complaint if you are not happy about the way we have provided a service. You should also complain if you think we have failed to take action when we have been asked to do something that was our responsibility.

Appealing against decisions or requesting a review

Except for some homelessness reviews, all appeals and reviews are considered first by the appropriate Assistant Director of Housing. Housing has three Assistant Directors, and each one deals with a different area of the service. In certain cases you may have a further right of appeal to the Housing Appeals and Review Panel, if you are unhappy with the Assistant Director's decision.

Statutory Reviews

There are 'statutory rights of review' which give people a legal right to ask for a review of decisions relating to the Housing Register or Homelessness.

Statutory Reviews under Parts 6 & 7 of the Housing Act 1996:

Housing Register (Part 6 of the Act)

If you are a housing applicant, you have the right to ask for a review of certain decisions made against you. This includes a decision to remove you from the Housing Register. First you should ask the Assistant Director of Housing to review your case. See page 6 for information on how to do this.

Homelessness (Part 7 of the Act)

If you are unhappy about a decision made that relates to homelessness you have the right to request a review of your case by the Housing Appeals and Review Panel (HARP).

There are exceptions to this. Your review will be undertaken by the Assistant Director of Housing only (not the HARP) if you are homeless and:

- You are single - please read the item below on Single Homeless People.
- You are unhappy about accommodation you have been offered, either temporarily or permanently.
- You are not satisfied with our decision to refer you to another authority.

Single Homeless People

If you are homeless, but single, you can ask the Assistant Director of Housing to review your case but you cannot take it to the Housing Appeals and Review Panel - unless you are, or may be, in "priority need". You do have a right of appeal to the County Court on a point of law (for example, that the Council has not complied fully or properly with the law).

“Priority need” normally means you have children or are pregnant; you are vulnerable (because you are an older person, suffer from mental illness, or have a disability for example); or you are homeless because of fire or flood. But “priority need” can relate to other circumstances – speak to a Homelessness Prevention Officer for more information.



Housing Appeals and Review Panel

The Council believes that, in certain circumstances, its housing clients should have the opportunity to try and change certain decisions that affect them personally - if they think those decisions are wrong, unfair or unreasonable. We have set up a Housing Appeals and Review Panel of local councillors to consider such cases.

In addition to Statutory Reviews, the Housing Appeals and Review Panel will consider certain other issues. These are issues that have already been considered by the Assistant Director, because you appealed, but you still disagree with the decision. The HARP will consider decisions made on the following issues:

- You are a successor* to a Council tenant, you are under-occupying the Council property, and you have been required to transfer to smaller accommodation.
- You are a housing applicant and you have been excluded from the Housing Register.
- We have decided not to give you a discretionary home improvement grant.
- You are a Council tenant and we have refused your request for a disabled adaptation.
- We have refused to sell you an area of Council-owned land under 50 square metres for garden use.
- You are a housing applicant and we have refused your request for a “priority move”.
- You disagree with us about your level of liability for current or former rent arrears.
- You are a housing applicant and you disagree with our decision on your priority 'banding'.

* A successor is a member of a tenant’s family who has the right to take over the tenancy when the tenant dies. For more information see Tenants Handbook leaflet number 5 “Succession to a secure tenancy”.

To appeal against decisions on any other housing matters, you can only ask the Assistant Director of Housing to review your case. See below for information on how to do this.

How to appeal or request a homelessness review

If you are homeless, and you have a legal right to a Statutory Review (see Page 3), you can apply for a review by the Housing Appeals and Review Panel. We will send you the information you need when we inform you of the housing decision we have made about you.

In all other cases your first appeal or request for a review must be explained in a letter to:

The Assistant Director of Housing,
Epping Forest District Council,
Civic Offices, High Street,
Epping, Essex CM16 4BZ.

You should state all the reasons for your appeal or review. After your case has been given full consideration, you will receive a formal reply in writing.



How quickly should I appeal or request a review?

If you have a legal right to a Statutory Review (see Page 3) you must make any request for a review within 21 days of your receiving the Council's decision in writing.

In any other cases you must normally make your appeal to the Assistant Director of Housing within three months of the date of the original decision. Later appeals may be accepted in very special circumstances, but you must explain your reasons for the delay.



About the Housing Appeals and Review Panel

This panel consists of 5 elected local councillors. It does not include housing officers employed by the Council, but they will advise the Panel of the circumstances that relate to the case.

Meetings of the Housing Appeals and Review Panel are held monthly, usually in the afternoon, at the Civic Offices in Epping. You will be invited to attend and you can bring someone to speak for you, or just to support you. This could, for example, be a friend, your solicitor or a councillor. If you do not attend, or send someone to represent you, the HARP will make a decision without you. The HARP may decide to adjourn (put off) the review if you cannot attend, but only if there are very good reasons. The Panel meeting is likely to be between half an hour and one hour long, depending on the complexity of your case. You are strongly advised to attend, to make sure that the Panel is aware of all the facts.

You will be advised of the Panel's decision in writing, usually within a week of the meeting.

What if I am unhappy with the decision of the Housing Appeals and Review Panel?

If your case relates to homelessness, or certain matters relating to the Housing Register, you have a further right of appeal to the County Court. However, this can only be on a "point of law" (for example, that the Council has not complied fully or properly with the law). You must appeal within 21 days. If you wish to appeal to the County Court you are advised to seek the advice of a solicitor or a Citizens Advice Bureau.

Generally, you do not have any further right of appeal in cases other than homelessness.



Complaints

The Council has produced a 'Compliments and Complaints' leaflet which is available at Council Information Desks. If you want to make a complaint you should refer to that leaflet for full details, or use the 'Compliments and Complaints' link on the Council's website www.eppingforestdc.gov.uk.

For your guidance the complaints procedure is briefly outlined below. It is important to follow the steps so that we can deal with the problem quickly.

- Step 1.** Your first step should be to try and sort out the matter with a member of Housing staff, either the person dealing with your issue or their Housing Manager. Explain the reason for your complaint and tell us what we could do to resolve the problem. You may make your complaint in writing, by phone, by fax, by email or in person. Someone else can help you if you are disabled, or if English is not your first language.
- Step 2.** You may want to take the matter further if you are unhappy with the way the matter was dealt with at Step 1. You can complain to the Director of Housing who may look into the matter personally, but more usually will ask an Assistant Director to review it.
- Step 3.** If you are unhappy with the outcome of the review at Step 2, you can complain to the Deputy Chief Executive. He may investigate the matter personally or, more usually, ask the Complaints Officer to carry out a review. If you still disagree with the Council's decisions, you can ask your local councillor for their opinion. You can get a list of councillors from the Council's Information Desks or by phoning 01992 564000. Details can also be found on the Council's website www.eppingforestdc.gov.uk.

Step 4. If you are not happy with the outcome at Step 3, you may be able to ask for a review by the Complaints Panel (a panel of five councillors). They will listen to you, the officers who have previously dealt with your complaint, and any expert witnesses, before making a decision. This is the final stage of our internal complaints procedure.

Step 5. If you are still not happy, you may take your case to the Local Government Ombudsman. The Ombudsman is an independent watchdog and may investigate your complaint. However, the Ombudsman will usually only take up your complaint if he or she is satisfied that you have gone through the Council's complaints procedure, and that you have suffered an injustice as a result of our doing, or failing to do something. If you want to make a complaint to the Ombudsman, please ask for the special leaflet at any of our information desks.

We recommend that you keep a note of everyone you speak to, with dates and times. You should also keep copies of any letters or forms associated with your complaint.

We need to know when we've got things wrong – but also when we've done something well. Compliments help us to identify areas of good practice and by investigating your complaints we can continually improve our services.



If you want independent advice on any housing decision made by the Council you can contact Shelter or a Citizens Advice Bureau.

Shelter

Local office:

Shelter Essex and Suffolk
Tudor House
13 East Stockwell Street
Colchester, Essex
CO1 1SS

This phone line has experienced housing advisors to deal with calls: Phone: 0344 515 1860 or Freephone 0800 085 1798
Email: colchester@shelter.org.uk

For urgent housing advice phone 0808 800 4444

www.shelter.org.uk

Citizens Advice Bureau

Offices in Epping Forest District:

50a Hemnall Street
Epping
Essex CM16 4PY
Telephone: 01992 574989

St Marys Parish Centre
High Road
Loughton
Essex IG10 1BB
Telephone: 020 8502 0031

The side entrance
Town Hall
Waltham Abbey
Essex EN9 1DE
Telephone: 01992 710353

www.citizensadvice.org.uk

Please tell us if you would like this information provided in any other way, as a large print version for example.

This information given in this leaflet was correct at February 2011, please be aware that there may have been changes since that time, such as new laws or council policies.

Epping Forest District Council
Housing Directorate, Civic Offices, High Street, Epping, Essex CM16 4BZ
Telephone: Epping (01992) 564000 www.eppingforestdc.gov.uk/housing

February 2011



The Government Standard

