



# Homelessness & Housing Solutions

## Reviews, Complaints and Enquiries Standard

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### 1. Introduction

1.1 Redditch Borough Council (The Council) statutory Homelessness and Housing Solutions teams want to make sure that their service users are satisfied with the services they receive.

1.2 We actively encourage service users, elected members and other representatives to engage with us when they are satisfied with services received, want to make suggestions, or when things have gone wrong. We believe that engaging in effective and transparent handling of all feedback is essential to providing good services, we cannot continuously learn, and improve what we do, and how we do things without your feedback, so it is important to us.

1.3 This standard applies only to users of the Councils homelessness and housing solutions services, and their representatives, and clearly sets out how request for statutory reviews of decisions and complaints will be consistently dealt with, ensuring that service users voices are heard.

1.4 The service understands that housing and homelessness law is technical and complex, and at times not easy to understand, especially if you are already

stressed by your housing situation, it can be difficult to know where to go, and what to do, to challenge a decision you have received, or you want to make a complaint about the services you are receiving.

1.5 This standard therefore clearly sets out the different circumstances that might occur on your journey through our service, and includes a helpful decision tree, to work through to support you in understanding what you need to do if you want to challenge a decision, or complain, and which Ombudsman you need to refer to, if you remain dissatisfied with how we are handling your review or complaint.

1.6 The current Homelessness Code of Guidance was introduced on 3 April 2018 and all references are to this Code. For applications made before this date, the recommendations of the 2006 Code of Guidance should apply.

## 2. When to use the statutory review process

2.1 If the Councils Homelessness Team has written to you with a key formal decision under Part 6 or 7 of the Housing Act 1996, i.e., to tell you it has decided that:

- You are not eligible (You cannot join the waiting list)
- You are not homeless
- You are not in priority need
- You are intentionally homeless
- You have no local connection
- It is ending its prevention or relief duty
- It is bringing its prevention or relief duty to an end
- You have deliberately and unreasonably refused to co-operate

2.2 You can ask for an internal review of that decision within 21 days of the decision letter being issued. You can also challenge the Council through the review process if:

- You think that you should have higher priority or be in a higher band on the waiting list, because you have a welfare need, health condition, are overcrowded, or you need to move because it is not reasonable for you to continue to live where you are.
- The steps that the Council have said it will take to help you prevent or relieve homelessness, which it lists in your Personalised Housing Plan (PHP), have not been carried out, or had due regard to in the assessment of your case
- You have been notified that the Council is going to or has made a referral to another Council at the stage of relief or main housing duty, before the decision is made on whether the referral is successful.
- You think the offer of **secure** accommodation you have is not suitable for you
- Duty has been discharged to you.

2.3 You can challenge on these grounds by asking our internal independent Reviewing Officer/s to conduct a review of the decision. Details of how to do this can be found on every formal decision letter that is issued, or by emailing the decision tree form to: [reviewsandcomplaints@redditchbc.gov.uk](mailto:reviewsandcomplaints@redditchbc.gov.uk)

2.4 You can also contact the Local Government and Social Care Ombudsman. The (LGSCO) cannot overturn a statutory decision made by the Council if it has taken the correct steps in making its decision, only the courts can do this. The Ombudsman can investigate the steps we have taken in coming to that decision, the decision-making process. These details are:

Local Government &  
Social Care  
**OMBUDSMAN**

[Contact us - Local Government and Social Care Ombudsman](#)

Telephone: 0300 061 0614

Local Government and Social Care Ombudsman  
PO Box 4771  
Coventry  
CV4 0EH

2.5 What decisions cannot be reviewed:

- a refusal to accept a homelessness application
- the length of time in accommodation is provided to people who are in priority need but intentionally homeless
- the suitability of interim accommodation
- the assessment of need and the content of the personalised housing plan
- a decision not to provide accommodation pending a review
- decisions about the protection of property
- a refusal to accept an out of time review or to carry out a discretionary second review

These decisions can be challenged by judicial review. You might want to you're your own independent legal advice in these cases. Free advice can be found at



[Get help from Shelter - Shelter England](#)

[Contact us - Citizens Advice](#)

[Homelessness advice - Shelter England](#)

[Adviceline \(England\): 0800 144 8848](#)

### **3 When to use the formal complaint process**

3.1 Although the LGSCO **cannot** overturn a statutory decision made by the Council, if you are unhappy with the way the Council has treated you or handled your case, you can complain.

3.2 You should complain to the Council first, by emailing the decision tree form to:

[reviewsandcomplaints@redditchbc.gov.uk](mailto:reviewsandcomplaints@redditchbc.gov.uk)

3.3 The Homelessness Service operates an internal two stage complaints procedure, and you usually must complete both stages of the Councils complaints process before the LGSCO will intervene and look at your complaint.

3.4 The complaint must usually be formally raised within twelve months of first knowing of the problem. If you leave it any later, we, nor the Ombudsman, may be unable to fully investigate the complaint.

3.5 The Council will acknowledge your complaint within 5 working days and then have up to 12 weeks to investigate the stage 1, and if necessary, stage 2 complaint, and provide an outcome.

3.6 Sometimes, where investigations are made jointly, for example between the LGSCO and the Housing Ombudsman, it may be necessary to investigate and respond on those aspects of the complaint relevant to the Housing Ombudsman sooner, in accordance with the Housing Ombudsman complaint handling regulations. This may be in cases where the application to homelessness and housing solutions team involves aspects of landlord services and your tenancy rights, such as a transfer application, adaptations, and nuisance and anti-social behaviour (ASB), as described below.

You can make a formal complaint about the following matters:

### **3.7 Your housing applications**

If you have applied direct to the Council for housing, and you think that the Council has made a mistake in dealing with your application and you think this is the reason that you have not been rehoused, or it has caused you other problems, you can complain

For example, grounds for the complaint could be that the Council has:

- Not allowed you make a homelessness application or fails to recognise that your request should be treated as a homelessness application.
- Not made proper enquiries, or makes unreasonable requests for you to provide evidence, before it agrees to look at your application.
- Not asked Children's Services to help assess your needs if you are 16 or 17 years old, and you make a homelessness application.
- Breached the law that says the maximum time a family with children can stay in bed and breakfast accommodation with shared facilities is six weeks.
- Not given you information and advice on things such as preventing homelessness, your rights and the council's duties, and what help is available.
- Not agreed a Personalised Housing Plan with you or has not reviewed that plan if things changed during your case.
- Not provided adequate support to prevent you becoming homeless when you are threatened with homelessness, or to help you find accommodation if you are already homeless.
- Taken far too long to deal with your application and reach a decision.
- Wrongly closed your application or treats it as having been withdrawn.
- Failed to provide you with interim accommodation while it makes enquiries, if it has reason to believe you may be homeless and in priority need.
- Places you in unsuitable interim accommodation while it makes enquiries into your application or fails to deal with repair problems in that accommodation.
- Lost, damaged or destroyed your personal belongings while they are in storage or fails to help you protect your possessions.
- Not given you a written decision on your application and does not tell you about your legal right to ask for a review or an appeal.
- Staff have not listened properly, been rude, inappropriate, or unprofessional

### **3.8 Harassment or Illegal Eviction by your Landlord:**

The grounds for complaint might be that:

- The Council has failed to help and advise you on your rights and options if you if you believe you are being harassed and your landlord is trying to illegally evict you.

### **3.9 Possessions in Council storage**

When the Council has accepted a duty to provide accommodation for you because you are homeless and this also means putting your possessions into storage when you have been unable to make other arrangements, and you feel it has not notified you that this duty has ended, and / or taken proper care of them then grounds for complaint might be that we have:

- Failed to properly to consider protecting your possessions, when they were at risk.
- Disposed of your possessions without properly considering whether they were still at risk
- Failed to notify you when it decided it no longer had a responsibility to store your possessions
- Failed to take reasonable steps to trace you to tell you it's decision, or
- Failed to take reasonable care of your possessions after arranging to store them.

### **3.10 Private rental sector access schemes to help access the private rented sector**

- The Council operates a first month's rent and deposit loan scheme to help those who can't afford a tenancy deposit to rent from a private landlord.
- The Council also enters into leasing agreements with private landlords from time to time, to allow the Council to use their property to house people in need of temporary or secure accommodation.
- There may be various assistive schemes of this nature in operation from time to time and as services develop, and complaints can be made about these schemes, if you think that the Council is at fault, and has caused you an injustice.

### **3.11 The Ombudsman that you complain to, after you have exhausted the internal complaints process on matters 3.7 to 3.10 is solely the:**

Local Government &  
Social Care  
**OMBUDSMAN**

### **3.12 Housing adaptations for people with disabilities**

3.12.1 You can complain about the actions of the Council, or other agencies involved with the Council in delivering the disabled facilities grant scheme, that enables you to move in and out of homes, access and use living and sleeping areas, cooking, bathing and toilet facilities within the home.

3.12.2 Depending on who is involved in delivering the adaptations, if you are a Council tenant, and the issue is affecting your applications, the LGSCO may run a joint investigation with the Housing Ombudsman in these cases, if necessary.

### **3.13 Neighbour nuisance and anti-social behaviour (ASB)**

3.13.1 Making a complaint is not just about telling us about what your neighbours are doing (reporting ASB), it means making a complaint about the Council not taking any, or the right actions, or taking too long, even though you have asked for help.

3.13.3 If you are a Council tenant and applying for a move (transfer), and you have said in your application/s that you are experiencing nuisance and ASB as a ground for needing to move, and you do not believe that we have properly considered the impact of the ASB in your application, and you feel this is causing detriment to your application or priority on the housing register, you should still complain to:

[reviewsandcomplaints@redditchbc.gov.uk](mailto:reviewsandcomplaints@redditchbc.gov.uk)

and we will work with the housing services tenancy team that are managing your tenancy and ASB case, to investigate the complaint in relation to your application/s and provide you with an outcome.

3.13.4 The appropriate Ombudsman to refer to if you are not satisfied depends on whether the people involved in the complaint are Council tenants. The LGSCO has no powers to investigate the Councils landlord function alone, or how it enforces the terms of its tenancy agreement on its tenants, it can only investigate how the Council has used its general nuisance and ASB powers.

3.13.5 Therefore, if you are not Council tenant/s, and ASB is a factor in your applications, you should complain to the LGSCO. If you are Council tenant/s, you should complain to the Housing Ombudsman. In some cases, the LGSCO and the Housing Ombudsman will work together where the landlord function is a factor in the complaint about the application/s.

### **3.14 Condition of your property**

If you are a tenant and you are experiencing problems with repair conditions in your property, such as damp and mould for example, and you have said in your applications that this is a reason you want to move, and you feel that:

- The property condition is making your home unsuitable because it is affecting your health and welfare, and
- It is taking your landlord too long to resolve the issues, and / or
- The Councils homelessness and housing solutions team have not adequately considered the property condition when assessing your applications, and deciding on your priority on the housing register

You should still complain to [reviewsandcomplaints@redditchbc.gov.uk](mailto:reviewsandcomplaints@redditchbc.gov.uk), and if you are a tenant we will work with the housing property services and the tenancy team to investigate the complaint in relation to your application/s. If you are a Council tenant,



you can approach the Housing Ombudsman at any time during your complaint on these aspects. If you are not a Council tenant, you would approach the LGSCO, who require you to have exhausted our complaints process first.

**3.15 3.11 The Ombudsman that you complain to on matters 3.12 to 3.14 can be the:**



### **3.13 Decants and mutual exchanges**

3.13.1 Complaints about decants and mutual exchanges are not about the local authority allocations scheme, but about our landlord function, and are not covered by this standard. You should complain to [housingcomplaints@redditchbc.gov.uk](mailto:housingcomplaints@redditchbc.gov.uk).

## **4.0 The Statutory Review procedure**

### **4.1 Requesting a review**

4.1.1. The Council only must carry out an internal review if you ask for one. “You” can mean yourself, or an advocate or representative, including solicitors.

4.1.2 Although there is no requirement to do so, you should put a request for a review in writing so that there is a clear record of it. You should send your request, or the decision-making tree to

[reviewsandcomplaints@redditchbc.gov.uk](mailto:reviewsandcomplaints@redditchbc.gov.uk)

4.1.3 It is advisable to be specific when drafting a review request. The decision tree will help you. While it is not necessary for an email to mention the word ‘review’, the Council can disregard a review request based on its content, if it does not contain the wording “Request for a review”.

### **4.2 Acknowledging the review**

4.2.1 When the Council receives the review request, within 5 working days, we will acknowledge and notify you:

- that you or someone acting on your behalf, may make written representations to the authority in connection with the review and of any time limits that may apply
- of the procedure to be followed in connection with the review and,



- allow you to state your grounds for challenging the decision, if you wish, and draw out any new information you may have.

### 4.3 Conducting the review

4.3.1 The review may be carried out by The Council, or we may contract out the review function to someone external, acting as an agent on our behalf.

4.3.2 In either case, the Reviewing Officer will be someone who was not involved in the original decision and who is senior to the officer(s) who made the original decision. However, the maker of the original decision is not prevented from assisting the reviewer with routine matters of the review.

4.3.3 Sometimes there can be more than one review and the subsequent review can be carried out by the same officer who carried out the first review, if the circumstances are not materially the same as the original review when the second review was triggered. A decision on whether to provide interim accommodation pending review can be made by the officer who made the original decision.

### 4.4 Timescales for review

4.4.1 Unless a longer period has been agreed with the applicant, from the date of the review request, the Council must notify their review decision within:

<b>Timescale</b>	<b>If the original decision concerned</b>
<b>Three weeks</b>	<ul style="list-style-type: none"> <li>• reasonable steps to relieve homelessness</li> <li>• reasonable steps to prevent homelessness</li> <li>• notice to bring the prevention duty to an end</li> <li>• notice to bring the prevention duty to an end due to deliberate and unreasonable refusal to co-operate</li> </ul>
<b>Eight weeks</b>	<ul style="list-style-type: none"> <li>• eligibility for assistance</li> <li>• notice as to what duty is owed to the applicant</li> <li>• notice to bring the relief duty to an end</li> <li>• referral to another authority where the main housing duty is owed</li> <li>• outcome of the decision on whether the conditions for referral are met</li> <li>• outcome of the decision as to which authority holds the case between the original and the receiving authority</li> <li>• suitability of accommodation</li> <li>• suitability of accommodation private rented sector</li> <li>• notice to bring the relief duty to an end due to deliberate and unreasonable refusal to co-operate.</li> </ul>
<b>Ten weeks</b>	<ul style="list-style-type: none"> <li>• whether the conditions for referral are met and was made jointly by the concerned authorities</li> </ul>
<b>Twelve weeks</b>	if the original decision was made by an appointed arbitrator and concerned a local connection referral.

### 4.5 Failures to notify of a decision in time

4.5.1 If there is no notification of a decision within the relevant deadline, you can either:

- agree in writing an extension of time with us, provided that you are accommodated
- Appeal to the County Court on a point of law.
- apply for judicial review, if the authority's original decision was correct on the facts as known to it at the time, but where fresh material has been put to the authority but has not been considered because the authority has failed to carry out the review.

#### **4.6 Representations, delays and extensions**

4.6.1 As a rule, the Council will give **two weeks** from requesting a review for the applicant to submit their representations where the review relates to:

- the reasonable steps in the personalised housing plan (during the prevention or relief duty), or
- a notice bringing the prevention duty to an end.

4.6.2 However, putting together representations can take time, especially obtaining the housing file, or if expert advice / evidence, or an oral hearing is needed. It may also be necessary for the Council to make further inquiries with you about the information you have provided. The Council will be flexible about allowing further exchanges of information, and regarding the prescribed time limit, and may wish to agree an extension of the time limit to facilitate more complex investigations. Any extension of time will always be agreed with you and / or the Ombudsman

#### **4.7 Deficiencies & irregularities in original decision, & 'minded to' notifications**

4.7.1 A deficiency or irregularity arises when, during the review, the reviewing officer has found some significant legal or procedural error in the decision, or that an important aspect of the case was either not, or inadequately addressed. Examples are:

- failure to consider relevant considerations and to ignore irrelevant ones
- failure to base the decision on the facts
- bad faith or dishonesty
- mistakes in law
- decisions that run contrary to the policy of the legislation
- irrationality or unreasonableness
- procedural unfairness, e.g. where the applicant has not been given the opportunity to comment on matters relevant to the decision.

4.7.2 If the reviewer considers that there is a deficiency or irregularity in the original decision or the way in which it was made, but still wishes to make an adverse finding, they must notify you by way of a "Minded to" letter that:

- they are minded making an adverse decision and the reasons why, and
- you are entitled to an oral hearing, or to present your case in writing, orally, or both.

4.7.3 Where you ask for an oral hearing, you have the right to a face-to-face or telephone conference hearing, unless the matter has already been discussed with, or put to, you and you have not sought to challenge it. Then there will be no need for a minded-to letter, or an oral hearing.

4.7.4 If, after the Councils internal review process has been exhausted, you remain unhappy with the outcome, you can then take your complaint to the LGSCO, and they will investigate and decide if the Council has done something wrong in the way it has handled your application/s, and if it has caused you a problem or detriment as a result.

4.7.5 Stage 1 complaints and requests for reviews will be received by the Reviewing Officer, to ensure that the case is properly screened, routed and administrated by the service. The stage 1 complaint can be delegated to the service manager/s to investigate and respond.

#### **4.8 Scope of the review decision & relevant dates**

4.8.1 To be fair, and depending on the type of decision being reviewed, the Reviewing Officer must consider any representations made in connection with the review request, along with the date that the relevant facts can be considered from. This will be either be:

- 1) From the time of the original decision, for example when the Council is considering the lawfulness of its original decision
- 2) As they stand at the time of the review, for example, in relation to local connection decisions, and time spent in residence in the Borough after the original decision.

4.8.2 The Council can consider matters that were not part of the original decision within the scope of the review.

4.8.3 The Council can also carry out financial recalculations, for example income and expenditure, as part of a review, to investigate to establish material facts or inconsistencies. However, any recalculation must be evidence based.

#### **4.9 Equality duty**

4.9.1 The Public Sector Equality Duty (PSED) applies to the review process, and the way in which the Council exercises its homelessness and housing solutions functions, including making enquiries into vulnerability under the homelessness legislation.

4.9.2 Where disability is relevant to the homelessness and housing solutions team interactions and communications with you, the Council must:

- Made adequate enquiries into the nature of your disability, and have 'due regard' for, and take steps to take account of any disabilities.
- Routinely assess your health issues in a way that shows compliance with PSED
- Find you in priority need for accommodation, if you are disabled within the meaning of the Equality Act 2010, and vulnerable because of your disability.

#### **4.10 The review decision**

4.10.1 The requirements depend on whether the decision is adverse (negative) or positive for you

##### **4.10.2 Adverse decision:**

If the review decision does not go in your favour, to properly notify you of the decision, the Council must advise you of:

- its reasons for that decision
- your right to appeal to the county court on a point of law
- the time limits for making an appeal.

If any of these things are not done, the time limit for appealing will not begin to run until proper notification has been given by the Council.

If the reasons for the decision given by the Council seem inadequate or deficient, so that the appeal process could not be conducted fairly, then you should contact the Council and ask for further or better reasons. If you feel that a satisfactory response is then not given, you should then seek specialist advice should be sought, as to whether you want to appeal, or apply for judicial review.

Where a review has been carried out jointly by two authorities following a local connection referral, either authority may notify the applicant of the decision.

##### **4.10.3 Positive decision**

If your review is successful, you also must be notified.

While we always endeavour to do so as helpful, there is no obligation on the Council to give the reasons for its positive decision. You may ask the Council for its reasons, for example, where you requested a review on more than one ground, if it is helpful to know the reasons why the review succeeded.

## **5.0 The formal complaints process**

5.1 A complaint can be raised by someone who has been directly affected by the Homelessness and Housing Solutions service, or who is representing a resident or service user, with the resident or service users' consent, including, but not limited to Elected Members.

5.2 You can choose to be represented, or advocated for, by another person, including elected member/s. However, we will need permission to talk to any third party about your data and information in relation to the complaint. Elected members are considered to have implied permission, and we will therefore not usually seek your authority to talk to them about any aspect of your case or complaint if they approach us because you have asked them to.

5.3 On receipt of your complaint, it will be assessed to establish if, or any part is:

- A request for a review
- A formal complaint
- A request for service, for example you have sent us documentation to upload to your application, or other general enquiry not in relation to your review or complaint. This will be forwarded to relevant teams to be administered.

5.4 We cannot consider a complaint where it falls under the definition of a statutory review, as described, as a decision made under part 6 & 7 of the Housing Act 1996 (as amended).

5.5 Where requests and complaints involve grounds for review and formal complaint, we will be clear on what processes are being followed for each part, regarding both the LGSCO and Housing Ombudsman regulatory requirements for handling reviews and complaints in operation at the time, and best practice.

5.6 The Council operates a two stage complaints process:

### **5.7 Assessment and acknowledgement:**

5.7.1 Within 5 working days of receipt, service managers will work with the reviewing officer to understand the nature of the request / complaint, decide which process/es are applicable in your case, and write to you to acknowledge and notify you of the next steps in each case

5.7.2 Any aspect of your complaint deemed to be solely a review, will be investigated and responded to within the timescales set out by the LGSCO and set out in section 4.

### **5.8 Stage 1 complaint**

5.8.1 Where the application and / or complaint also involves aspects of your tenancy with the Council, for example transfer, adaptations and nuisance and ASB, we will aim to respond on those aspects within the timescales set by the Housing Ombudsman, which is 10 working days, with a 10-working day extension if required.

5.8.2 When this is not possible, we will liaise with you and the relevant Ombudsman's, if necessary, to identify the remits of each, their requirements, and agree respective timescale/s with you.

## **5.9 Stage 2 complaint**

- 5.9.1 If you remain dissatisfied with the outcome of your complaint, you can request an escalation to stage 2, within 10 working days of the stage 1 response being issued, by giving clear reasons why you feel the stage 1 response did not address or resolve your problem.
- 5.9.2 A tier 4 manager, or Head of Service will then review the stage 1 process, and decide, in discussion with you if an escalation is warranted, and/ or to investigate and uphold your complaint at stage 2 or not.
- 5.9.3 You should receive a response to your stage 2 complaint on the tenancy aspects within 20 working days. If an extension of time is needed, then this should be agreed with the Ombudsman and you.
- 5.9.4 At the conclusion of stage 2, the internal complaints process will have been exhausted, and recourse to the Ombudsman's is as follows:

### **The Local Government and Social Care Ombudsman**

PO Box 4771  
Coventry  
CV4 0EH

Telephone: 0300 061 0614

[How to Complain - Local Government and Social Care Ombudsman](#)

### **The Housing Ombudsman**

PO Box 1484  
Unit D  
Preston  
PR2 0ET

Telephone: 0300 111 3000

Email: [info@housing-ombudsman.org.uk](mailto:info@housing-ombudsman.org.uk)

[Free for Residents | Make a complaint | Housing Ombudsman \(housing-ombudsman.org.uk\)](#)

- 5.9.5 You can approach the Housing Ombudsman at any time during your complaint about your tenancy and they can advise, assist and intervene, however, the LGSCO expects you to have completed our internal complaints process first before they will consider your complaint.

## **6.0 What happens if the Council finds itself, or the Ombudsman finds the Council at fault?**

6.1 If the Council finds itself at fault and you were affected by it:

- Will acknowledge where things have gone wrong, and provide an explanation
- Apologise and provide appropriate support and assistance
- Correct mistakes
- Act promptly if there has been a delay
- Reconsider or change a decision
- Amend records
- Make a goodwill payment for service failures because of delay, error or quality, and upset and inconvenience, in accordance with the compensation matrix.
- Changing policies, procedures and working practices because of learning

6.2 However, there will be times when a person suffers real detriment because of the Council's mistake, and the clock cannot be turned back to correct the mistake. For example, the Council, or the Ombudsman, may find that someone was homeless and in priority need but the Council did not arrange temporary accommodation, and so s/he had to sleep rough instead. In these circumstances, the Ombudsman can ask that we make a payment to compensate for this detriment. However, the facts for each case will be different, and each case is carefully considered by the Council and respective Ombudsman/s if necessary, when deciding on a remedy.

6.3 Sometimes the Council's policy and procedures for dealing with homelessness and housing register applications, and allocations can be found to be flawed, or maybe that officers have not been given proper training and guidance. The Council will always use learning from complaints and reviews to continuously improve the services people receive, and the Ombudsman may also recommend that the council reviews its procedures or arranges staff training, as part of their determinations.