

Find a Home: CHOICE BASED LETTINGS

Allocations Appeals Process

In the unlikely event that an offer of accommodation is withdrawn or Housing Registration application cancelled the stages below list what will happen and by whom.

STAGE 1

Letter from Estate / Community or Area Housing Manager to you informing you that following verification process you are not being offered the property (and may also be being considered to be ineligible for accommodation). The letter must state the reasons for a decision to a standard of evidence as required by the Housing Act 1996 - and informing you of your right to appeal, this being directed to the relevant Estate / Community or Area Housing Manager in the first instance.

STAGE 2

You must appeal against the stage 1 decision(s) in writing within 28 days if you wish to do so.

Estate / Community or Area Housing Manager will forward the appeal, original decision and full evidence to their senior officer and inform you with a holding letter that the case has been passed for more senior consideration/ also invites you to provide any additional supporting information/ evidence.

- The Senior Manager will liaise with the Find a Home Services Manager (or other Homes for Bolton team leader in the event of non-availability) and the Councils Legal Services Division to obtain view/ input/attendance to discuss the case (in particular where different views expressed on the case).

You will then be informed of the outcome of the stage 2 appeal in writing within 28 days.

STAGE 3

If you wish to appeal against the stage 2 decision(s) you must do so within 28 days of being notified of the outcome.

A senior manager will consider the case in appropriate format with reference to Legal assistance and the Find a Home Services Manager (or alternative Homes for Bolton team leader). Decision is reviewed, taking into account any additional information provided by you or obtained through further investigation/enquiry.

Decision made: There are 2 options:

- Appeal upheld – you will then be informed – property offered to you (or next equivalent property is agreed to be allocated directly. Senior Manager will direct relevant housing office staff to identify next suitable property.
- Appeal refused- you will be informed with details of further lines of appeal and any implications for being deemed ineligible for any further property (for a period of time /indefinitely/or until further application) this letter will also explain you right of appeal as to being deemed ineligible for further offers in the event of this decision.

Additional matters to consider:

- Holding open of properties pending a decision on appeal...will be influenced by the timescale in which someone has to appeal and whether an appeal is received quickly or not. Where there is going to be little likelihood of a similar property coming available within a reasonable timescale in that area, then clearly there can be greater consideration to 'holding' properties pending appeal.
- Timescales for appeal – statute allows for 'within 21 days'. Homes for Bolton are allowing 28 days. Decision will be made and you will be informed within 28 days. (Clearly if properties are to be held open, then Homes for Bolton Partners may wish to resolve appeals more quickly).
- Standard of evidence to support the initial decision and any adverse decision on appeal – estate staff must have full regard to the requirements of the Homelessness Act 2002 in respect of 'unacceptable behaviour'. Decisions to refuse to allocate must give full reasons for that decision based upon sufficient and adequate evidence that will stand up to scrutiny.
- Format of appeals – via consultation between Landlord partners, Homes for Bolton team leader and Legal Services with consideration given to you (or your representative's) ability to present your case fully in writing. Clearly, where there is concern about a person's ability to present their case in writing, there will be the possibility of an oral 'hearing'...
Further issues:
 - Date and venue if the authority considers an oral hearing to be appropriate
 - Applicants can represent themselves in person at the hearing and/or they can bring along support/representation if required

Housing Registration Appeals Process

In the unlikely event that your Housing Registration application is cancelled or suspended the stages below list what will happen and by whom.

STAGE 1

Letter from the Find a Home Services Manager informing you that following either;

- verification/ referencing process
- failure to respond to 2 offers of accommodation
- refusing three offers of accommodation for reasons that, after investigation, could be deemed not reasonable.
- Former tenant debt

STAGE 2

You must appeal against the stage 1 decision(s) in writing within 28 days if you wish to do so.

The Housing Register Senior Officer or Customer Support Co-ordinator considers the appeal, the original decision and full evidence and any additional supporting information/ evidence. You will then be informed of the outcome of the stage 2 appeal in writing within 28 days.

STAGE 3

If you wish to appeal against the stage 2 decision(s) in writing you must do so within 28 days of being notified of the outcome.

The Find a Home Services Manager will forward the appeal, original decision and full evidence to an appropriate senior manager and inform you with a holding letter that the case has been passed for more senior consideration/ also invites you to provide any additional supporting information/ evidence.

The Senior Manager will liaise with the Find a Home Services Manager (or other Homes for Bolton Manager in the event of non-availability) and the Councils Legal Services Division to obtain view/ input/attendance to discuss the case (in particular where different views expressed on the case).

You will then be informed of the outcome of the stage 2 appeal in writing within 28 days.

Decision made: There are 2 options:

- Appeal upheld – you will then be informed and your position on the housing register re instated as appropriate.
- Appeal refused- you will be informed with details of further lines of appeal and any implications for being cancelled or suspended from the housing register.