

**CUSTOMER  
APPROVED**



**Your Rights  
to Review  
Homelessness  
Decisions**

When you make a Homelessness Application your Housing Needs Assessment Officer will carefully consider all the facts you provided. When your Housing Needs Assessment Officer has made a decision on your application, they must write to you and explain the reasons for this decision.

You can request 'reviews' of our homelessness decision, your offer of temporary accommodation or, of your permanent home. You have to request a review within 21 days of getting the written decision letter. The 21 days start from the date that you receive the letter. You can request a review verbally or in writing. If possible, make the request in writing and keep a copy (e.g. a photo) for your records.

A review form can be found at the end of this leaflet. You will also find a selection of contacts you may find useful.

## Your Rights to Review

You have a legal right to ask for a review if you think that our decision is wrong, you can request a review on the following factors;

- You have been found not homeless or threatened with homelessness
- You have been found intentionally homeless
- You don't have a local connection to this area
- You have been found to have a local connection to a different area to Falkirk

Temporary / Permanent accommodation that is:

- overcrowded
- in a unreasonable condition
- does not meet any special needs you or your family may have
- The accommodation is not reasonable in terms of what vacancies the we can reasonably predict

The review will be carried out by a Senior Officer not directly involved with decision making on your case. We will notify you of the result and aim to write within ten working days with the outcome of your review. If you are invited to a meeting you can be accompanied.

## Temporary / Permanent Accommodation

If you are offered secure/permanent accommodation that you don't think is suitable. You can either

1. Move in to the property you have been offered and request a review within 21 days. If your review is successful you will be able to bid for another property. If you are unsuccessful the property will be confirmed in writing as your permanent accommodation.
2. Remain in your Temporary accommodation whilst the review is being carried out. If the review is successful you will be able to bid for another property. If the review is unsuccessful, the offer of permanent accommodation will be withdrawn and you will have to leave your temporary accommodation.

If you are thinking of putting in a review we would recommend you get independent, professional advice. Once the review has been carried out, you cannot appeal this decision. Should you remain dissatisfied with our decision the next step is applying for a Judicial Review.

## Judicial Review

Judicial review is a specialised type of court procedure that can be used to challenge the way we have made a decision that affects you. By going down the route of judicial review, you're asking the Court of Session to:

- look at how the decision was made (and not whether the decision itself was right or wrong)
- check that we did not abuse our powers
- check that we acted lawfully.

To do this, you have to raise a 'petition for judicial review'

If your case gets to this stage, we recommend seeking legal advice.

## Legal Advice

### Shelter

Shelter can give free, independent and confidential advice on all housing matters.  
Tel: 0808 800 4444

### Local Solicitors

Local solicitors with knowledge of housing law can be found by contacting:  
The Law Society of Scotland, 26 Drumsheugh Gardens, Edinburgh EH3 71R

## Other Advice and Support Agencies

### Falkirk and District Women's Aid

4 Wellside Place Falkirk FK1 5RL • Tel: 01324 635661

### Falkirk District Association for Mental Health

The Victoria Centre, 173 Thornhill Road, Falkirk FK2 7AU • Tel: 01324 671600

## Citizens Advice Bureau

### Falkirk CAB

27 - 29 Vicar Street, Falkirk FK1 1LL • Tel: 01324 626070

### Grangemouth & Bo'ness CAB

1 Kerse Road, Grangemouth, FK3 8HW • Tel: 01324 483467

### Denny and Dunipace CAB

24 Duke Street Denny FK6 6DD • Tel: 01324 823118

## Our Local Hubs

### West Advice and Support Hub

Carronbank House, Carronbank Crescent, Denny FK6 6GB

### East Advice and Support Hub

5 York Lane, Grangemouth FK3 9BD

### Central Advice and Support Hub

centralhub@falkirk.gov.uk • 01324 503410

# Review Request

Your Name [Please Print] \_\_\_\_\_

Address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post Code \_\_\_\_\_

Daytime Telephone No. \_\_\_\_\_

Email address \_\_\_\_\_

## I am requesting a Review of:

### 1) The decision reached on my Homelessness Application (please tick one box):

- A. I have been found not to be homeless or threatened with homelessness
- B. I have been found to be "intentionally homeless"
- C. I have been found to have "no local connection" with Falkirk
- D. I have been found to have a local connection somewhere else but I do not agree I should be referred there

*Please note you can only request a review on one of the grounds listed above.*

### 2) My Temporary Accommodation Placement

- A. The accommodation provided is overcrowded
- B. The accommodation provided is in an unreasonable condition
- C. The accommodation provided did not meet the special needs of me and my household

### 3) My Secure/Permanent Offer Of Accommodation

- A. The accommodation is not reasonable in terms of what vacancies the we can reasonably predict
- B. The accommodation does not meet the special needs of me and my household



Please explain why you want a review of a decision made in connection with your homeless application, temporary or secure/permanent accommodation. Remember, your case has already been investigated so simply saying that our decision is wrong or repeating your original circumstances is unlikely to lead to a change in the original decision. If you have information that was not available at the time of the original assessment you should include this in your review request. Give as much information as you can and use a separate sheet if you need to.

You might want to include:

- Facts that were not stated originally for whatever reason
- Circumstances that have changed significantly in the meantime
- Aspects of your case that should have been given additional weight or considered differently
- New facts you didn't know about before

**My Reasons:**

Signature \_\_\_\_\_ Date \_\_\_\_\_



**Please return form to:**

Falkirk Council,  
Housing Needs,  
The Forum, Suite 5,  
Callendar Business Park,  
Falkirk FK1 1XR

01324 506070

ath@falkirk.gov.uk

**N.B.**

Under Section 40(1) of the Housing (Scotland) Act 1987, a person is guilty of an offence if he knowingly or recklessly makes a statement which is false, or knowingly withholds information which the local authority has reasonably required him to give it, with the intention of inducing the local authority to believe that he or another person is:

- homeless or threatened with homelessness or;
- not homeless, nor threatened with homelessness, intentionally

A person guilty of such an offence is liable on summary conviction to a fine not exceeding Level 5 on the standard scale (currently £5,000). (Section 40(4))

## Privacy Statement

The Council must comply with Data Protection Legislation as defined by the Data Protection Act 2018. If you supply personal information to us you can find out how we handle personal data at [www.falkirk.gov.uk/privacy](http://www.falkirk.gov.uk/privacy)

If you would like this information in another language, Braille, large print or audio tape please contact Housing Needs Service and Advice and Support HUB (01324 506070)



**Falkirk Council**