



## Homelessness Appeals Process

If you don't agree with the decision that is made about your housing situation you can ask for the decision to be reviewed. This leaflet explains how the Homelessness Appeals Process works.

The Council is generally referred to as "we" throughout this leaflet. Homeless applicants are normally referred to as "you".

### Homelessness Decisions

When the Homelessness Officer has made a decision on your homeless application, we must tell you in writing and explain the reasons for our decision.

If you don't agree with our decision, for example, it has been decided that:

- You are not homeless.
- Your own actions have led to you being homeless (intentionally homeless).
- You do not have a local connection with the Orkney area.

You can ask for the decision to be reviewed. You have 21 days from the date of postmark on our decision letter to ask us to review our decision.

If you want us to review our decision, you should use the Homelessness Appeals Process. To do this you should fill in the attached form or speak to a member of staff in our Homelessness and Advice Section who will record your concerns.

Alternatively you may wish to seek help from an independent agency such as the Citizen's Advice Bureau, who can help you make an appeal.

You can use the Homelessness Appeals Process if you:

- Were found to not be homeless or threatened with homelessness.
- Were found to be "intentionally homeless".
- Were found to have no local connection.

In addition there is a right to appeal an offer of temporary accommodation and also to appeal the reasonability of an offer of permanent accommodation. These are covered in detail in our leaflets entitled "Homelessness – An Offer of Temporary Accommodation" and "Homelessness – Permanent Accommodation".

When you have filled in the Homelessness Appeal Form, you should return it to the:

Head of Community Learning, Leisure and Housing, Orkney Islands Council, School Place, Kirkwall, Orkney, KW15 1NY.

Your appeal will be considered by the Head of Community Learning, Leisure and Housing. If you wish to talk to the Head of Community Learning, Leisure and Housing directly you should say this in your letter.

We will write and tell you the outcome of the review and give our reasons within 10 working days.

In some cases we may require further information before reaching a final decision. If this is the case you will be asked to provide additional information within 10 working days. The same applies where the officer who made the original decision is required to provide further information to assist with the process.

Once a decision has been reached on the appeal, you will be advised in writing.

## **Judicial Review**

If you are still not happy with our decision you have the right to judicial review of this decision. To do this, you should contact either a Solicitor engaged in private practice, Orkney Citizen's Advice Bureau or Shelterline.

In a judicial review, the court cannot substitute its own opinion for that of the Council but may decide that the Council has:

- Exceeded or abused its powers.
- Has failed to perform its duty delegated to it.
- Has shown bias.

We have a separate leaflet on the process of judicial review, this is available from our offices or from various other agencies including the Citizen's Advice Bureau and our website.

## **Temporary Accommodation whilst appealing homelessness decisions**

If you have requested a review and are without any form of accommodation, you will be placed in temporary accommodation until the outcome of the appeal has been decided.

If you have requested a review and are still in temporary accommodation you will be allowed to remain in temporary accommodation until the outcome of the review is known. If you have moved out of temporary accommodation before requesting an appeal, temporary accommodation will be provided again, if required, until the appeal is concluded.

## **General Information**

If you would like to talk about any of the issues in this leaflet, or need any further advice please contact our Homelessness and Advice Section by calling 01856873535.

Alternatively you can call personally to our offices at Orkney Islands Council, Council Offices, School Place, Kirkwall, Orkney, KW15 1NY.

We can also help you to contact a range of other agencies that may be able to assist you.

This leaflet can be provided in a range of different languages or formats as required, such as large print, audio format or Braille.

## **Contact Details**

### **Orkney Islands Council Contacts**

#### **Housing Services**

Address: Council Offices, School Place, Kirkwall, KW15 1NY.

Telephone: 01856873535.

Website: <https://www.orkney.gov.uk/>

E-mail: [homeless@orkney.gov.uk](mailto:homeless@orkney.gov.uk)

Emergency out of hours repairs service: 01856873430.

Emergency out of hours homelessness officer: 07921582962.

### **Voluntary Sector Contacts**

#### **Citizens Advice Bureau**

Address: 6 Bridge Street, Kirkwall, KW15 1HR.

Telephone: 01856875266.

#### **Shelterline**

Telephone: 08088004444 (free advice 24 hour advice).

Website: <https://scotland.shelter.org.uk/>

Details of Solicitors engaged locally in private practice can be found in the Yellow Pages Directory.

# Homelessness Appeals Form

Your name:	
Your address and postcode:	
Daytime telephone number:	

## Grounds for Appeal

You can appeal about a decision that has been made in connection with your homeless application for the following reasons:

<input type="checkbox"/>	I have been found to not be homeless or threatened with homelessness.
<input type="checkbox"/>	I have been found to be “intentionally homeless”.
<input type="checkbox"/>	I have been found to have “no local connection”.

Please indicate the ground for your appeal by ticking the box that applies. Please note you can only appeal on one of the grounds listed above.

Please explain why you wish to appeal against the decision made in connection with your homeless application. 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 appeal. Give as much information as you can and use a separate sheet if you need to.

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Grounds for appeal (continued)

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