

### 1. Purpose and Scope

As a provider of social housing, Papworth Trust must make decisions that affect how our customers live and use our homes.

The Trust recognises that occasionally, tenants may disagree with decisions that The Trust makes. To ensure fairness and transparency The Trust operates the Review of Decisions Policy to allow tenants to challenge decisions and request they are reconsidered.

To ensure that the Trust acts in a fair and consistent way, all decisions on the nature and levels of service delivery are taken in line with the regulatory requirements and The Trust's stated Policies and Procedures that have been agreed with customers.

This policy sets out the provisions the Trust has for tenants wishing to request a review on decision in the following areas:

- i. Decisions made in line with the regulatory requirements (statutory reviews) as follows:
  - Extending or terminating starter tenancies
  - Seeking possession on demoted tenancies
  - Declining applications for mutual exchanges and successions
  - Recovery of possession under section 21 Housing Act 1988
- ii. Decisions based on the operation of its policies (general reviews)

The application of this Policy ensures compliance with the outcomes of Tenancy Standard of the Regulatory Framework for Social Housing in England as introduced by Regulator for Social Housing, as outlined below:

- Allocations and Mutual Exchanges: There shall be a clear application, decision making and appeals processes

### 2. Aims

This policy aims to:

- Ensure fairness and transparency in decision making
- Enable tenants to seek clarification as to the reasons why decisions were made

- Ensure compliance with the Equality Act 2010 by making decisions without prejudice or bias for any individual or group of people
- Provides a clear and timely process to tenants or prospective tenants
- Encourage and support sustainable communities.
- Strike a balance between the Trusts charitable objectives and its obligations as a Registered Provider.

Factors that may form grounds for requesting a review of a decision may include:

- Situations where the Trust has not taken into consideration an individual or groups' circumstances or needs when making decisions or where circumstances have changed
- Where The Trust have not considered, or had access to all the relevant information that is reasonable for it to consider when making decisions
- Where The Trust have acted outside of its stated Policies or Procedures

### 3. Complaints

In conjunction with this Policy, the Trust also has a Complaints Policy. The Complaints Policy and supporting procedures exist for customers who are dissatisfied with the service they have received from Papworth Trust and are seeking some kind of redress.

The Trust will treat review of decisions and complaints separately and usually there will be no crossover between the two processes i.e. customers who make an unsuccessful review request cannot then have the decision overturned by entering the Trust's complaints process. Similarly, complaints that are not upheld will not then be dealt with via the review of decisions processes.

Where customers that enter a decision review feel that the level of service they have received from the Trust is not what they would normally expect, for example through poor staff attitude, they may make a complaint. The investigation into the complaint will, however, focus on the service they have received and will not seek to overturn any decisions that have previously been made by the Trust or any findings of the review of decisions process.

### 4. Reviewing a Decision

The Trust operates a review process to deal with 'statutory reviews' (those where the right of appeal is outlined in legislation or regulations) and 'general

reviews' where customers wish to appeal a decision around Trust's service provision.

Papworth Trust tenants can request a review by:

- Contacting the Trust via the telephone on 0330 678 0008
- By emailing [housing@papworthtrust.org.uk](mailto:housing@papworthtrust.org.uk)
- In writing at Papworth Trust 1 Saxongate, Bradbury Place, Huntingdon PE29 3RR

In all of the above cases, the customer should make it clear that they are requesting a review and provide a brief outline of the decision they are appealing against. The Trust will advise customers of the most appropriate route to get their issues resolved and will, where necessary, direct them to the Trust's complaints process.

#### 4.1. General Appeals

The Trust will consider a review of a decision about general service provision.

This is a one-stage review undertaken by member of staff with greater seniority than the original decision maker and not involved in the original decision.

A non-exhaustive list of examples that customers can appeal about include:

- A decisions to refuse tenant alterations
- A decision to refuse an adaptation
- A decision to refuse a management transfer
- Investment decisions (to carry out improvement works to properties and areas owned or managed by Papworth Trust)

The Trust will endeavour to acknowledge receipt of general reviews within 5 working days and provide the customer with a full response within 10 working days of the review request being submitted. Where these timescales are not achievable, the Trust will inform the customer and provide the reasoning and alternative timescales.

All general reviews will be in writing and without a hearing

#### 4.2. Statutory Appeals

The Trust will operate a one stage process for statutory appeals in the following areas:

- Decisions to extend or terminate starter tenancies
- Decisions to seek possession on demoted tenancies
- Decisions to decline applications for mutual exchanges or successions

The review will be in writing by default, however a hearing can be requested.

Customers may choose to make personal representation, submitting evidence giving the Trust 48 hours' notice in advance of the meeting.

Any subsequent changes to this evidence or change of the person accompanying may result in the review being postponed, the evidence not being considered or a refusal to hear the tenant(s) representative.

If having requested an oral hearing the tenant(s) fail to attend or inform The Trust of the reasons why they cannot attend, the reviewing officer may proceed with the hearing in their absence.

On a discretionary basis The Trust may choose to postpone a hearing if requested by the tenant(s) and there is a justifiable reason for doing so or if the person due to hear the appeal is unavailable for any reason.

If during the course of a hearing an adjournment is requested by either The Trust, the tenant(s) or their representatives and a further meeting is necessary, The Trust will give reasonable notice of the date, time and venue of the adjourned hearing.

When reviewing decisions made in line with the legislation or regulations, the reviewing officer will assess the following:

- If the legal procedures and notice periods have been adhered to in serving of notices or letters sent to tenant(s) advising of actions to be taken
- It was appropriate in terms of evidence provided
- The decision will stand up to scrutiny

If tenants want to pursue the option to appeal against specific decisions made in line with the regulatory requirements they must do so within the timescales described below:

### **Decision to extend or terminate starter tenancies/during probationary period**

Customers who want to appeal against this decision must inform The Trust in writing within 10 working days of the notice or letter being served, advising them of its decision to extend or terminate the starter tenancy.

After carrying out a review, where the appeal is against the decision to terminate a starter tenancy, The Trust will notify the customer of the results before the date the possession proceedings begin as specified in the notice or letter seeking possession.

If the appeal is against the decision to extend a starter tenancy, The Trust will inform the customer of the outcome of the review before the 12 month anniversary of the starter tenancy.

### **Decision to seek possession of a property on a demoted tenancy**

Customers who want to appeal against The Trust's decision to seek possession of a property on a demoted tenancy, must inform The Trust in writing within 10 working days of receipt of the Notice Seeking Possession being served.

The Trust will give the tenant(s) no less than 5 days' notice of the review

The Trust will inform the tenant(s) of the review results before the date of which possession proceedings may begin.

### **Decision to decline applications for mutual exchange or succession**

If applicants wish to appeal against a decision made concerning their mutual exchange or succession application, they should inform The Trust in writing within 10 working days of being informed of the decision to refuse their application. The Trust will inform the applicant of the outcome within 10 working days.

The Trust will communicate the outcome of the review to the tenant in writing before the date on which proceedings for possession may be commence.

### **Decisions to seek possession on assured tenancies under the Anti-Social Behaviour, Crime and Policing Act, 2014**

Customers can request a review of The Trust's decision to seek possession under the absolute ground for possession as per the Anti-Social Behaviour, Crime and Policing Act, 2014. The appeal should be made in writing within 5 working days of the notice to seek possession being served on the tenant.

The Trust will communicate the outcome of the review to the tenant in writing before the date on which proceedings for possession may be commenced

### **Decisions to commence recovery of possession under section 21 Housing Act 1988**

Customers can request a review of The Trust's decision to commence recovery of possession under section 21 Housing Act 1988. The appeal should be made in writing within 10 working days of the notice to seek possession being served on the tenant.

The Trust will communicate the outcome of the review to the tenant in writing within 10 working days of the receipt of the request.

## **5. Legislation, Regulation and Guidance**

Government legislation has an impact on how OH can implement its Mutual Exchange policy. Listed below are the key Acts that have been acknowledged.

- Housing Act 1985
- Housing Act 1988
- Housing Act 2004
- Anti-Social Behaviour, Crime and Policing Act, 2014
- Equality Act 2010

## 6. Document control

Owner	Business Manager – Housing Management
Approver	Senior Business Manager - Property
Input from	Tenant Scrutiny Panel
Date approved	June 2022
Next Review date	June 2025
Ratified by	None required

## 7. Version tracker

Version number	Date	Approved by	Comments/Reason for issue
1.0	10.03.2020	-	New Policy
2.0	24.06.2022	Senior Business Manager - Property	Review