

1. Appeals Policy

1.1 Statement of intent including cross-reference to BDHT's Directorate and corporate objectives.

1.2 bdht aims to be the leading provider of homes for those in housing need in Bromsgrove and the surrounding areas. We are committed to offering our customers choice of accommodation, wherever possible.

1.3 Purpose

1.4 The purpose of this policy is to provide access for customers to a fair, transparent and responsive appeal process. The appeals policy and procedure will be applied when customers believe bdht has failed to act in accordance with published policies when making decisions in relation to any individual application for assistance made by the tenant/customer.

1.5 This document defines bdht's approach to managing appeals, who can make an appeal and it determines which decisions can be appealed.

1.6 Scope

1.7 This policy applies to all applicants, tenants or former tenants of bdht. This policy does not deal with complaints, compliments or general feedback. These are covered in the Complaints policy.

2. Legal and Regulatory Requirements

2.1 Legislation

2.2 bdht will work in accordance with the relevant legislation and regulatory requirements to ensure that the objectives of this policy are met.

- Housing Act 1996 (Schedule 1, Section 160A & Part VI)
- Part VII Housing Act 1996 (as amended by Homelessness Act 2002)
- Homeless Reduction Act 2018
- Equality Act 2010
- Localism Act 2011
- Town and Country Planning Act 1990
- Mental Capacity Act 2005
- Welfare Reform and Work Act 2016

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- Immigration Acts 2014 & 2016
- Homeless Reduction Act 2017
- Data Protection Act 2018 and UK General Data Protection Regulation 2021
- Domestic abuse Act 2021 Housing & Communities Directorate
- Allocation of Accommodation: Guidance for Local Housing Authorities in England 2012
- The Regulator for Social Housing's Standards and in particular the Tenancy Standard
- Social Housing (Regulation) Act 2023

Regulatory Requirement

- Participation in Core
- The RSH regulatory framework for social housing in England
- Tenancy standard – Allocations and mutual exchange.
- Transparency, Influence & Accountability Standard

3. Policy Statement

3.1 Bdht is committed to the fair and effective management of appeals. An applicant or tenant has the right to lodge an appeal to bdht if they disagree with a decision we have made that they believe may affect their application for housing, or their tenancy.

3.2 Housing appeals

3.3 We do all we can to get things right first time. If we get something wrong, or the customer is unhappy with our decision, we want to hear about it.

3.4 There are times when the customer have a legal right to appeal certain housing decisions. This is known as our housing appeals process.

3.5 Housing appeals process

3.6 The housing appeal process is separate from the complaints process and deals with rights covered by legislation.

3.7 The complaints handling process considers issues about our services. The housing appeal process is a separate route of appeal for issues about the customers' tenancy rights and our housing information, advice and letting process.

3.8 If the customer is unhappy with the decision, they can ask for a review by a manager. If they are still unhappy with their decision, they have the right to appeal.

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4. What decisions can be appealed?

4.1 The applicant or tenant has the right to appeal our decisions where they feel we have not taken all information into consideration, or they are unhappy with the outcome we have reached.

4.2 The applicant or tenant has the right to appeal certain decisions we make on housing information, advice, letting and related matters. These include, but are not limited to decisions sets out in the table below.

4.3 Decisions taken by bdht which carry an explicit right of appeal will be carried out by an officer independent of the original decision-making process. Any expression of dissatisfaction received against such a decision will be considered in accordance with the appeal procedure rather than through the Complaints policy and procedure.

4.4

Decision	Service Teams Involved
To seek possession under Ground 8 of Schedule 2 of the Housing Act 1988	Income
To seek possession under Section 21 of the Housing Act 1998	Communities, Income
The duration of any fixed term tenancy granted by bdht.	Allocations & Lettings Team
The type of tenancy granted by bdht	Allocations & Lettings Team
Not to grant an extension at the end of a fixed term tenancy	Communities, Allocations & lettings, Housing Options
The size and suitability of accommodation to be offered to an applicant from the bdht Transfer Register	Allocations & Lettings
To refuse an application to mutually exchange tenancy	Allocations and lettings
To refuse an application for assignment	Allocations and lettings
To refuse an application for succession	Allocations and lettings
The size and suitability of any alternative accommodation offered under the succession procedure	Allocations and lettings

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To skip bids on shortlists	Allocations and lettings
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4.5 Any decision made on behalf of Bromsgrove District Council under the relevant Homeless legislation and/or Part 6 of the Housing Act will be excluded from this Policy as these decisions have their own defined legal appeals/review procedures.

4.6 Where a customer is dissatisfied with the outcome of any appeal in the circumstances set out above there shall be no recourse to the Complaints process.

4.7 Appeals can be made in person, by letter, by telephone, by fax, by text, by e-mail, via Twitter, Facebook and through the online customer portal “mybdht”.

4.8 bdht customers are welcome to have a representative deal with their appeal on their behalf, and to be represented or accompanied at any meeting with the landlord.

4.9 bdht will endeavour to adjust our service/ processes to meet the needs of that individual based on the information we have. For more information, please refer to our Customer Care and Access to Services Policy.

4.10 There is no further right of appeal. Legal advice will have to be sought if the applicant or tenant is unhappy with the appeal decision.

4.11 **Timescales**

4.12 A request for an appeal should be made by the customer to the team manager, within twenty-eight days of the notification letter containing the original decision. In exceptional circumstances the Head of service may consider requests received after twenty-eight days.

4.13 The manager conducting the appeal will review all relevant documentary evidence provided by the appellant and the bdht service team/s.

4.14 In exceptional circumstances the manager may hold an oral hearing where both the customer and service manager will be invited. The customer will be entitled to be accompanied by an advocate.

4.15 The customer will be notified in writing of the results of the appeal and the reasons/justification for the decision within 28 working days of the review being received.

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4.16 Representation and Support Agencies

4.17 Bdht shall signpost customers to other organisations such as Citizens Advice, Leasehold Advisory Service and Shelter to aid the resolution of disputes.

4.18 The offer of translation service shall be used for customers who's first language is not English. e.g. Language line.

5. Equality and Diversity

5.1 Bdht are committed to fairness and equality for all customers and our aim is to ensure that our policies and procedures do not create an unfair disadvantage to anyone either directly or indirectly.

5.2 Bdht will endeavour to adjust our service/ processes to meet the needs of that individual based on the information we have. For more information, please refer to our Customer Care and Access to Services Policy.

5.3 Customers and prospective customers are welcome to bring advocates, representatives, or support workers along to any interactions they have with bdht.

6. Policy Implementation.

6.1 All bdht staff will read and adhere to this policy when allocating a property.

6.2 The implementation of this policy will be detailed in the following procedures:

- Termination Procedure
- Lettings Procedure
- Equipment and adaptation procedures
- Conflict of interest procedure

Monitoring of the Policy - New tenant satisfaction surveys will be completed to monitor the effectiveness of this policy.

6.3 Training.

6.4 bdht will train staff in dealing with appeals so they can provide a sensitive, responsive, and effective service to customers.

6.5 Bdht will ensure that staff are aware of the implications of all relevant legislation and regulatory guidance when dealing with a customers appeal. Bdht will also support frontline staff to ensure that they have the resources to deal with appeals to the standard required.

7. Links to associated external Documents

- RSH Standards

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- Housing Ombudsman Scheme
- Independent Housing Ombudsman Complaint Handling Code
- The Equality Act 2010

8. Link to associated internal Documents

- Complaints procedure
- Complaints Guide for Staff

9. EMT Approval

9.1 This policy was approved by EMT on the 4th July 2024.

10. Review Date

10.1 All policies are subject to review on a three-year rolling program. This policy shall next be reviewed in 2027. A policy may be reviewed earlier in the event of changes to the Business Plan, customer feedback, legislation, regulatory guidance, internal and external audit, risk assessment and current best practice.

11. Responsibility for implementing the policy

11.1 Overall responsibility for the Appeals Policy lies with the Director of Housing and Communities.

11.2 Development, review and implementation of this policy are the responsibility of the Head of Sustainable Homes.

12. Equality Policy Statement

12.1 At bdht, we are proud to serve and work within a diverse society. We recognise that some individuals and communities face systemic barriers, disadvantage, and discrimination, including those related to socio-economic background, caring responsibilities, and the impact of intersectionality.

12.2 We believe that discrimination in any form is unacceptable. In all our areas of work we are committed to ensuring that our policies, practices, and services promote fairness, equity, and respect for all. We aim to reduce inequalities, promote respect, and create an equitable culture within our organisation.

12.3 bdht fully complies with the Equality Act 2010 and all relevant statutory and regulatory guidance, including that issued by the Regulator of Social Housing, Homes England, the Government Equalities Office, and our funding partners.

12.4 We believe that equality of opportunity is fundamental to delivering excellent services and building vibrant communities together. Our

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commitment is underpinned by clear policies, regular monitoring, and continuous review, all of which are actively supported by our Board and Teams.

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