

RIGHT TO REVIEW PROCEDURE

Customer Service: Housing Services

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1. Introduction

- 1.1. The purpose of this procedure is to provide a process for appeals against decisions made by Riverside to be dealt with fairly. This includes dealing with cases quickly and giving anyone appealing against a decision the opportunity to put their case forward.

Regulation

- 1.2. It ensures compliance with the Regulator of Social Housing (RSH) [Consumer] Tenancy Standard in respect of Allocations & Lettings, Tenancy Sustainment, Tenure and Mutual Exchange, and the neighbourhoods & Communities Standard in respect of ASB & Hate Crime, as well as the Transparency, Influence & Accountability Standard in respect of Fairness & Respect and Diverse Needs. We will:

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- Treat all customers with fairness and respect.
- We will take action to deliver fair and equitable outcomes, using data to understand the diverse needs of our customers and assess our service.
- Our communications and information will be clear, accessible, relevant, and appropriate to the needs of our customers.
- We will support customers to use our service, ensuring that our service is accessible to all, including enabling our customers to be supported by an advocate or representative.
- When reviewing and updating this procedure, we will engage with customers, giving them a meaningful opportunity to influence our service. We will tailor these opportunities to meet the needs of the customers wishing to participate.
- We will keep customers up to date on progress, next steps and outcomes on services that affect them.
- Our decision-making criteria will be clear and set out in the Roles and Responsibilities section below.
- We will provide customers with information about how we are performing against this procedure and the actions we are taking to improve performance if required, as set out in the Reporting and Monitoring Section below.
- If we fail to meet any of these principles in a material way, we will self-refer to the Regulator of Social Housing and put improvement actions in place to minimise recurrence.

Housing Legislation

1.3. This procedure aims to ensure compliance with the following legislation:

- Housing Act 1985, 1988, 1996
- Anti-Social Behaviour Act 2003
- Protection from Eviction Act 1977
- Secure tenancies (Notices) (Amendment) (England) Regulations 2004

Policies

1.4. This procedure underpins our Lettings, Tenancy, Income Management and Community Safety Policies which explains:

- How we aim to ensure that properties are offered to potential customers, the majority of whom are unable to secure a home on the open market, in an efficient, customer focused and timely manner
- The types of tenancies, including fixed term or flexible agreements that Riverside will provide and the circumstances in which they will be used, and our approach to tenancy management, including interventions to sustain tenancies and prevent unnecessary evictions.
- How we will maximise Income Collection through effective and efficient management of customer accounts, minimise individual debt and enable our customers to maintain their tenancy by offering support and advice.

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- How we will ensure that all customers enjoy the peace and quiet of their home free from nuisance, annoyance, disturbance, harassment and intimidation.
- 1.5. We are committed to Equality, Diversity & Inclusion. We strive to be fair in our dealings with all people, communities and organisations, taking into account the diverse nature of their culture and background and actively promoting inclusion. This procedure aligns with our Equality, Diversity and Inclusion Policy and the overarching Neighbourhood & Estate Management Policy has been subject to an Equality Impact Assessment.
 - 1.6. This procedure conforms to our Customer Care Policy. We aim to deliver high quality customer service across all business streams, operating areas, and subsidiaries, and within all activities whilst meeting all legal and regulatory requirements. This involves putting the customer first, respecting their rights, needs and views.
 - 1.7. This procedure conforms to our Tailored Services & Reasonable Adjustment Policy. We aim to identify and support customers who, because of a protected characteristic, vulnerability or diverse need require extra support or an adjustment to access our services, in line with our organisational values of 'We Care', 'We are Inclusive' and 'We are Trusted'.
 - 1.8. This procedure has been written in collaboration with our customers through our approved customer panels. Reviews will be undertaken every three years, or as required when new legislation or regulatory requirements are published, and customers will be given the opportunity to influence the way we work within the requirements set out in the relevant housing law and regulations described above, and in conjunction with our Customer Involvement and Engagement Strategy and Policy.

2. Scope

- 2.1. This procedure applies to decisions made by Riverside in relation to customers in our general needs homes in England and for Care & Support customers. It does not apply to customers of Riverside Home Ownership or Riverside Scotland.
- 2.2. It applies to appeals against decisions to suspend applicants, terminate starter tenancies, the length of the fixed term of a 'flexible' tenancy or not offer a further tenancy on the expiry of that fixed term, and in relation to the type of tenancy offered to a new customer. It will not apply to applicants for rehousing who have applied through local housing authority Choice Based Lettings Schemes where those Schemes have their own appeal or review procedures but will be used for decisions in relation to applicants who have applied directly to Riverside for rehousing.
- 2.3. It will also apply to decisions to seek possession in relation to rent arrears or where Riverside has not provided consent to an assignment or mutual exchange.
- 2.4. It may also be used when there is a right of appeal in respect of demoted tenancies but should not be used in relation to appeals against decisions to terminate tenancies using the Absolute Ground for Possession under Part 5 of the Anti-Social Behaviour, Crime and Policing Act 2014 ("the Absolute Ground").
- 2.5. This procedure is to be used only where decisions are being challenged. Where a complaint is being made about the way in which a case has been handled or in respect

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of Riverside's administrative procedures, then Riverside's Complaints Procedure should be used.

3. Related Documents

Policies

- 1.1. Customers and other stakeholders can access our Policies through the Riverside website at [Our policies - Riverside](#) and [Our policies - Riverside Scotland](#). Internally, Policies are available on the Policy Management System.
- Lettings Policy
 - Tenancy Policy
 - Income Management Policy
 - Community Safety Policy

Procedures

- 1.2. We are looking into how we can make our Procedures more access to Customers and other stakeholders, in the meantime requests for information can be made through the CSC (processed as a STAIRS request). Internally, Procedures are available on the Processes and Procedures Hub.
- Let a Property Procedure
 - Management Lets Procedure
 - Suspensions Procedure
 - Income Management (England) Procedure
 - Tenancy Enforcement Procedure
 - Anti-Social Behaviour Procedure

4. Key Terms and Definitions

Term	Description
RSH	Regulator of Social Housing
ASB	Anti-Social Behaviour
CRM	Customer Relationship Management
GDPR	General Data Protection Regulation

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KPI	Key Performance Indicator
SLA	Service Level Agreement
STAIRS	Social Tenants Access to Information Requirements
EIA	Equality Impact Assessment
DPIA	Data Protection Impact Assessment
Assured Shorthold Tenancy (AST)	A common type of tenancy in England
Starter Tenancy	A type of probationary tenancy used by housing associations to assess new tenants
Flexible Tenancy	A fixed-term tenancy offered by local authorities or housing associations
Mutual Exchange	A process where two social housing tenants swap homes with each other
Demoted Tenancy	A tenancy with fewer rights, often used as a sanction for ASB
Absolute Grounds for Possession	A legal basis for eviction under the Anti-Social Behaviour, Crime & Policing Act 2014
Ground 8	A mandatory ground for possession due to rent arrears under the Housing Act 1988
Notice requiring Possession (Section 21)	A notice used to end an AST without needing to give a reason
Housing Ombudsman Service (HOS)	An independent body that investigates complaints about housing organisations
Reviewing Officer	A senior officer responsible for reviewing decisions under this procedure
Presenting Officer	The officer who presents the case for upholding the original decision

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5. Roles and Responsibilities

Riverside Officers

- Making decisions in line with relevant Policies and Procedures
- Notifying customers of the appeal/Right to Review Procedure

Riverside Team Leaders and Managers

- Acting as Reviewing Officers for subject matters where they have the appropriate knowledge, skills and experience
- Conducting reviews of decisions in line with the timescales set out at 6.9 and 8.3
- Ensuring reasonable support and adjustments are made where necessary in respect of protected characteristics

6. Procedure Content

Introduction

- 6.1. This procedure is intended to allow tenants and others who are subject to some of our decisions (called “the customer” in this document) to challenge those decisions. It applies only to cases where any review needs to be dealt with urgently, such as where someone could become or remain homeless as a result of the decision.
- 6.2. Examples include reviews of decisions:
- To terminate an assured shorthold tenancy (which is not a starter tenancy)
 - To seek possession of premises, where the occupier has no legal right to occupy (including left in occupation cases).
 - To seek possession on a mandatory ground for possession – such as Ground 8 for assured tenants
 - Concerning the allocation of properties
 - In relation to the type of tenancy offered, the duration of the fixed term period of a ‘flexible’ tenancy and where a further tenancy is not offered at the end of any fixed term agreement.
- 6.3. This procedure will not apply where we have another specific procedure available to challenge the decision. For example, decisions to:

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- Serve a Notice Requiring Possession under Section 21 of the Housing Act 1988 on a starter tenant should be challenged under our Starter Tenancy Appeals Procedure;
 - Terminate a licence should be challenged using the procedure set out in the licence agreement (where this is prescribed).
- 6.4. This procedure will not apply to cases involving outright trespass. For example, where someone has broken into premises or occupied empty premises or land without our permission.

Notice of Right to Review

- 6.5. Customers should be notified of their right to apply for a review at the same time as they are told about the decision. This information will be contained in the letter notifying them of the decision and in the Information Sheet attached to that letter.
- 6.6. The customer must notify us if he/she wants to challenge the decision and provide brief details of the grounds of challenge within the time limit set out in the letter. This will be 14 days from the date on which the letter is delivered. The review request and grounds for challenge must be formally recorded and auditable. The request may be submitted by the customer or recorded on their behalf by a Riverside colleague, advocate, representative, friend or family member. If the customer fails to comply with this time limit, then (subject to 6.7 below) his/her right to a review will be lost. For customers who may struggle to submit their request and do not have access to the support of a friend or family member or advocate, or access to assistive technology, Riverside will offer the customer reasonable support and/or additional time to submit the request. This time limit can only be extended in exceptional circumstances by the Reviewing Officer, where the customer provides a satisfactory explanation for the delay or has requested a reasonable adjustment, and there has been no undue delay in requesting the review
- 6.7. This time limit can only be extended in exceptional circumstance by the review officer, where the customer provides a satisfactory written explanation for the delay or has requested a reasonable adjustment, and there has been no undue delay in requesting the review. See also 6.18 below.
- 6.8. A request for a review will usually not prevent the decision under review from being implemented. If implementing the decision before the review has been completed will result in irreversible action that will cause hardship or substantial prejudice to the customer, then we will not implement the decision pending the review unless there are compelling reasons for doing so. Starting court proceedings will not constitute irreversible action, as they will normally not be determined before the review has been completed and could be withdrawn if the review is successful.
- 6.9. When dealing with reviews, we will try to comply with the following timetable (the time limits running from the date of delivery of the decision letter):

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- Days 1-14: customer requests review
- Days 14-21: we notify customer of date of review hearing and provides customer
- with summary of the information that will be provided to the reviewing officer
- Days 21-35: review heard
- 7 days from hearing of review: customer notified of review decision (in writing)

The Customer's Rights

- 6.10. The customer can choose to have the review dealt with at a hearing or on the basis of written submissions.
- 6.11. At the hearing, the customer can be accompanied by a person of their choice or represented (including legal representation).
- 6.12. At the hearing, the customer can question the officer presenting the case to uphold the decision. The customer can also ask the reviewing officer to put questions to any witness. However, the customer does not have the right to cross-examine witnesses.
- 6.13. The customer can produce his/her own evidence, which can include written statements or oral evidence from his/her own witnesses.

The Reviewing Officer

- 6.14. The review will be heard (or decided on paper) by one of our senior officers (called "the reviewing officer"). The reviewing officer will be senior to the officer who took the decision under review. Subject to 6.17 below, the reviewing officer will not have had any previous involvement with the case.
- 6.15. For housing management related reviews, this will normally be the Housing Services Manager. For Allocations & Lettings reviews this will normally be the Lettings Manager. For decisions to seek possession in relation to rent arrears, this will normally be the Income Manager.
- 6.16. The reviewing officer can obtain legal advice at any time – before, during and after the hearing. The legal advisor can attend the hearing to advise the reviewing officer on legal or procedural issues that arise. This may be appropriate if the customer has indicated that he/she is going to be legally represented at the hearing. It may be necessary to adjourn the hearing to arrange for the legal advisor's attendance (see 6.33 below).
- 6.17. If the review is successful, any future reviews by the customer can be heard by the same reviewing officer.
- 6.18. The reviewing officer will deal with any application to extend time under 6.7 above.

Procedure Before the Hearing

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- 6.19. One of our officers will present the case for upholding the decision (called “the presenting officer”). The presenting officer will normally be the officer who made the decision in question or who was key in compiling the information used to make the decision, for instance the local Housing Officer or Lettings Team Leader. The reviewing officer will be senior to the presenting officer. The presenting officer is responsible for preparing a case summary, which will summarise the information that will be presented to the reviewing officer.
- 6.20. Wherever possible, the customer should be given at least 7 days’ notice of the hearing. This will be done in writing and will include the case summary and copies of any documents that will be used at the hearing. Hearsay evidence can be used. When hearsay evidence is used, the identity of the witness does not have to be disclosed. If the identity of a witness is not disclosed to the customer, then it must not be disclosed to the reviewing officer.
- 6.21. Any evidence or information that is given to the reviewing officer must also be given to the customer. For example, evidence of a confidential nature can only be provided to the reviewing officer if it is also disclosed to the customer.
- 6.22. Customers will be asked to provide any written evidence to be used at the hearing to us at least 48 hours before the hearing. If the customer is going to be represented at the hearing, he/she will be asked to provide the name and capacity of his/her representative at least 48 hours before the hearing. If the customer does not do so, the reviewing officer can refuse to hear the customer’s representative and/or refuse to consider the written evidence not disclosed in this way.
- 6.23. If the customer decides that he/she does not want the review to be dealt with at a hearing, the reviewing officer will make his/her decision based on the case summary and supporting documents and on any written submissions received from the customer.

The Review Hearing

- 6.24. The hearing will not be conducted like a court hearing and formal rules of evidence will not apply. The reviewing officer will use the Civil Standard of proof (the balance of probabilities or “more likely than not”), rather than the criminal standard of proof (beyond reasonable doubt).
- 6.25. The procedure at the hearing will be decided by the reviewing officer, but will normally be:
- Presentation (including evidence) from the presenting officer
 - Customer (or representative) can question the presenting officer
 - Presentation (including evidence) from customer (or representative)
 - The presenting officer can question the customer

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- Closing remarks by the presenting officer – limited to commenting on the customer's presentation
 - Closing remarks by customer (or representative)
 - Decision (see section 7 below)
- 6.26. At the start of the hearing, the reviewing officer will describe the procedure that he/she intends to follow to the customer.
- 6.27. The reviewing officer should try to ensure that the questioning, presentations, evidence and closing remarks are not intimidating or repetitive.
- 6.28. The reviewing officer can question the presenting officer, the customer and any witnesses. The presenting officer can only question the customer. The customer (or his/her representative) can only question the presenting officer.
- 6.29. The reviewing officer will decide whether the decision under review was correct. When considering whether a decision was correct, the reviewing officer will take into account all of the circumstances of the case including whether the decision:
- Was consistent with our legal obligations, our policies and procedures and recognised good practice
 - Was based on the facts of the case
 - Took account of all relevant considerations or if there were any irrelevant considerations
 - In so far as it has adversely affected the customer or any other person, was justified in terms of achieving a legitimate aim
- 6.30. In reaching his/her decision, the reviewing officer:
- Can take into account information not known to the officer who made the decision under review; and
 - Will resolve any relevant factual disputes.
- 6.31. If the reviewing officer decides that the decision was reasonable, the decision will be upheld. If the reviewing officer decides that the decision was not correct, he/she can:
- Cancel the decision; and/or
 - Vary the decision; and/or
 - Attach any conditions that he/she considers to be appropriate to the cancellation or variation of the decision (for example, requiring the customer to agree to something or to take some step before the decision is cancelled or varied).

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- 6.32. If the reviewing officer decides that the decision was correct but that it was taken for the wrong reasons or the reasons for the decision were not properly explained to the customer, he/she can uphold the decision but give new or different reasons for it. Procedural irregularities, such as a failure to give a customer the chance to comment on issues relevant to the decision, will not be a reason for cancelling a decision, if they can be corrected by the review or would not have changed the decision.
- 6.33. The reviewing officer can, if he/she considers appropriate, adjourn the hearing. He/she may do so if, for example, new evidence has been presented at the hearing which requires further investigation or if the customer presents convincing medical or other evidence that he/she is unable to attend the hearing.

The Decision

- 6.34. The reviewing officer may reach a decision at the hearing and notify the customer immediately. If he/she does so, the review decision and the reasons for it will be confirmed to the customer in writing within 7 days of the hearing.
- 6.35. Alternatively, the reviewing officer may give their decision after further consideration. If he/she decides to do this, he/she will inform the customer that they will be told when the review decision has been made. The review decision will be made and confirmed in writing together with the reasons for it, within 7 days of the hearing if reasonably practicable.
- 6.36. There is no further right of review or appeal to us against the decision of the reviewing officer.

7. IT, Data Protection, and Information Management

- 7.1. This procedure conforms to our Data Protection Policy. We are dedicated to safeguarding the personal data under our care and to the continual development of a Privacy and Data Protection framework that is effective, fit for purpose and demonstrates an understanding of, and appreciation for Data Protection and the opportunities it brings. A detailed Data Protection Impact Assessment will be completed for this procedure before the end of March 2028.
- 7.2. End to end case management of the processes included in this procedure will be managed through our Customer Relationship Management (CRM) system. This will ensure that all information regarding tenancy changes, progress, communications, and decision-making is all held in one place. This will be compatible with our MyRiverside application, which supports digital engagement at the customer's convenience. Where customers prefer not to use MyRiverside to manage service requests, details of telephone conversations, emails and letters will be attached to the CRM case throughout the process. CRM will also provide performance management and compliance reporting and dashboards. Specific user guides associated with this procedure will include how cases will be raised and managed in CRM.
- 7.3. All details must be recorded on the appropriate IT systems and only available to those involved in the processing of tenancy change requests and the decision-making process. Sensitive information should be deleted when no longer required as

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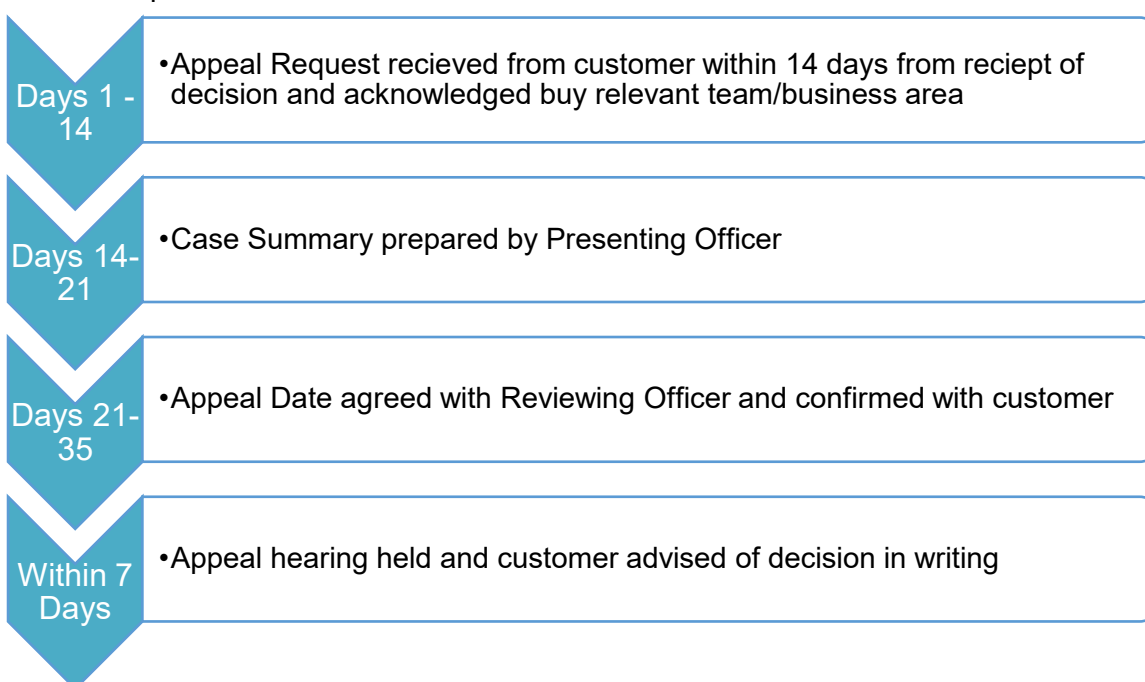
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set out within GDPR. We will work to develop a specific Salesforce case type to assist in the effective management of cases where customers have requested a review of a decision. Whilst this is in development, interactions will be recorded on Salesforce where reviews are requested.

- 7.4. The Head of Housing Management Services, Heads of Housing Service, Head of Income and Head of Community Safety are responsible for the processing and security of data within our CRM, and our Housing Management and Document Management systems relevant to their service areas.

8. Reporting and Monitoring

- 8.1. Individual key performance indicators (KPIs), service level agreements (SLAs) and the reports and dashboards identified within this section are subject to continuous improvement and may not yet be readily available. In line with Social Tenants Access to Information Requirements (STAIRS) we will continue to develop robust reporting to evidence our compliance with this procedure and inform future improvement plans.
- 8.2. KPIs and SLAs to be developed with customers during service improvement review to be completed before the end of March 2028. In addition, we will develop appropriate workflow management through our CRM to ensure compliance with this procedure and assurance/performance reporting.
- 8.3. Compliance with the measures set out below will be monitored through case completion within the CRM.



9. Breaches, Appeals and Complaints

- 9.1. As detailed in the Regulator of Social Housing's Transparency, Influence and Accountability Standard, customers are invited to hold us to account for the decisions we make, that impact upon them, under this Procedure.

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- 9.2. If a customer wishes to complain about the service they have received under this Procedure, this should be handled through our Complaints Policy and Complaint Handling Procedure, which is governed by the Housing Ombudsman's [Complaint Handling Code of Practice](#).
- 9.3. These associated Policies and Procedures are available on our website at:
- England: <https://www.riverside.org.uk/contact-and-feedback/complaints-and-feedback> or <https://www.riverside.org.uk/legal/policies>
 - and are also available by contacting our Customer Service Centre.

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