

Why this is important

I have been beevering away since mid-January on the collation of statistics about internal reviews in homelessness cases. These statistics are not recorded anywhere, but they are critically important, I argue, because they reflect the health of administrative processes and decision-making. More reviews are not a sign of a failing administration, but a good administration which operates as a check on itself. They are important for the following reasons (at least):

1. The purpose of any review or appeals process is to ensure that proper decisions have been made. Negative original decisions can leave applicants with what one Judge described as “the mark of Cain”.
2. Homelessness law is convoluted and complex. The leading textbooks have tables of cases which run to around 50 pages – the juridification of homelessness law is one of the features permeating decision-making. Nobody expects applicants, original decision-makers, reviewing officers, and lay people to know it all (I suspect that most specialist lawyers might admit some blindsights).
3. Review processes help local authorities get the decision right the first time – that is the goal of administrative justice.
4. The review process is the “gateway” to an appeal to the county court.
5. As a general rule, applicants need to raise all relevant points in the review process, otherwise they might be able to be raised on an appeal. So, the review process, and submissions made by applicants in it, is as important as the outcome.

Internal reviews are also important because of their relative informality (relative to judicial review). They can be sought merely by requesting a review. There is no need to do more. You don’t *need* a lawyer or advisor to request it or to be involved at all. We do, however, have a sneaking feeling (backed up by data) that representation during the review process may be correlated with a positive outcome.

Internal review: Previous research

I have been involved in qualitative and quantitative research on local authority internal review systems and their use since the mid-1990s, working with my colleagues Simon Halliday and Caroline Hunter. We last conducted a survey in 2014 (which was of England and Wales, before the Housing (Wales) Act 2014 was implemented). The honest reason why that was the last time we did it is because we all had moved on. Speaking personally, I was also frustrated that we had this amazing dataset from which we were making serious and significant points about administrative justice and the significance of collecting this data as well as our findings, and no policy-maker doing anything about it. Anyway, what follows is a snapshot of our findings:

We know that applicants for homelessness assistance (at least in England) might not seek a review of a negative decision for a variety of reasons (if you are interested in that, I'm afraid that there is a monograph in which we have considered that -*The Appeal of Internal Review*).

The incidence of internal review has been found to be lower than anticipated and apparently similar authorities (in terms of number of decisions made) experience different numbers of review requests. There are important contextual reasons for that difference, which we found in our qualitative work with two local authorities in England.

We also know that different authorities have different approaches to what Halliday has terms "legal conscientiousness" (knowing the legal requirements and caring about acting lawfully) – I want to be clear here that this is *not* and absolutely not a criticism of local authority decision-making. My view has always been that authorities and nearly all officers try to get decisions right within the culture of their particular organisation. As we have written before, "Homelessness decision making takes place within an environment in which there are competing normative orders. Law is only one of them."

Decision-making: What do we know?

What we know from the most recent [official statistics](#) on homelessness decision-making (March to September 2025) is this:

- There were 13,050 formal applications to local authorities for homelessness assistance
- 5,556 outcomes were recorded for households who were homeless and owed a duty to help to secure accommodation
- 207 households were not eligible
- 2,568 were found to be eligible but not homeless or threatened with homelessness
- Around 2114 households had their homelessness successfully prevented
- 3,102 households were found to be unintentionally homeless and in priority need, of which 71% are said to have accepted an offer of suitable accommodation
- 6,426 households were in temporary accommodation on 30th September 2025

What we can see here is that there are actually a large number of negative decisions made by local authorities during this period. The review process covers other matters, including the suitability of accommodation (not just the 29% who refused an offer of suitable accommodation, but also the 71% who accepted it, but might not be happy with it; as well as households in TA). It also covers matters which, in England, might be the subject of judicial review like, for example, dealing with the prevention and relief duty, and the interim accommodation duty. This is important because it reflects a policy preference in Wales in favour of internal review and against judicial review.

This research

In mid-January 2026, following the grant of ethical approval from Cardiff University, I conducted questionnaire research of local authorities processes and practices in relation to internal review, numbers of requests for internal reviews, outcomes and County Court appeals. After a couple of reminders, seven local authorities responded to the survey. Thereafter, I made Fol requests of all the other authorities. That elicited a further 12 responses. In total, therefore, there were 19 responses. As the questionnaire requested personal opinions by officers, which cannot be the subject of an Fol request, a number of Fol respondents did not address those questions.

Findings

What follows is not “analysis” per se, but some headline findings from very basic numerical statistics.

Process

Most reviews are conducted by a single officer, usually a senior officer as opposed to a dedicated reviews officer. Four respondents noted that this had changed since 2014 (the reasons are interesting, but, generally, they are to make the process more sound). Only one respondent indicated that reviews were conducted externally to the authority. Wales has had a history of decisions and reviews/appeals being conducted by Councillors, so this finding reflects the professionalization of decision-making. Generally (69%) reviews are conducted in writing as the primary method.

Representation

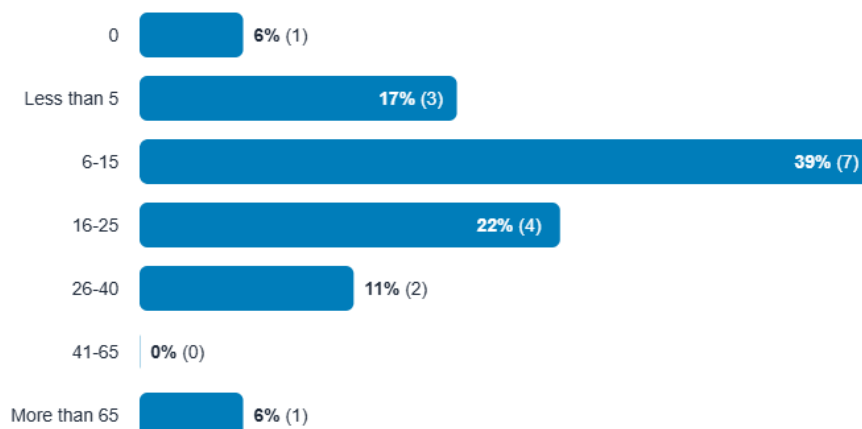
While seven respondents indicated that applicants have representation in 25%+ of the reviews they see, only one respondent said that representation was by lawyers. Indeed, 16 respondents said that lawyers were used in less than a quarter of reviews (most indicating zero). Given that the review is where points must be raised before an appeal (as a general rule), that is worrying but predictable given previous blog posts on housing law advice in Wales.

Review requests

This chart indicates the number of review requests in the six months between July and December 2025.

19. How many applications for review did you have between 1st July – 31st December 2025?
(Optional)

Responses: 18



This is interesting because of the spread of responses. It is also interesting because of the limited number of requests when compared with the pool of potentially dissatisfied applicants. Seven respondents said that the incidence of review requests had increased either a fair or a significant amount.

The responses to more detailed questions about numbers of review requests against the particular issue which might give rise to that request suggest the following:

- Suitability is the most contested area followed by not homeless decisions some way behind.
- Priority need and intentionality are no more contested than other decisions, although intentionality is more contested than priority need. The numbers of review requests for both are small.
- Those areas where a review request can be made in Wales but not in England tend to be below the other areas but the numbers are small.

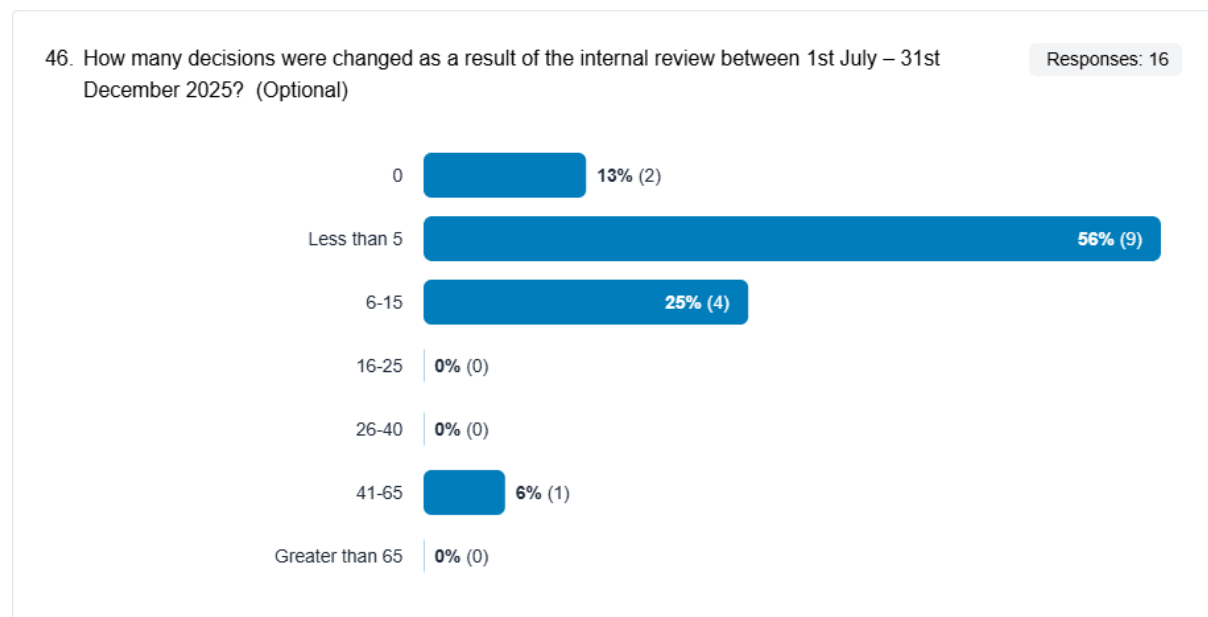
Safeguard procedure

Where there is a deficiency or irregularity in an original decision, but the reviewer is minded to find against the applicant, the review procedures regulations provides that the reviewer must notify the applicant in writing that they are minded to find against them. The applicant, or someone on their behalf, can then make oral or written or both oral and written representations. There is a massive amount of law on this provision, right down to the minutiae. In my experience, authorities commonly get this wrong for various reasons.

Unfortunately only nine respondents answered this question. Of these, only one indicated that the procedure had been engaged and, only in two cases.

Review outcomes

This chart indicates the number of decisions which were changed over the same period following the internal review:



This is not a surprising table (to me, at least). One would normally expect a fall off rate (ie not all requests will be successful). But, it does suggest that not all review requests are successful, which is important when we get to the next point.

County Court appeals

Only one of 15 respondents which answered this question said that they had a County Court appeal in the period. That authority had only had two such appeals. One respondent indicated that Shelter Cymru had “advised” that they would be seeking an appeal.

No appeal proceeded to a full judgment. The usual reason for this is that the appeal is settled before it is heard. This is common practice in England at least once parties are in a position to review the strength/weakness of their cases on appeal.

Legal representation

I have already noted the responses on the proportion of applicants with legal representation. Authorities were also asked if they believed that it improved applicant’s chances on review. The responses (n=10) were evenly distributed between usually, often, occasionally, and never. Three respondents indicated that legal representation never improves an applicant’s chances. If the respondent said that it did improve applicant chances, they were also asked why they thought that is the case. Two responses to this question (from six) are of interest:

Legal representation can improve an applicant’s chances because it strengthens the quality of their case, ensures proper interpretation of homelessness law, and

facilitates better presentation of evidence. While this may seem to favour the applicant, it also benefits the local authority by improving decision quality, reducing challenges, and supporting efficient, transparent, and fair review processes.

This response was reflected in two other comments.

Impossible to say. Entirely dependent upon each individual applicant and their circumstances. All applicants are treated fairly regardless of whether or not they have legal representation.

Some preliminary thoughts

Here are some preliminary thoughts on the above:

- It is positive that reviews are now being conducted by senior officers, rather than Councillors
- There is an open question about whether the procedural safeguards where there is a deficiency or irregularity in the original decision are engaged. Responses to this questionnaire are not enough to go on.
- We should not expect to see greater legal representation, given the paucity of legal aid and acknowledged housing law advice deserts in Wales.
- Nevertheless, at least some authorities recognize its use and importance.
- Compared with the numbers of unsuccessful applicants, and those potentially dissatisfied by decisions, there is a paucity of reviews.
- Success rates appear broadly to be what one might expect.
- Suitability of accommodation is the most contested area on review (I expected that to be the case)

I will leave you with the following, which comes from a larger user which was able to provide exact numbers in response to an FoI request: lawyers were used in less than 5% of applications; overall success rate was 22%; two county court appeals.

The overriding concern is that, despite good intentions and legal duties/requirements, administrative justice is not being served in homelessness decision-making in Wales. I suspect that review officers will agree with that opinion, particularly those that see the review process as a quality check on decision-making.