

Appeals: Housing Benefit and Council Tax Benefit



How to appeal

If you think a decision we have made about your Housing Benefit or Council Tax Rebate is wrong, this leaflet explains what you can do about it.

- You can always ask us to explain our decision.
- If you still think it is wrong after we have explained it to you, you can ask us to look at it again.
- For some decisions, you can appeal to an independent tribunal. They can change the decision if they agree that it was wrong.
- There are time limits for asking for decisions to be looked at again and for appealing. These are explained in this leaflet.

Check what to do

- Do you want more information about the decision? See Section **A**.
- Do you want us to look at our decision again? See Section **B**.
- Do you want to appeal against the decision? See Section **C**.
- Do you need independent help? See Section **D**.

The decision letter

Our letter telling you about the decision will say if you can appeal. Special rules apply to landlords, who can only appeal about being paid Housing Benefit direct or recovery of overpayments.

A. Do you want more information about the decision?

If yes, contact us about the decision letter straight away. This is because if you want us to look at the decision again or if you want to appeal against it, you must do so within one month of the date on the decision letter, not the date you contact the office. You can phone (Bury 01284 757269 or Haverhill 01440 765108), write or visit us.

When you contact us, you can ask us to explain the reasons for the decision. If you want more information to help you decide what to do, you can ask for a written statement of reasons for the decision. But you must do this within one month of the date of the decision letter. We will send the statement of reasons to you as soon as possible.

If you still disagree with the decision, you can:

- Ask us to look at it again - see Section B
- Appeal against the decision - see Section C.

B. Do you want us to look at the decision again?

If yes, we will look at the decision again (called a revision). Ask for this within one month of the date of the letter. But please note:

- If you ask for an explanation first, the one month is still counted from the date of the decision letter.
- If you ask for a written statement of reasons, the time we take to supply the statement does not count towards that month.

If special circumstances mean you cannot contact us within one month, we may still be able to revise the decision. Tell us what the special circumstances are when you contact us.

If you ask us to look at a decision again more than one month after the date of the decision letter and you do not have special circumstances, we may still be able to revise the decision. But any revised decision will take effect usually only from the date you wrote to us.

What happens next?

When you ask us to look at a decision again, we will check that the decision is correct. A different member of staff will do this. If the decision is wrong, we will change it.

If the decision can be changed

If you asked us to look at our decision again, within one month, or had special circumstances which meant you could not, we will change the decision from the date of the original decision. If you do not agree with the new decision, you can ask us to look at it again.

If you asked us to look at our decision again after one month and did not have special circumstances, the decision will usually be changed from the date you asked us. We will send you a letter telling you what the new decision is.

If the decision cannot be changed

If the decision cannot be changed, we will send you a letter saying why. The letter will confirm the original decision and will tell you if you can appeal. If you can appeal, the one-month time limit starts again from the date of the letter confirming the decision.

C. Do you want more information about the decision?

Do you:

- Have the right to appeal against the decision? (look at the letter).
- Believe the decision is wrong?
- Want to appeal to an independent tribunal?

If **yes** to all, use the form on this leaflet to appeal. The independent Tribunal Service will decide your appeal at the tribunal hearing. Complete all relevant boxes on the form. You can get help from an advice centre or a solicitor. (See Section D). Include all the reasons for your appeal. This is important because the tribunal does not have to look at anything you do not mention. Make sure you sign the form. Send the form back to us within one month of the date of the decision letter.

If you cannot appeal against the decision, you can still ask us to look at it again. See Section B.

Non-appealable decisions

Please note there is no right of appeal to the Appeals Tribunal against the following decisions:

- Discretionary Hardship Payments
- When and how payment of benefit is made
- Assessed Income Figure provided by the Pension Service
- Any figure laid down by law (such as the capital limit)
- Local Housing Allowance for broad rental market levels (from 7 April 2008)

What the tribunal looks at

The tribunal can only look at the evidence, the law and the circumstances at the time we made the decision you are appealing against.

The tribunal cannot look at changes of circumstances that happened after we made the decision.

If a change of circumstances could affect your benefit or mean you could claim again, you should report it straight away.

Do not wait for the appeal hearing.

Late appeals

The Tribunal Service may not be able to accept your appeal if we receive it more than one month after the date on the decision letter. They can only accept a late appeal if special circumstances caused the delay. These could be a death, a serious illness, absence abroad, a postal strike or some other special circumstance.

On the appeal form, you should say why you could not appeal within one month.

There is space at the back, or you can attach an extra sheet.

Your appeal cannot be accepted at all if you appeal 13 months or more after the date on the decision letter.

Appeal tribunals

Tribunals are made up of up to two members, neither of whom is from the council.

Tribunal members will be experts on the issues involved in your appeal. All tribunals have a legally qualified member to help apply the law to your appeal.

After you have appealed...

We will offer you an explanation of our decision if we have not already done this (see Section A above). We will look at the decision again if we have not already done this (see Section B).

If we agree that the original decision is wrong and the new decision is to your advantage, we will send you a new decision and your appeal will stop. You can appeal against the new decision if you disagree with it.

If we agree the decision is wrong and make a new decision that is not to your advantage, your appeal will continue. If we do not change the decision, we will send

your appeal to the Tribunal Service with an explanation of our decision and any relevant papers.

A copy of the appeal papers will be sent to you and any representative you have. You should check the papers carefully. You will also receive a form which you must complete and send back within 14 days, or your appeal will stop.

The form also asks you questions about how you want your appeal to be looked at. You can choose between an oral hearing which you can attend and a paper hearing, which you do not attend. If you choose to go to an oral hearing you will be able to deal with any questions or issues that arise. People who go to their hearing usually do better than those who do not.

D. Other organisations that can help

The Citizens Advice Bureau (Phone: Bury St Edmunds - 01284 753675, Haverhill - 01440 704012 or Sudbury - 01787 374671) can represent you and help you with an appeal. Sometimes they can go to the hearing with you.

If you are in a Trade Union they may help, and other organisations such as DIAL (Phone: 01284 748800) and Age Concern (Phone: 01449 674222) can help you too. If you have a social worker, ask them for help.

You may get advice from a solicitor under the Legal Advice and Assistance Scheme, but that does not cover the cost of accompanying you to the hearing. Costs are not awarded at hearings, although your own reasonable travel expenses can be paid.

For details of solicitors and advice centres, contact: The Legal Aid Board, Franchise Dept, 85 Grays Inn Road, London WC1 8AA. Freephone: 0500 282 3000.

Complete this form and take or send it to the Benefits Service at either:

West Suffolk House, , Western Way, Bury St Edmunds, IP33 3YU

or;

Council Offices, Lower Downs Slade, Haverhill, CB9 9EE

What to do when you have filled in this form

Make sure you have said on your sheet(s) of paper why you do not agree with the decision. **Put your name and National Insurance number on the top of each separate sheet.** Take or send this form to us with the sheet(s) of paper securely attached. It will help if you write **Appeal** on the front of the envelope.

Remember, your appeal must reach our office within **one month** of the date at the top of our decision letter.

Title and Surname	<input type="text" value="Mr/Mrs/Miss/Ms"/>	Other names	<input type="text"/>
Date of Birth	<input type="text"/>	National Insurance no.	<input type="text"/>
Claim reference	<input type="text"/>	Contact phone number:	<input type="text"/>
Address	<input type="text"/>	Have you arranged for someone to help you with your appeal?	Yes <input type="checkbox"/> No <input type="checkbox"/>
		If Yes, please tell us their full name and address below	
		Name	<input type="text"/>
		Address	<input type="text"/>
	Postcode	Date of Decision letter	<input type="text"/>

I would like the council to explain the decision in writing.
 (We will send you a written explanation of our decision and/or a statement of reasons.)

I would like the council to reconsider its decision. (You must give your reasons as to why you think the decision is wrong. Please provide details on a separate sheet of paper. If you are appealing more than one month after the decision was made, you must state why the appeal has been delayed.)

I wish for my appeal to go straight to the Tribunal Service. (The council will still look at their decision again and if it cannot be revised we will send you a separate form.)

About your appeal

Use a separate piece (or pieces) of paper - securely fixed to this form - to say why you do not agree with the decision. You must say why you think the decision is wrong. It is not enough to say 'I do not agree with the decision' or 'The money is not enough'.

The reasons you give should be like these examples:

- 'My rent was £75 per week but you have stated it was £35 per week'
- 'I moved into the property on 1 November not 1 December'
- 'You have used the wrong wages to work out my benefit. I received £250 only during the Christmas week'

If you are appealing against more than one decision, you must say why you do not agree with each one. If you are appealing more than one month after the decision was made, you must say here, or on an attached sheet why the appeal has been delayed.

Signature

Date

If someone is acting for you they should sign here.

Signature

Date