



If you think the decision about your Housing Benefit or Council Tax Benefit is wrong

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Disputing the benefits decision

If you get a decision in writing from us about Housing or Council Tax Benefit, you can ask us to look at it again.

There are special rules if you are not claiming the benefit yourself. For example, if you are a landlord and a decision is made about whether Housing Benefit is to be paid directly to you or if you are a landlord and a decision is made to recover an overpayment of Housing Benefit from you.

If you are an appointee for another person you can ask us to look again at a decision about their benefit. An appointee is someone appointed by us to act for people who cannot act for themselves.

How to get more information

If you have received a letter telling you about your Housing or Council Tax Benefit decision you can contact us. If you decide to contact us you must do it straight away because if you want us to look at the decision again or if you want to dispute the decision, you must do so within one calendar month of the date on the decision letter, not the date you contact the office.

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, ask us for a written statement of reasons for the decision. 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
- appeal against the decision

If you ask for a written statement of reasons your one month time limit will be extended by the time that we take to send you these reasons, should you still wish to appeal.

Do you want us to look at the decision again?

If you have received a letter giving you a decision and you think that it is wrong, we will look at the decision again. Another Benefits Officer will look at the original decision. Write to us within one calendar month of the date on the letter. If you ask for an explanation first, your one month time limit is still counted from the date of the decision letter.

If you ask for a written statement of reasons you will have one calendar month from the date of the decision letter plus the time we took to send you the statement of reasons.

If there are special circumstances, which mean you cannot contact us within one month, we may still be able to change 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 change the decision, but this will usually only be 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 to the one that originally made the decision will do this. If the decision is wrong we will change it. If we change the decision it will be done from the date of the original decision (provided that you have written to us in time or have shown special circumstances).

If you do not agree with the new decision, you can ask us to look at it again. If you take more one month to ask us to change our decision and did not have special circumstances, the decision will usually be changed from the date we received your request.

We will send you a letter telling you what the new decision is. If the decision cannot be changed, we will send you a letter telling you that we cannot change it. The letter will confirm the original decision and will tell you if you can appeal against the original decision.

If you can appeal, the one calendar month time limit starts again from the date of the letter confirming the decision.

How do I appeal?

If you have received a decision and/or further explanation/statements of reasons and you still think it is wrong, you have the right of appeal against it.

The Tribunal Service will decide your appeal at a tribunal hearing. The tribunal is made up of people who are not from the local authority.

Complete all relevant boxes on the form attached. You can get help from an advice centre or a solicitor.

Write down the reasons for your appeal. This is important because the tribunal does not have to look at anything you do not mention.

Make sure that you sign the form.

Send the form back to the office shown on your decision letter within one month of the date on the decision letter.

If you cannot appeal against the decision you can still ask us to look at it again. Remember, if the appeal tribunal finds you have been getting too much money your benefit will be reduced.

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 will entitle you to benefit 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 it is received more than one month after the date on the decision letter. They can only accept a late appeal if there are special circumstances that caused the delay. These could be a death, a serious illness, absence abroad, a postal strike or some other special circumstance. You should include an explanation of why you could not appeal within one month on the form.

A legally qualified tribunal member will look at the reasons you have given for not appealing in time and will decide if your appeal can be accepted. They will look at:

- if there were special circumstances for the delay
- the length of time since you received the decision
- if it is in the interests of justice that your appeal is accepted, and

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- if your appeal is reasonably likely to succeed.

The Tribunal Service cannot accept a late appeal if the only reason is that you misunderstood the law, or interpretation of the law has changed since the decision was made.

Your appeal cannot be accepted 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 local authority. They 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; they may also include someone with financial qualifications.

After you have made an appeal

If we do not change the decision, we will send your appeal, and an explanation of the law and facts used to make the decision, to The Tribunal Service. We will also include any other relevant papers.

A copy of the appeal papers will be sent to you and your representative if you have one. You must read the appeal papers very carefully. If you do not understand something, ask us, an advice centre or solicitor to explain.

You will also receive a form (TAS1). You must complete this form and send it to The Tribunal Service within 14 days of the date the form was sent to you. If you do not, 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 and a paper hearing. If you choose to go to an oral hearing you will be able to deal with any questions or issues that arise.

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I will be supporting this statement with the following documentary evidence
(Tick the appropriate box)

Medical Evidence

Letter from Social worker/ Hospital/ Police

Letter from Landlord () other (state what it is).....

No evidence (say why).....

.....

Evidence attached

I will provide the required evidence by (One month from today).

Any other information you think is relevant

.....

.....

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Your signature..... Date:

The completed form should be sent to the Benefits Service, 88-90 Pier Avenue, Clacton on
Sea, Essex CO15 1TN