

FOI 293/294 & 296/2015

REQUESTS AND RESPONSES

FREEDOM OF INFORMATION ACT 2000 REQUEST LO/FOI/15/236 (2015 293)

Is it the policy or practice of the council in refusing an housing benefit appeal to move the goal posts and find and add additional reasons "that also" apply for refusal? Why are not all the reasons not stated in the initial refusal? Does not the council consider this to be a prejudicial abuse of process that could in a court of law be considered Ultra vires?

Once a decision has been made on a Housing Benefit claim the claimant has one month to ask for a reconsideration. Once the claimant has requested a reconsideration, a different officer will look at the whole claim. This is good practice to prevent a decision maker or Local Authority being accused of being bias on the particular decision.

FREEDOM OF INFORMATION ACT 2000 REQUEST LO/FOI/15/237 (2015 294)

When a Benefits Officer states "it is my belief "is there a record and clear statement of the reasons for that belief and why are they not communicated to the claimant?"

The decision maker will make their decision based on legislation guidance and good practice. They will write to the claimant regarding any decisions made. If the customer thinks the legislation has been applied incorrectly or a decision has been made based on incorrect/incomplete facts, the case will be looked at again and ultimately be referred to the Tribunal service on appeal as appropriate.

FREEDOM OF INFORMATION ACT 2000 REQUEST LO/FOI/15/238 (2015 296)

What Quality Assurances procedures are in place to ensure the decisions of Benefit Officers are consistent?

When a Benefits Officer states "it is my belief" why is there not a clear statement stating the reasons for the belief? How can a fair appeal be made to a Tribunal if the reasons are not revealed?

Is the Appeals Officer independent of the benefits department? Who does she or he report to?

In any recent 12-month period what percentage of appeals by applicants under 30 were refused housing benefit? What percentage of all appeals were refused?

Is it the policy of the council to decide eligibility for housing benefits on the basis of hypothetical answers to hypothetical questions?

All Housing Benefit decisions adhere to the Housing Benefit Regulations 2006. The Local Authority has quality checks in place.

All claimants have the right for a reconsideration on decisions made by the Local Authority.

The Local Authority have an Appeals Officer acting on their behalf and reports to the Benefits Manager.

The Appeals Officer will prepare the case to be heard at the Tribunal Service who is independent from the Local Authority and they make the decision if the appeal is allowed or disallowed.

In the last 12 month period there have been no appeals heard by the Tribunal Service in respect of claimants under 30 that were refused housing benefit. In the last 12 months the Local Authority has referred 6 appeals to Tribunal Service (3 – Refused (ie the Local Authorities decision has been upheld) , 3 – Outstanding waiting to be heard)

I would like to reassure you that the all Housing Benefit decisions are made in accordance with the Housing Benefit Regulations 2006.