

What to do if you think the decision about your Housing Benefit and Council Tax Benefit is wrong

This document explains what to do if you think the decision about your Housing or Council Tax Benefit is wrong. If you want to discuss any part of your Benefit award please telephone 0800 901 057. We aim to resolve disputes at the earliest opportunity.

Whatever action you decide to take you must do it within one month of the date of your award letter. Late requests will only be considered under special circumstances.

Who can disagree with a decision?

Any person affected can disagree with a decision. These include:

- you (the person making the claim)
- someone authorised to act on your behalf
- your landlord or their agent – but only in matters relating to who we pay benefit to
- anyone, including a landlord, we ask to pay back benefit we have overpaid

If you disagree with a decision we have made you can:

Ask for a detailed explanation of how we made our decision

You can ask for a statement of reasons which is a detailed summary of how we have calculated your entitlement. You can also ask for a further explanation of how we have calculated a particular aspect of your entitlement. For example:

- how we have calculated your income or capital
- why an overpayment of benefit arose
- why we have paid your claim from a particular date

Ask us to look at the decision again

You may ask us to look at your claim again if you think we have made a mistake. This is called reconsideration.

Your claim will be checked again by a different officer to see if the original decision was correct or whether it should be changed. You will be advised of the outcome in writing. 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 on this form.

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.

Request a formal appeal

You may request a formal appeal to be heard by the Tribunals Service.

Some decisions do not carry the right of appeal. These include:

- a rent figure determined by the Rent Service or Local Housing Allowance rates and areas
- any amount laid down in the law, such as personal allowances, premiums, non-dependant deduction rates, social security benefits, the capital limit
- the amount we disregard for war pensions
- a decision about a Discretionary Housing Payment

When we receive your appeal we will look at the decision again if we have not already done this.

- If we decide the decision is wrong and a new decision is to your advantage we will change it and send you a new decision. Your appeal will then stop. If you do not agree with the new decision you can make a fresh appeal against it
- If we decide that the first decision was wrong and the new decision is not to your advantage we will send you the new decision. Your appeal against the first decision will continue. You will have another month to comment on the new decision
- If we do not change the decision we will send your appeal, all relevant papers and an explanation of the law and the facts used to make the decision, to the Tribunal Service. We will also send copies of all the appeal papers to you and to your representative if you have one

After the Tribunal Service receives all the details of your appeal they will send you an Enquiry Form. You must fill this in and send it to the Tribunal Service within 14 days of the date they send it to you. If you do not, your appeal may not be heard.

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.

- An oral hearing is a Tribunal meeting you can go to. The Tribunal will ask you questions in relation to your appeal and you will have the opportunity to ask questions yourself. You can also take someone to speak on your behalf. One of our representatives will be at the hearing. The Tribunal Service may pay some of your expenses for going to the tribunal, for example travel costs. If you want more information about expenses, contact the Tribunal Service office handling your appeal
- A paper hearing is a Tribunal meeting which you do not need to go to. The appeal will be heard and the Tribunals Service will send you the decision. If the Tribunal think they need you to go to an oral hearing they can refuse your request for a paper hearing

The Tribunal will be chaired by an independent legally qualified person who will decide whether we have correctly applied the law in your case.

The Tribunal will give you a verbal decision on the day of the hearing if you choose an oral hearing. A written decision notice will be issued as soon as possible after the hearing.

Late appeals

Your appeal may not be accepted if it is received more than one month after the date on the award letter.

A late appeal can only be accepted 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 this form. A legally qualified Tribunal member will look into the reasons you have given for not appealing in time and will decide if your appeal can be accepted.

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

Complete this form if you disagree with any Housing Benefit and Council Tax Benefit decision.

Your Request

Please tick ONE of the following boxes:

- I would like a detailed statement of reasons for the decision
- I request a further explanation of the decision
- I would like you to look at your decision again
- I wish to appeal to an Independent Tribunal

Your Request

Title Mr / Mrs / Miss / Ms

Surname

All other names

Date of Birth

HB/CTB ref no

National Insurance (NI) number

Home Address

Postcode

Daytime phone no

Have you arranged for someone to help with your appeal?

Yes No

If No, please continue to the next section (About the decision) If Yes, please give their details

Their full name

Home Address

Sign this box to authorise this person to act for you

