

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

This leaflet explains what to do if you think that a decision about your Housing Benefit or Council Tax Benefit is wrong.

If you think the decision is wrong, you can ask us to explain it. If you still think it is wrong after we have explained it to you, we will look at it again.

For most decisions, you can appeal to an independent tribunal who can change the decision if they agree that it is wrong.

There are time limits for asking for decisions to be looked at again and for appealing. We tell you about these time limits in this leaflet.

For more information, contact the Benefits Section at:

PO Box 524
13 Tonbridge Road
Maidstone
Kent
ME16 8HG.

Phone: 01622 602557
E-mail: benefits@maidstone.gov.uk
Website: www.digitalmaidstone.co.uk

The office is open Monday to Thursday from 8.30am to 5pm
and on Fridays from 8.30am to 4.30pm.

Application to appeal

Please fill in this form and return it to the Benefits Office. You must answer all of the questions below.

Please write your benefits reference number here (you will find it on your benefits award letter).

About you

Title

Your last name

All your other names

Your date of birth

National Insurance number

Your address

Daytime phone number

Have you arranged for someone to help you with your appeal? No

Yes Please tell us their name and address.

Their full name

Their address

Sign this box to authorise this person to act for you.

About the decision

Name of the benefit or benefits that you are appealing against

Date at the top of the letter about the decision

Please cut along dotted line to remove the form.

After you have made an appeal

After you have made an appeal, we will look at the decision again and explain our decision to you, if we have not done this already.

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. If you do not agree with the new decision, you can appeal against it.

If we agree that the original decision is wrong and the new decision is **not** to your advantage, we will send you a new decision and your appeal will carry on against the new decision. You will have another month to comment on the new decision.

If we do not change the decision, we will send your appeal, with an explanation of the law and the facts used to make the decision to the Appeals Service. We will also send any other relevant papers. We will send a copy of the appeal papers to you and your representative if you have one. Please read the appeal papers carefully. If you do not understand something, ask us, an advice centre or a solicitor to explain.

You will also receive a form which you must fill in and send to the Appeals Service within **14 days** of the date the form was sent to you. If you do not return it within 14 days, **your appeal will stop**. The form also asks you questions about how you want your appeal to be considered. You can choose between an **oral hearing** and a **paper hearing**. A paper hearing is held if you have chosen not to go to the hearing. Your appeal will be considered on the relevant papers sent to the Appeals Service. If you choose to go to an oral hearing, you will be able to deal with any questions or issues that come up.

We will send you more advice once we have received your appeal.

Other organisations that can help you

Advice centres like the Citizens' Advice Bureau and law centres can represent you and help you understand the reasons for decisions about Housing Benefit and Council Tax Benefit. They may be able to help you to fill in forms or to write a letter.

Solicitors can also give you advice – you may be able to get this advice under the 'Legal Advice and Assistance Scheme'. You can find out about this from a solicitor.

The decision

If you get a decision in writing from us about Housing Benefit or Council Tax Benefit, you can ask us to look at it again. If we do not change our decision, you may be able to appeal to an independent tribunal. The letter telling you about the decision will tell you if you can appeal.

If you receive a decision in writing, it is usually because you:

- have claimed Housing Benefit or Council Tax Benefit;
- have had a change of circumstances which affects your benefit; or
- have been told you have to pay back benefit.

Do you want more information about the decision?

If you have received a Housing Benefit or Council Tax Benefit decision letter and you want more information about the decision, contact us straightaway.

You must do this straightaway 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 contacted the office.

You can phone, write or visit us. When you contact us, you have a choice – you can ask us to explain the reasons for the decision or, if you want more information to help you decide what to do, you can 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 we can, and we will extend the one-month time limit you have for an appeal by the amount of time we take to send it.

If you still disagree with the decision, you can ask us to look at it again or you can appeal against the decision.

Do you want us to look at the decision again?

If you have received a decision letter from us or a written 'statement of reasons' explaining the decision and you still think it is wrong, then please tell us and **we will look at the decision again.**

You must tell us within **one month** of the date of the letter. If you ask us for an explanation first, the one month is still counted from the date of the decision letter plus the time we took to send you the 'statement of reasons'.

If there are any special circumstances why you did not contact us within the month allowed, we may still be able to change the decision. Tell us what these special circumstances are when you contact us.

If you do not have special circumstances for being late, we may still be able to change the decision, but the change can only apply from the date you wrote to us.

When you ask us to look at a decision again, a different member of staff will check that the decision is correct. 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 for being late, we will change the decision back to the date of the original decision.

If you asked us to look at the decision again after the one-month time limit allowed and you did not have special circumstances for being late, the decision can usually only be changed from the date you asked us.

We will send you a letter telling you what the new decision is. If you do not agree with the new decision, you can ask us to look at it again.

If the decision cannot be changed

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

Do you want to appeal against the decision?

If you have received a decision letter from us or a written 'statement of reasons' explaining the decision and you still think it is wrong, check that the letter says that you can appeal.

If you have the right to appeal against the decision, use the form at the back of this leaflet to make an appeal to an independent tribunal. The Appeals Service will decide your appeal at a tribunal hearing. The tribunal is made up of people who are not from the local authority.

To appeal, fill in the whole form – you can get help from an advice centre or from a solicitor. Write down 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 that you sign the form. Send it back to us 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. See 'Do you want us to look at the decision again?' on page 4.

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. They cannot look at changes of circumstance that happened after we made the decision. If a change of circumstance has happened that could affect the benefit you get or mean that you could claim again, you should tell us straightaway. Do not wait for the appeal hearing. When you contact us, give us the reference numbers shown on the decision letter.

Late appeals

The Appeals Service can only accept your appeal more than one month after the date on the decision letter if there are special circumstances that caused the delay. These could be a death, a serious illness, a postal strike, if you were abroad, or some other special circumstance. If your appeal is late, you should include a reason why on the form at the back of this leaflet.

A tribunal member will look at the reasons you have given for the delay and will decide if your appeal can be accepted. They will look at:

- the special circumstances;
- the length of time since you received the decision;
- whether it is in the interests of justice that your appeal is accepted; and
- whether your appeal is reasonably likely to succeed.

The Appeals Service cannot accept a late appeal if the only reason is that you did not understand the law, or the 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.**