

Housing and Council Tax Benefit

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

In this booklet:

- *what to do if you think the decision about your Housing or Council Tax benefit is wrong*
- *asking for an explanation*
- *disputing a decision about your benefit*
- *appealing against a decision about your benefit*

*plain English
approved*
by the word centre



0845 129 77 77

High Peak Borough Council

working for our community

If you think the decision about your Housing or

Council Tax Benefit is wrong

If you have received a decision about Housing or Council Tax Benefit, you may want to know what you can do if you think it 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 our decision again.

For some decisions, you can appeal to an independent tribunal. They 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.

Find out what to do

- 1 It may help if you ask us to explain our decision:
read ***Do you want more information about the decision?***
(see page 6).
- 2 If you want us to look at our decision again:
read ***Do you want us to look at our decision again?***
(see page 7).
- 3 If you want to appeal against the decision:
read ***Do you want to appeal against the decision?***
(see page 9).
- 4 If you want to know what happens after you appeal:
read ***After you have appealed***
(see page 17).
- 5 If you want to know what to do when you think the result of an appeal is wrong:
read ***If you disagree with the tribunal's decision***
(see page 21).
- 6 If you need help with your appeal:
read ***Other organisations that can help***
(see page 23-24).

The 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. 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 get a decision in writing it is usually because you have:

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

You may be able to ask us to look again at a decision or appeal against it.

There are special rules if you are not claiming the benefit yourself. These cover, 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 or Council Tax Benefit from you.

If you are an 'appointee' for another person you can ask us to look again at a decision about their benefit, and you may be able to appeal for them. The letter telling you about the decision will tell you if you can appeal.

An 'appointee' is someone appointed by us to act for a person who cannot act for themselves.

Do you want more information about the decision

You have had a letter from us telling you about your Housing or Council Tax Benefit decision.

Do you:

Want more information about that decision?

If you do, contact us about the decision letter straight away.

You can phone, write to us or visit us.

You must do this straight away. If you want us to look at the decision again, or if you want to appeal against it, you must tell us within one month of the date on the decision letter.

When you contact us

You can ask us to explain the reasons for the decision.

Also, 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 (if we have not already sent you one). You **must** do this within **one month** of the date on the decision letter.

We will send the statement of reasons to you as soon as we can.

If you still disagree with the decision, you can:

- ask us to look at it again
(see page 7)
- appeal against the decision
(see page 9).

If you just ask for an explanation first, the one month is still counted from the date on the decision letter.

Do you want us to look at the decision again?

You have had a letter from us telling you the decision

or

you have had a written statement from us explaining the decision

or

we have explained our decision and you still think it is wrong.

Do you:

Want us to look at the decision again?

If you do, we will look at the decision again.

Let the office that sent you the decision letter know within **one month** of the date on the letter.

If you ask for a written statement of reasons you will have the **one month** from the date on 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 on the decision letter and you do not have special circumstances, we may still be able to change the decision. But this will usually only take effect 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 usually 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 telling you that we cannot change it. The letter will 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 on the letter confirming the decision.

Do you want to appeal against the decision?

You have had a letter from us telling you the decision

or

you have had a written statement of reasons explaining the decision

or

we have explained our decision and you still think it is wrong.

The letter telling you about the decision tells you if you have the right to appeal against it.

Do you:

Have the right to appeal against the decision?

Believe the decision is wrong?

Want to appeal to an independent tribunal?

If you can answer YES to all these questions, use the form at the centre of this leaflet to appeal.

Fill in all the boxes that apply to you. You can get help from an advice centre or a solicitor.

Write down the reasons for your appeal. This is important because the tribunal can only look at the things you 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.

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

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 our decision again?*** on page 7.

What the tribunal looks at

The tribunal can only look at the evidence, the law and your 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, tell us straight away. Do not wait for the appeal hearing. Contact us using the details shown on your decision letter.

Late appeals

The Appeals 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 include a death, a serious illness, being abroad or a postal strike.

When you fill in the appeal form in the middle of this leaflet, explain why you could not appeal within one month.

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

- whether there were special reasons for the delay
 - 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 misunderstood the law, or that 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.

Appeals tribunals

Tribunals are made up of one or 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.

Tribunals may also include someone with financial qualifications.

Your appeal

Fill in and pull out this form and send it to us at the address given on page 27 of this leaflet

About you

Title

Your Surname

All other names

Your date of birth

National Insurance (NI) number

Get this from your NI number card, payslips, tax papers or other letters from social security

Your Address

Daytime phone number

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

If 'Yes', their full name

Their Address

Sign this box to authorise this person to act for you

About the decision

The name of the benefit or benefits you are appealing against

The date at the top of the letter
about our decision

About your appeal

Use the space on the other side of 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 a week but you have said it was £35 a 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 why your appeal has been delayed.

Your signature

Your signature

Date

 /

If someone has been officially appointed to act for you or someone has the authority to act for you, they should sign here

What to do now

Make sure you have said on the other side of this form why you do not agree with the decision.

Take or send this form to us.

Remember, your appeal **must reach our office within one month** of the date at the top of the letter telling you about the decision. It will help if you write 'Appeal' on the front of the envelope.

After you have appealed

After you have appealed we will offer you an explanation of our decision, if we have not already done this.

We will look at the decision again if we have not already done this. 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 but the new decision is not to your advantage, we will send you a new decision. Your appeal will continue 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 to the Appeals Service. We will also send them an explanation of the law and the facts we used to make our decision. 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 will also receive a form. You must fill in this form and send it to the Appeals Service within **14 days** of the date the form was sent to you. **If you do not, your appeal will stop.**

Read the appeal papers very carefully. If you do not understand something, ask us, an advice centre or a solicitor to explain.

The form also asks you questions about how you want your appeal to be looked at. You can choose between an **oral hearing** or a **paper hearing**.

Oral hearing

This is an appeal hearing which you can go to.

The tribunal may ask you questions.

You can ask questions.

You can take someone with you to represent you.

You can call witnesses to give evidence to the tribunal.

One of our representatives may be at the hearing. They may ask you questions and call witnesses.

People who go to their hearing usually do better than those who do not.

If you choose an oral hearing but find you cannot go, you must let the Appeals Service know straight away. You must have a good reason why you cannot go, such as illness. You may be able to arrange another date.

If you do not let the Appeals Service know you cannot go to the hearing, the tribunal may hear your appeal without you.

Oral hearings are open to the public, but usually only people who are involved in the appeal will go to the hearing. You can ask to have your appeal heard in private.

If you live abroad and want an oral hearing, let the Appeals Service know. Tell them whether you want to go to the hearing or want to send someone to represent you. The Appeals Service can arrange for your appeal hearing to be:

- as near as possible to the place you will arrive in Great Britain
- as near as possible to your representative, if you have one
- delayed until you are in Great Britain.

Paper hearing

This is an appeal hearing which you do not go to. (At an oral hearing, you can deal with any questions or issues that arise.)

You should use the form we will send you with the appeal papers to add any more information which you think will help your case.

Do not delay sending information as you will not be told the date of a paper hearing.

The appeal will be heard and the Appeals 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.

If you choose a paper hearing but change your mind, you can choose to have an oral hearing. Write to the Appeals Service straight away.

Expenses

The Appeals 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 Appeals Service office handling your appeal.

If you live abroad you will have to pay your own fares to and from Great Britain. You may be able to get expenses while you are in Great Britain and the appeal hearing is going on.

The result

Whether you have an oral or paper hearing

You will be given or sent a decision notice explaining the tribunal's decision as soon as possible after the appeal hearing. A copy will be sent to the office that made the original decision.

You can also ask for a statement of reasons. This gives an explanation of the tribunal's decision including the facts and the law used. You must ask for a statement of reasons within **one month** of the date you are given or sent the decision notice. You must have a copy of the statement of reasons if you want to appeal to the Social Security Commissioners. See *If you disagree with the tribunal's decision* on page 21.

If you want a record of the appeal hearing, you can get a copy of the 'record of proceedings' up to 6 months from the date of the hearing.

If your appeal is successful, we will usually put the decision right as soon as we receive our copy of the tribunal's decision. We may not put it right straight away if we appeal to the Social Security Commissioners.

If you disagree with the tribunal's decision

Appeals to the Social Security Commissioners

If you do not agree with the appeal tribunal's decision you may be able to appeal to the Social Security Commissioners.

The commissioners are barristers, solicitors or advocates of not less than ten years' standing. They are appointed by the Queen on the advice of the Lord Chancellor. They are independent of both the Department for Work and Pensions (DWP) and the council.

Who can appeal to the commissioners?

Appeals can be made by:

- anyone who has already appealed to the Appeals Service
- the Local Authority
- the Department for Work and Pensions

What you can appeal to the commissioners about

You can only appeal to the commissioners on a point of law.

You cannot appeal to the commissioners about:

- questions of fact
- a tribunal's findings or conclusions.

How to appeal

Your decision letter from the Appeals Service will tell you what to do if you are unhappy with the decision. Read this carefully. It tells you important time limits for your appeal.

You cannot appeal unless you first get the statement of reasons for the tribunal's decision. See **The result** (on page 20).

Late applications

You should read the statement of reasons carefully. If you think the tribunal did not apply the law correctly, you can apply for leave to appeal to the commissioners. You must do this within **one month** of the date the statement of reasons was sent to you.

If you appeal to the commissioners, you must send the statement of reasons with your application. If you do not, your application may not be looked at.

A legally qualified tribunal member will decide if your appeal can be sent to the commissioners or if the appeal should be looked at again by a different tribunal.

You can ask an advice centre, solicitor or another suitable person or organisation to help with your application.

Late applications for a statement of reasons or for leave to appeal to the commissioners can only be accepted if there are special circumstances or special reasons that caused the delay.

You will need to show why you were not able to make your request on time.

Other organisations that can help

Advice centres

Advice centres, like the Citizens Advice Bureau and law centres, can represent you. They can also help you understand the reasons for decisions about Housing and Council Tax Benefits. They can also help you to fill in forms or to write a letter. They will sometimes go with you to the tribunal that hears your appeal.

It will help the advice centre if you show them any letters you have about the decision that you think is wrong. Trade unions may also offer free advice to their members. They may also be able to speak for you at the tribunal that hears your appeal.

You can find addresses for these organisations in the business section of the phone book, the Thomson Local directory, the Yellow Pages or at a library.

Other organisations that can help

Solicitors

You may be able to get advice from a solicitor under the Legal Advice and Assistance Scheme. You can find out about this from a solicitor. But if you decide to use a solicitor, the scheme does not cover the cost of a solicitor to help you at a hearing. You cannot get any money for things like solicitors' fees from us or the Appeals Service.

For details of solicitors and advice centres, contact:

The Legal Aid Board
Franchise Development Group
85 Grays Inn Road
London
WC1X 8AA

If you are in the UK you can call free on **0500 282 3000**.



If you live abroad

You can ask someone in Great Britain to act for you. They may be able to get help from a solicitor under the Legal Advice and Assistance Scheme. The scheme does not cover the cost of a solicitor to help you at a hearing.



We will look again at our decision if you ask us to. Please write to us saying why you do not agree with the decision.

Do I have to tell the council of any changes?



YES: If your circumstances change in any way, the law says you must tell the benefits section immediately

Would you like more information?



If you would like more information please phone the Housing and Council Tax benefit section on the following number.

0845 129 7777



High Peak Borough Council
The Benefits Service,
Town Hall, Buxton,
Derbyshire SK17 6EL



Website address:
www.highpeak.gov.uk



You can contact us

In person Between 9am and 4.30pm at
Town Hall, Market Place, Buxton
Municipal Buildings, Glossop
Council Offices, Chinley.

By telephone 0845 129 7777
Between 8am and 8pm

By writing to Benefits Service
High Peak Borough Council
Town Hall, Buxton
Derbyshire SK17 6EL

By fax 01298 28485

By textphone 0845 129 4876

By email at benefits@highpeak.gov.uk

FRAUDLINE

*Do you know someone who
is falsely claiming benefit?*

If you do please tell the Benefit Investigation Unit
on the fraudline number

01298 28433

You do not have to give your name



0845 129 77 77

High Peak Borough Council

working for our community