

How to appeal



15

Number 15 in a series of benefit information leaflets.

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How to appeal

After you have made your claim for benefit, you will receive a 'decision notice'. If you think a decision we have made about your Housing Benefit or Council Tax Benefit is wrong, this leaflet explains what you can do about it.

This leaflet is part of a series (illustrated opposite) produced by a group of local authorities to help make Housing Benefit and Council Tax Benefit easier to understand.

- 1 How to claim benefit

- 2 Backdating your benefit claim

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These are the steps you can take:

- 1 Ask us to explain our decision.
- 2 If you think our decision is wrong, you can ask us to look at it again. This is called a 'revision'.
- 3 Ask for an independent tribunal to look at our decision.

Time limits

It is important to remember the time limits for asking for revisions and for appealing.

If you decide you want us to explain our decision or 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 notice**. Special circumstances such as serious illness may extend the one-month time limit, but you should contact us as soon as possible to explain these circumstances.

Participating authorities: Broxbourne, Dacorum, Hertsmere, Ipswich, Lincoln City, North Herts, St Albans, Stevenage, Three Rivers and Welwyn & Hatfield.



1 *Asking us to explain our decision*

Telephone or write to us as soon as possible and we will explain how we have reached our decision. If this is not clear enough and you want more details you can ask for a written statement of reasons. Remember you must ask for this within the one-month time limit.

2 *Asking for a revision*

If you ask us to look at the decision again, it will be checked by a different member of staff.

We will then write to you and tell you whether we have changed our original decision. If the decision cannot be changed, our letter will confirm the original decision and say why it cannot be changed. If you still disagree with our decision you can ask for it to be looked at by an independent tribunal. You must write to ask for this within one month of the date of our letter confirming our original decision.

3 **Appealing to an independent tribunal**

An appeal tribunal is like a court of law. It is run by the Appeals Service. If you would like an independent tribunal to look at our decision you can ask us to send your appeal straight to the Appeals Service. Before we do this we will look at the original decision to see if it can be changed. We will send it to the Appeals Service if we still feel unable to change our decision. However, if we agree to change it at this point, your appeal will stop.

We will send to the Appeals Service details of:

- your appeal;
- the law;
- the facts we used to make our decision.

At the same time we will send you:

- a copy of the appeal papers;
- another form, which you must send to the Appeals Service within 14 days of the date it was sent to you. If you don't send it, your appeal will stop.

Read the appeal papers carefully. If you do not understand something, then ask us, an advice centre or a solicitor to explain. We can send you a list of local advice centres.

The form asks you questions about how you want your appeal to be looked at. You can choose an oral hearing (where you attend in person) or a paper hearing (where the tribunal just studies the papers). If you choose to go to an oral hearing, you will be able to deal with any questions or issues that arise. People who go to their hearing usually do better than those who do not.

What the tribunal looks at

The tribunal can look only 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 circumstance that happened after we made the decision.

If a change of circumstance could affect your benefit or mean you could claim again, you should report it straight away. Do not wait for the appeal hearing.

Appeal tribunals

- Tribunals have either two or three members. None of the members is from the local authority.
- 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.

Oral hearing

- This is an appeal hearing that you 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 will be at the hearing. They may ask you questions and call witnesses.

If you choose an oral hearing but find you cannot go, you must let the Appeals Service know straight away. You must give good reasons why you cannot go, such as illness. You may be able to arrange another date. If you do not tell the Appeals Service you cannot go to the hearing, the tribunal may hear your appeal without you.

Oral hearings are usually open to the public, but you can ask to have your appeal heard in private.

Travel expenses

The Appeals Service may pay some of your expenses for travelling to the tribunal. For further information contact the Appeals Service office handling your appeal.

Paper hearing

- This is an appeal hearing that you do not go to.
- If you choose a paper hearing but the tribunal thinks you need to go to an oral hearing, they can refuse your request for a paper hearing.
- You should use the form we will send you with the appeal papers to add any more information which you think will help your appeal.
- Return the information as soon as possible, as you will not be told the date of the paper hearing.
- After the appeal is heard the Appeals Service will send you the decision.

If you choose a paper hearing but change your mind and would prefer an oral hearing, write to the Appeals Service straight away.

The result

Whether you have an oral or paper hearing you will be given the result in writing.

- You will receive a decision notice explaining the tribunal's decision as soon as possible after the appeal hearing.
- A copy will also be sent to the benefit office that made the original decision.
- You can ask for a statement of reasons. This explains the tribunal's decision, including the facts and the law used. If you want a statement of reasons, you must ask for it within one month of the date you are given or sent the decision notice.
- If you want a written or audio record of the appeal hearing, you can get a copy up to 6 months after the date of the hearing.
- If your appeal is successful, we will usually change our decision as soon as we get our copy of the tribunal's decision.
- If your appeal is unsuccessful and you feel the appeal tribunal is wrong, you can appeal to the Social Security Commissioners. You will need to send them a copy of the statement of reasons.
- If we disagree with the tribunal's decision, we can also appeal to the Commissioners.

Information

Council contact info

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Completing the benefit claim appeal form

Please read these notes before completing the form.

- **Please say why you think the decision we have given is wrong.**
- **It is not enough to say ‘I do not agree with the decision’, or ‘the money is not enough’.**
- **If you disagree with more than one part of the decision, you must say why you do not agree with each one.**

When you have completed the form, please sign and date it (on both sides of the form if you have written on both sides) and return it to:

Council address

Other formats

This leaflet is also available in large print, Braille, on audio cassette and in other languages. Please contact us if you need this leaflet in one of these formats.

This leaflet gives basic advice and is a general guide. If you have a question which is not answered in this leaflet, or if you want more advice, please contact us.

Benefit claim appeal form *(please read the notes on the page opposite before completing this form)*

YOUR FULL NAME

YOUR PRESENT ADDRESS

YOUR TELEPHONE NUMBER *Day*

Evening

I think the decision was wrong because:

Continue over the page if you need to...

SIGNATURE

DATE

