



# IF YOU THINK THE DECISION ABOUT YOUR HOUSING BENEFIT IS WRONG

## 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

## If you think the decision about Housing Benefit is wrong

If you have received a decision about Housing Benefit, you may need 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 it again.

For some 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.

This information can be provided in your own language.

我們也用您們的語言提供這個信息 (Cantonese)

এই তথ্য আপনার নিজের ভাষায় দেয়া যেতে পারে। (Bengali)

Ta informacja może być dostarczona w twoim własnym języku. (Polish)

Bu bilgiyi kendi dilinizde almanız mümkündür. (Turkish)

یہ معلومات آپ کی اپنی زبان (ہولی) میں بھی میا کی جا سکتی ہیں۔ (Urdu)

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This publication is available in large print format

## The decision

If you get a decision in writing from us about Housing 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
  - had a change of circumstances which affects your benefit
  - been told you have to pay back overpaid 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. 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 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 the Department for Work and Pensions (DWP) or by us to act for a person who cannot act for themselves.*

## Check what to do

- 1 It may help if you ask us to explain our decision:  
check **Do you want more information about the decision?**  
↗ see page 3.
- 2 If you want us to look at our decision again:  
check **Do you want us to look at our decision again?**  
↗ see page 4.
- 3 If you want to appeal against the decision:  
check **Do you want to appeal against the decision?**  
↗ see page 5.
- 4 If you want to know what happens after you make an appeal:  
check **After you have made an appeal**  
↗ see page 7.
- 5 If you need help with your appeal:  
check **Other organisations that can help.**  
↗ see page 9.

## Do you want more information about the decision?

- You have received a letter telling you about your Housing Benefit decision.

### Do you:

- Want more information about that decision?

### If YES, contact us about the decision letter straight away.

- You must do this straight away 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 contact 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

### and/or

- if you want more information to help you decide what to do, ask us for a written *statement of reasons* for the decision if we have not already sent you one. You must ask within **one month** of the date of the decision. We will send the *statement of reasons* to you as soon as possible.
- If you still disagree with the decision, you can:
  - ask us to look at it again  
↗ see page 4
  - appeal against the decision  
↗ see page 5
- If you asked for a written *statement of reasons* the one month you have to ask us to look at the decision again or to appeal against it will be extended by the time we took to send the *statement of reasons*.

## Do you want us to look at the decision again?

- You have received a letter from us telling you the decision or a written *statement of reasons* 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 YES, we will look at the decision again.

- Let the office that sent you the decision letter know within **one month** of the date of the letter. If you ask for an explanation first the one month is still counted from the date of the decision letter. If you ask for a written *statement of reasons* you will have the one month from the date of 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 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.

## 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 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 on.
- We will send you a letter telling you what the new decision is. If you do not agree with the new decision you can appeal against that new decision or 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 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.

## Do you want to appeal against the decision?

- You have received a letter from us telling you the decision or 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 YES, to all, use the form at the back of this leaflet to appeal.**

*The Tribunals Service will decide your appeal at a Tribunal hearing. The Tribunal is made up of legally qualified people who are appointed by the Tribunals Service and are completely independent from the Local Authority.*

- Complete all relevant boxes on the form. You can get free help from an advice centre or from a solicitor, who would normally make a charge.
- Write down 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 any information, evidence or documents you think will support what you say.
- Send the form back to the office shown on your decision letter 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 our decision again*** on page 4.
- Remember, 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.
- 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, you should report it straight away.** Do not wait for the appeal hearing. Contact us using the details shown on your decision letter.

## Late appeals

- Your appeal may not be allowed to go ahead if it is received more than **one month** after the date on the decision letter. You must include in any late appeal the reason why it is late. You should include an explanation of why you could not appeal within one month on the form at the back of this leaflet.
- There may be special circumstances that caused the delay such as a death, a serious illness, absence abroad, a postal strike or some other reason which meant you were unable to appeal earlier..
- Your appeal cannot be accepted if you appeal **13 months** or more after the date on the decision letter.

## Appeal Tribunals

- The Tribunal that considers the appeal is called a 'First-tier Tribunal'. It would normally consist of a legally qualified member . However, in some cases there may be other suitably qualified people (for example, if financial or medical expertise is required).

## After you have made an appeal

- After you have appealed we will send you a letter telling you we have received it.
- 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 against the original decision will end. 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, and an explanation of the law and facts used to make the decision, to the Tribunals Service. We will also include any other relevant papers. The Tribunal Service office covering City of York Council is based in Leeds but hearings are usually held at a venue in York or near to your current address if you no longer live in the York area.
- A copy of the appeal papers along with a covering letter will be sent to you and your representative if you have one.
- Read the appeal papers very carefully. If you do not understand something, ask us, an advice centre or solicitor to explain.

The Tribunals Service will write to you within 7 days about the appeal and will send you a form. You must complete this form and return it to them within **14 days** of the date the form was sent to you. **If you do not, your appeal may end.**

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 'decision without a **hearing**'. 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.

## 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.
- If you live abroad and want an oral hearing, let the Appeals Service know 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 arrive in Great Britain
  - as near as possible to your representative if you have one
  - delayed until you are in Great Britain.

If you choose an oral hearing but find you cannot go, you must let the Tribunals Service know straight away. The Tribunal may allow the hearing on another date but you must have a good reason why you are unable to go. If you do not let the Appeals

Service know you cannot go to the hearing, the Tribunal may hear your appeal without you.

### **Expenses**

- The Tribunals 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 Tribunals Service office handling your appeal.

### **Decision without a hearing**

- This is when a decision is made with neither you nor the Council's representative present .
- Do not delay sending information to the Tribunals Service
- The Tribunals Service will send you the decision.

**If you choose a decision without a hearing but change your mind, you can choose to have an oral hearing. Write to the Tribunals Service straight away.**

More information on the work and procedures of the Tribunals Service can be found on their website: [www.tribunals.gov.uk](http://www.tribunals.gov.uk)

### **The Result**

Whether you have an oral hearing or a decision is made without a hearing

- You will be given 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. If you disagree with the decision you should seek advice from an advice centre or solicitor. You must have a copy of the *statement of reasons* if you appeal to the Upper Tribunal of the Tribunals service (this replaces, and is the equivalent of, the Social Security Commissioners). See ***If you disagree with the tribunal's decision*** on page 9.
- 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 intend to appeal against the Tribunal's decision to the Upper Tribunal.



## Other organisations that can help

### Advice centres

Advice centres, like the Citizens Advice Bureau and law centres, can represent you and 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 tell us about them later if you do not have one now.

Our Benefits Advisers may also be able to help.

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.

### Legal Advice

For details of how to obtain advice you can contact the Community Legal Advisers helpline on 0845 345 4345 or visit their website at [www.communitylegaladvice.com](http://www.communitylegaladvice.com).

Local independent advice and help can be obtained from organisation's such as

- York & District Citizen's Advice Bureau, West Offices, Station Rise, York, YO1 6GA (08444 111 444);
- Age Concern Norman Collinson House, 70 Walmgate, YO1 9TL (01904 627995)
- MIND, Highcliffe House, Highcliffe Court, York, YO30 6BP (01904 643 364 or by email at [office@yorkmind.org.uk](mailto:office@yorkmind.org.uk) )



[www.york.gov.uk](http://www.york.gov.uk)



**Complete this form and take or send it to us**

**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 letters from social security.*

Your address

Daytime telephone 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 benefit or benefits

Date at the top of the letter about the decision

**About your appeal or request for your decision to be looked at again**

- 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 per week but you have stated it was £35 per week
  - - 'I moved into the property on 1 November not 1 December.
- - 'You have used the wrong wages to work out my benefit. I only get paid £100 per week.
- If you are disagreeing about more than one decision, you must say why you do not agree with each one.
- **If you are disagreeing more than one month after the decision was made, you must say why this has been delayed.**

**Your signature (not your representative's)**

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

Please tell us what you would like us to do by ticking the box below:

- I want you to send me an explanation of your decision
- I want you to look at your decision again
- I want to Appeal

• Use this space to say why you do not agree with the decision. You must say **why** you think the decision is wrong.

- If you need more space, use another sheet of paper. Remember to put your name and NI number on any extra sheets of paper.
- **Make sure you have filled in all parts of this form and signed it.**
- Take or send this form to the office that sent you the decision.

For our use



/ /

Form issued to customer

/ /

Form received