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Mae'r ffurflen hon ar gael yn Gymraeg hefyd.

## A leaflet about appeals

# What to do if you think the decision about your Housing Benefit is wrong

This leaflet gives you information about how you can:

- ask us to explain our decision;
- challenge our decision; and
- appeal against our decision.

# What to do if you think the decision we have made about your Housing Benefit is wrong

If you have received a decision about your Housing Benefit and you think it is wrong, you will need to know what to do about it.

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, 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 if you want us to look at a decision again or if you want to appeal. We tell you about these time limits in this leaflet.

## Check what to do

- 1 Do you want us to explain our decision?**
  - See page 3.
- 2 Do you want us to look at our decision again?**
  - See page 4.
- 3 Do you want to appeal against the decision?**
  - See page 5.
- 4 Do you want to know what to do after you have made an appeal?**
  - See page 7.
- 5 Do you want to know what to do if you don't agree with the result of the appeal?**
  - See page 9.
- 6 Do you need help with your appeal and want information about other organisations that can help?**
  - See page 10.

## The decision

If you get a decision in writing from us about your Housing Benefit, you can ask us to look at it again. If we do not change our decision, you might be able to appeal to an independent tribunal. We will tell you if you can appeal in the letter we send you about the decision.

- If you get a decision in writing it is usually because:
  - you have claimed Housing Benefit;
  - your circumstances have changed and this affects your benefit; or
  - we have told you that you have to pay back your benefit.
- You might be able to ask us to look at a decision again or appeal against it. There are special rules if you are not claiming the benefit yourself. For example, if you are a landlord and we are deciding whether to pay Housing Benefit direct to you, or if you are a landlord and we decide to ask you to pay us back after we paid you too much Housing Benefit.
- If you are an 'appointee' for another person (someone who acts for a person who can't act for themselves) you can ask us to look at a decision about their benefit again and you may be able to appeal for them. We will tell you if you can appeal in the letter we send about the decision.

## Do you want us to explain the decision?

You will have received a letter telling you the decision about your Housing Benefit. If you want more information about that decision, contact us 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 it within **one calendar month (a full month rather than 4 weeks)** of the date on the decision letter, not the date you contact us. You can phone us, write to us or visit us.

When you contact us, you can do one of the following.

- Ask us to explain why we made the decision.
- 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 haven't already sent you one. You must do this within **one calendar month (a full month rather than 4 weeks)** of the date on the decision letter. We will send you the 'statement of reasons' as soon as we can.
- If you still don't agree with the decision, you can:
  - ask us to look at it again (see page 4); or
  - appeal against the decision (see page 5).
- If you asked us for a written 'statement of reasons', we will add the time it takes us to send it, onto the **one calendar month (a full month rather than 4 weeks)** you have already. This will give you more time to ask us to look at the decision again or appeal against it.

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

You can ask us to do this if we have explained the decision to you or sent you a written 'statement of reasons' to explain the decision and you still think it is wrong.

- Within **one calendar month** of receiving our decision letter, tell us that you want us to look at our decision again. If you ask us to explain first, we still count the **one calendar month** from the date on the decision letter. If you ask us for a written 'statement of reasons', the **one calendar month** will start from the date on the decision letter but we will add on the time it took for us to send you the 'statement of reasons'.
- If there is a good reason why you can't contact us within **one calendar month**, we might still be able to change the decision. Tell us what the reason is when you contact us.
- If you ask us to look at a decision again more than **one calendar month** after the date on the decision letter and you do not have a good reason why, we still might 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 get a different member of staff to check if it is correct. If the decision is wrong we will change it.

### If we can change the decision

- If you asked us to look at our decision again within **one calendar month**, or had a good reason why you couldn't, we will change the decision from the date we made the first one.
- If you don't 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 calendar month** and you did not have a good reason why, we will usually change the decision from the date you asked us.
- We will send you a letter telling you what the new decision is.

### If we can't change the decision

- If we can't change the decision we will send you a letter telling you this. The letter will confirm our first decision.
- This letter will tell you if you can appeal against the first decision.
- If you can appeal, the time limit of **one calendar month** starts again from the date on the letter that confirms the decision.

## Do you want to appeal against the decision?

You can appeal against the decision if:

- we explained our decision or sent you a written 'statement of reasons' to explain it and you still think it is wrong; and
- the letter telling you about the decision says you have the right to appeal against it.

If you answer 'yes' to the following questions, you can appeal using the form at the back of this leaflet.

- Do you have the right to appeal about the decision?
- Do you think the decision is wrong?
- Do you want to appeal to an independent tribunal?

The HM Courts & Tribunal Service will decide on the result of your appeal at a tribunal hearing. The tribunal is made up of people who are not from the local authority.

- Fill in all the boxes on the form that apply to you. You can get help from an advice centre or a solicitor.
- Write down why you want to appeal. This is important because the tribunal does not have to look at anything you do not mention. Make sure you sign the form.
- Send the form back to the office on your decision letter within one month of the date on it.
- If you can't 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.
- Remember, if the HM Courts & Tribunal Service finds out 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 can't look at changes in your circumstances that happened after we made the decision.
- If your circumstances have changed and this could affect your benefit or mean you could claim again, you should tell us straight away. Do not wait for the tribunal hearing. Contact us using the details on your decision letter.

## Late appeals

- The HM Courts & Tribunal Service might not be able to accept your appeal if they get it more than **one calendar month** after the date on the decision letter.
- They can only accept a late appeal if there is a good reason why it is late. This might be because:
  - someone has died;
  - you or someone close to you is seriously ill;
  - you have been abroad;
  - there has been a postal strike; or
  - there are other special circumstances.
- You should explain why you could not appeal within **one calendar month** on the form at the back of this leaflet.
- A tribunal member who is legally qualified will look at the reasons why you didn't appeal in time and will decide if they can accept your appeal. They will look at:
  - whether you have a good reason why it is late;
  - how long it has been since you received the decision;
  - whether it would be fair if we didn't accept your appeal; and
  - if your appeal is likely to be successful.
- The HM Courts & Tribunal Service can't accept a late appeal if the only reason is that you didn't understand the law, or the law has changed since we made the decision.
- If you appeal 13 months or more after the date on the decision letter, they will not accept your appeal.

## Appeal tribunals

- Tribunals are made up of one or two people who are not from the local authority.
- These members of the tribunal will be experts on everything to do with your appeal.
- All tribunals have a member who is legally qualified to help apply the law to your appeal.
- Tribunals may also include someone with financial qualifications.

## What to do after you have made an appeal

- After you have appealed we will explain our decision to you 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 first decision is wrong and the new decision will help you, 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 first decision is wrong but the new decision does **not** help you, we will send you a new decision. Your appeal will continue against the new decision. You will have another **one calendar month** to decide if you agree with the new decision.
- If we do not change the decision, we will send your appeal to the HM Courts & Tribunal Service. We will also include information about how we made the decision.
- We will send you (and your representative if you have one) copies of the papers about your appeal.
- Read these papers very carefully. If there is something you do not understand, ask us, an advice centre or a solicitor to explain.
- The HM Courts & Tribunal Service will send you a form. You must fill in this form and send it to the HM Courts & Tribunal Service within **14 days** of the date the form was sent to you. **If you don't, your appeal will stop.**
- The form also asks you questions about how you want the tribunal to look at your appeal. You can choose between an **oral hearing** and a **paper hearing**. If you choose an oral hearing it means you will be there to answer any questions or deal with any problems that come up. People who go to their hearing usually do better than people who don't.

## Oral hearing

- This is an appeal hearing that you can go to.
- The tribunal may ask you questions.
- You may also ask questions.
- You can take someone with you to represent you.
- You can call witnesses to give evidence to the tribunal.
- One of our officers may be at the hearing and may ask you questions and call witnesses.
- If you choose an oral hearing but you can't go, you must tell the HM Courts & Tribunal Service straight away. You must have a good reason why you can't go, such as illness. You may be able to arrange another date. If you don't tell the HM Courts & Tribunal Service that you can't go, the tribunal may hear your appeal without you and it might not go as well as it would if you were there.
- Oral hearings are usually open to the public, but people at the hearing will usually be involved in the appeal. You can ask to have your appeal heard in private if you want.

## Oral hearings continued

- If you live abroad and you want an oral hearing, tell the HM Courts & Tribunal Service you want to go to the hearing or you want to send someone to represent you. The HM Courts & Tribunal Service can arrange for your appeal hearing to:
  - be as near as possible to the place you arrive in Great Britain;
  - be as near as possible to your representative, if you have one; and
  - wait until you are in Great Britain.

### Costs

- The HM Courts & Tribunal Service may pay some of your costs for going to the tribunal, (for example, your travel costs). If you want more information about this, contact the HM Courts & Tribunal Service office that is dealing with your appeal.
- If you live abroad, you will have to pay to get to and from Great Britain. But you might be able to get some of your expenses paid for while you are in Great Britain and the appeal hearing is going on.

## Paper hearing

- This is an appeal hearing that you do not go to. You won't be able to answer any questions or deal with problems that come up.
- The appeal will be heard and the HM Courts & Tribunal Service will send you the decision.
- If the tribunal think you need to go to an oral hearing, they can say no if you ask for a paper hearing.

**If you choose a paper hearing but then change your mind, you can choose to have an oral hearing. Write to the HM Courts & Tribunal Service straight away at Eastgate House, Newport Road, Cardiff CF24 0YP.**

## The result

Here we explain what happens after the oral or paper hearing.

- You will get a decision notice that explains the tribunal's decision as soon as possible. We will also get a copy.
- You can also ask for a 'statement of reasons'. This explains how the tribunal made their decision. You must ask for a 'statement of reasons' within **one calendar month** of the date you are given or sent the decision notice. You must have a copy of the 'statement of reasons' if you appeal to the Social Security Commissioners. **If you disagree with the tribunal's decision, see page 9 of this leaflet.**
- If you want a record of the appeal hearing, you can get a copy up to six months after the hearing.
- If your appeal is successful, we will usually put the decision right as soon as we get our copy of the tribunal's decision. We may not put it right straight away if we appeal to the Social Security Commissioners.

# What to do if you don't agree with the tribunal's decision

## Appeals to the Social Security Commissioners

- If you do not agree with the appeal tribunal's decision, you might be able to appeal to the Social Security Commissioners.
- The commissioners have been barristers, solicitors or advocates (people who are chosen to act for someone else) for at least 10 years. They are not part of the Department for Work and Pensions or the local authority.

## Who can appeal to the commissioners?

- The following can appeal to the commissioners.
  - Anyone who has already appealed to the HM Courts & Tribunal 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 if you think the tribunal used the law wrongly in your case. You can't appeal to the commissioners about:
  - facts; or
  - what the tribunal found or decided.

## How to appeal

- Your decision letter from the HM Courts & Tribunal Service will tell you what to do if you are not happy with the decision. Read this carefully. It tells you about important time limits for your appeal.
- You can't appeal until you get the 'statement of reasons' for the tribunal's decision. See '**The result**' on page 8.
- You should read the 'statement of reasons' carefully. If you don't think the tribunal used the law correctly in your case, you can apply to appeal to the commissioners. You must do this within **one calendar month** of the date the tribunal sent you the 'statement of reasons'.
- If you appeal to the commissioners, you must send the 'statement of reasons' with your application. If you don't, they might not look at your application.
- A tribunal member who is legally qualified will decide if you can send your appeal to the commissioners or if a different tribunal should look at the appeal again.
- You can ask an advice centre, solicitor or another suitable person or organisation to help you with your application.

## Late applications

- If you apply late for a 'statement of reasons' or to appeal to the commissioners, the tribunal or the commissioner will only accept your application if there is a good reason why it is late.
- You will need to explain why it was late.

## Other organisations that can help

### Advice centres

Advice centres such as citizens advice bureaus and law centres can represent you and help you understand why we made the decision about your Housing Benefit. They can also help you fill in forms or write letters. 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 give you free advice and speak for you at the tribunal that hears your appeal.

Our Welfare Rights Office may also be able to help.

You can find addresses for these organisations in the business section of The Phone Book, the Yellow Pages or at a library.

### 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 at your hearing, you will have to pay them to help you. You can't get any money for things like your solicitor's costs from us or the HM Courts & Tribunal Service.

For information about solicitors and advice centres that could help you, please contact The Legal Aid Board using the following details.

The Legal Aid Board  
Franchise Development Group  
85 Grays Inn Road  
London  
WC1X 8TX  
UK Freephone: **0500 282 3000**

### If you live abroad

If you live abroad you can ask someone in Great Britain to act for you. The Legal Advice and Assistance Scheme might help them find a solicitor to help you, but it will not pay for a solicitor to help you at a hearing.



## About the decision

Please tell us the date at the top of the letter about the decision:

## About your appeal

- Use the space on the next page 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 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 only received £250 during the Christmas week'; or
  - if you are a landlord, 'my tenant started work and did not tell me'.
- 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 calendar month after we made the decision, you must explain why your appeal is late.

## Your appeal

- Use this space to say why you do not agree with the decision.
- You must say why you think the decision is wrong. Please use BLOCK CAPITALS.

## Your appeal continued

## Your appeal continued

### Your signature

Your signature:

The date:

If someone is going to officially act for you, get them to sign here.

Their signature:

### What to do now

- **Make sure you have filled in all parts of this form and signed it.**
- Please send your filled-in form to us at the following address.

Housing Benefit Office  
Revenues and Benefit Assessment Service  
PO Box 1, Conwy  
LL30 9GN

- Remember, your appeal must get to the Benefit Office within **one calendar month** of the date at the top of the decision letter.

