

Housing Benefit Appeals & Challenges

**Revenues & Benefits Service
Information Booklet**



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About Housing Benefit Appeals

When we make a decision that affects your Housing Benefit claim, you will receive a 'decision notice'.

Certain decisions that we make about your Housing Benefit are appealable.

This leaflet explains what you can do if you think a decision that we have made about your Housing Benefit is wrong.

What if I don't understand my benefit decision?

If you do not understand how we have worked out your Housing Benefit, or you would like our decision explaining you can ask us.

Please remember that you are only allowed one month from the date of your decision letter to challenge the decision.

You can also ask for a written 'Statement of Reasons' about how we made our decision. If you do this within the one month allowed to challenge the decision, we will extend the time limit for you to appeal. This will take into account the time we take to send you the 'Statement of Reasons'.

Who can challenge a decision?

Anyone who has claimed Housing Benefit can challenge a decision made to assess their claim. If you are unable to do this yourself, someone else can act for you. You must make sure you sign their letter challenging the decision if someone else acts for you.

If you have been asked to repay an overpayment of Housing Benefit you can challenge the decision to recover it from you.

Time Limits

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

If you decide you want us to explain our decision or look at the decision again, or if you decide you wish to appeal against it, you must do so within one calendar month of the date on the decision notice.

In very special circumstances, the one month time limit can be extended but you should contact us as soon as possible to explain these circumstances.

What is the difference between asking for a decision to be looked at again and appealing against it?

When you ask in writing for a decision to be looked at again we will look at our decision and change it if we think we are wrong.

When you appeal in writing against your decision you are asking for an Appeals Tribunal to consider your appeal.

What happens if I ask for a decision to be looked at again?

We will look at the decision again, including any new evidence, facts and points of law that you raise. We may also offer you a written explanation of the decision if you have not already asked for one.

If we need further evidence from you we will ask for this in writing. You are allowed one month to supply the evidence.

If you do not supply the requested evidence within the one month allowed, we will look at the decision again, considering the details and evidence that we do have.

If we revise the decision we will send you a new decision letter. You will then have one month to challenge the new decision.

If we change our decision in your favour but your challenge was made after the one month time limit and an extension has been refused, we will revise the decision from the date that you first challenged the decision in writing.

If we cannot revise our decision we will advise you of this in writing. You will then be allowed one month from the date of this letter to appeal.

How do I appeal against a decision?

You can appeal immediately after receiving our decision letter or the letter advising that we cannot change our decision after looking at it again. You must either complete and return the appeal form AP/MDC supplied in the centre of this leaflet or appeal in writing to us. Our address is in the 'Useful Contacts' section at the end of this leaflet.

If you appeal in writing, you must sign the letter which must include details of the decision you are appealing against and the reasons for your appeal.

If your appeal letter does not contain these details you will be asked to provide them within fourteen days.

If you do not provide the details within fourteen days your appeal will be treated as late. The appeal papers will be sent to the Tribunals Service who will consider whether your late appeal can be accepted. They will give you their decision in writing.

Can I appeal against any decision?

Although you can ask us to look at any decision again you cannot appeal against all decisions. This is because Appeals Tribunals do not have the authority to consider all decisions.

Such decisions are mainly administration decisions, such as how often Housing Benefit payments are made, decisions to suspend Housing Benefit payments and what evidence is required to support a Housing Benefit claim and decisions made on rent levels, such as Rent Officer decisions and Local Housing Allowance levels.

Even if we believe an Appeal Tribunal cannot decide your appeal we will still send the relevant papers to the Tribunals Service. They will advise you whether or not the appeal can be accepted.

If you are a landlord you can appeal against any decision about the direct payment of Housing Benefit or a decision that you must repay an overpayment of benefit. For Local Housing Allowance cases, the landlord can only make an appeal when a decision has been made not to make payments directly to them after a direct payment request has been made.

If you are a landlord and you appeal against a decision that you must repay an overpayment of benefit, the claimant also has the opportunity to attend the tribunal. They can put their case and their evidence to the tribunal as they may be affected by the outcome of your appeal. We will write to the claimant with details of the appeal date and venue. We will send the letter to the claimant's last known address.

What happens if I appeal against a decision?

Firstly we will look at the decision again and decide whether or not it can be revised. We may also offer you a written explanation for the decision if you have not already asked for one.

If we then decide to revise our decision in your favour your appeal will lapse. You will receive a new decision letter and new rights to challenge that decision.

If we revise the decision to your disadvantage the appeal will continue. You will receive a new decision letter and you will have one month from the date of that letter to make further representations on your appeal.

At the end of this one-month period we will refer your appeal to the Tribunals Service. Your appeal will be treated as being made against the new decision.

If we cannot change our decision we will send your appeal to the Tribunals Service for them to decide.

We will send a written submission to you and the Tribunals Service which includes all the details about our decision.

The Tribunals Service will get in touch with you to let you know what happens next with your appeal.

What are Appeals Tribunals?

Appeals Tribunals are run by the Tribunals Service and are heard by independent Judges. They will be experts on the issues involved with your appeal.

An Appeals Tribunal will only look at the evidence, the law and the circumstances at the time we made the decision you are appealing against. It cannot look at changes in your circumstances. However, you must still report any changes in your circumstances to us straight away.

What happens if I request that my appeal is heard in writing?

This is called 'paper hearing' and is usually requested when you do not wish to attend in person. You should tell the Tribunals Service when they contact you that you want a paper hearing.

The Tribunals Service will hold the paper hearing and send you their decision in writing.

You will not be told the date of the hearing.

If the Appeals Tribunal wants you to attend an oral hearing they can refuse your request for the appeal to be heard by written submission at a paper hearing.

If you change your mind and choose to have an oral hearing you must tell the Tribunals Service straight away.

What happens at an oral hearing?

An oral hearing is an appeal hearing you attend in person.

When the oral hearing date has been arranged you will be given 14 days notice of the date, time and place of the hearing.

Oral hearings are usually open to the public but you can ask to have your appeal heard in private. The judge can also decide to hold the hearing in private.

The tribunal will always make its decision in private.

The tribunal may ask you questions and you will be allowed to ask questions.

You can take someone with you to represent you and you can call witnesses to give evidence to the tribunal.

YOUR APPEAL

Title	Mr	Mrs	Miss	Ms
-------	----	-----	------	----

Your Surname

All Other Names

Your date of birth

National Insurance Number

Your address

Postcode

Daytime Phone Number

If someone has helped you please give their name and address below

Their full name

Their address

Postcode

Sign this box to authorise this person to act for you.
We will deal with them on your behalf

ABOUT YOUR APPEAL

TELL US ABOUT YOUR APPEAL BY COMPLETING DETAILS IN THE BLANK AREA 'YOUR APPEAL'.

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 £105 per week but you have stated it was £75 per week'
- I moved into the property on the 1st November not 1st 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.

Remember, your appeal must reach our office within one month of the date at the top of the letter telling you about the decision.

ABOUT THE DECISION

Name of benefit	Housing Benefit
Date at the top of the decision letter	

YOUR APPEAL

Use this space to say why you do not agree with the decision. Remember you must say why you think the decision is wrong not just that you disagree with it.

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If you need more space, please use an additional sheet of paper.

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 in the box below.

Signature	
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Please return the form to:

Revenue Services
Civic Centre
Mansfield
Notts
NG19 7BH

At the hearing a representative from Mansfield District Council will usually attend. They may ask you questions and also call witnesses.

If you choose an oral hearing but find you cannot go, you must tell the Tribunals Service 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 Tribunals Service know you cannot go to the hearing, the tribunal may hear your appeal without you.

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.

What if I want to withdraw my appeal?

If we have not sent your appeal to the Tribunals Service you must ask us in writing to stop your appeal. If we have sent the appeal submission to the Tribunals Service, you must write to them direct and ask them to stop your appeal.

How will I be notified of the results of my appeal?

Whether you have an oral hearing or a paper hearing you will receive a decision notice explaining the Tribunal's decision as soon as possible after the appeal hearing. We will also be sent a copy of the decision notice.

If your appeal is successful we will change our decision when we receive a copy of the Tribunal's decision, unless we choose to appeal against the Tribunal's decision.

All parties to an appeal can ask for a Statement of Reasons for the Tribunal's decision. This explains the decision including the facts and the law used. A Statement of Reasons must be requested within one month of the date the decision notice was issued or sent. If you want a Statement of Reasons you must ask the Tribunals Service, not us.

If you want a record of the appeal hearing, you can get a copy of the record of proceedings up to 6 months after the date of the hearing. This must be obtained by you, direct from the Tribunals Service.

What if I disagree with the Tribunal decision?

If you disagree with the Appeal Tribunal's decision you may be able to appeal to the Upper Tribunal.

The Upper Tribunal is comprised of judges or members, all of whom have taken the judicial oath, and are independent in the same way as court judges.

All parties to the appeal can appeal to the Upper Tribunal, including the Local Authority.

If you think a Tribunal made an error on a point of law you can appeal to the Upper Tribunal. You cannot appeal to them about questions of fact or a Tribunal's findings or conclusions, or because you disagree with the decision other than on a point of law.

How do I appeal to the Upper Tribunal?

Your Tribunal decision letter from the Tribunals Service will tell you what to do if you are unhappy with the decision.

You need to have a copy of the Statement of Reasons if you wish to appeal against the Tribunal's decision. This also applies to us if we want to appeal against the decision of the Tribunal.

After reading the Statement of Reasons if you think the Tribunal did not apply the law correctly, you can apply to the Tribunals Service for leave to appeal to the Upper Tribunal. You must do this within one month of the date the Statement of Reasons for the Tribunal's decision was sent or given to you.

If you appeal to the Upper Tribunal you must send the Statement of Reasons with your application. If you do not, your application may not be looked at.

A judge at the Tribunals Service will decide if your appeal can be sent to the Upper Tribunal, or if it should be looked at again by a different tribunal.

The Tribunals Service will only allow late requests for a Statement of Reasons or leave to appeal to the Upper Tribunal if there are special reasons or circumstances that caused the delay. You must tell the Tribunals Service why you were not able to make your request on time.

If the Tribunals Service refuse your request for leave to appeal to the Upper Tribunal you can apply directly to the Upper Tribunal for permission to appeal. This must be done within one month of the date the Tribunal Service refused your request.

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

Polish

W razie potrzeby możemy dostarczyć tę broszurę alfabetem Braille'a lub w powiększonym formacie. Jeżeli potrzebuje Pan(i) wyjaśnienia tego tekstu lub pomocy w przeczytaniu go, prosimy o skontaktowanie się z nami pod numerem 01623 463463.

Turkish

Bu broşür, talep edildiğinde, körler alfabesi (Braille) ya da büyük baskı formatında elde edilebilir. Bu formun çevirilmesini ya da okunmasında yardım isterseniz, lütfen 01623 463463 numaralı telefondan bizimle temasa geçmekten kaçınmayınız.

Cantonese (Chinese Traditional)

如果需要，我們可以提供這份傳單的盲文版本或大字印刷體版本。如果你要求翻譯或者需要幫助來閱讀這份表格，請別猶豫，致電 01623 463463 與我們聯繫。

Latvian

Šī buklete ir pieejamā Brailja vai palielinātajā drukā, ja tas ir nepieciešams. Ja jums nepieciešams šī bukleta tulkojums vai palīdzība tā lasīšanā, lūdzu, sazinieties ar mums pa tālruni – 01623 463463.

Russian

Этот буклет может быть напечатан шрифтом Брайля или более крупным шрифтом. Если вам необходима помощь с переводом или чтением этого буклета звоните по тел. 01623 463463.

Urdu

یہ لیف لیٹ، بوقتِ ضرورت، بریل یا بڑے پرنٹ میں بھی مہیا کیا جاسکتا ہے۔ اگر آپ کو اس فارم کا ترجمہ چاہئے ہو یا آپ کو اس کے پڑنے میں مدد چاہئے ہو تو براہ مہربانی ہم سے اس نمبر پر 01623 463463 رابطہ کرنے میں بالکل نہ ہچکچائے گا۔

Bengali

প্রয়োজন অনুযায়ী এই লীফলট ব্রইল অথবা বড় অক্ষরের আকারে দেওয়া যাবে। এই ফর্মের অনুবাদ প্রয়োজন হলে অথবা এটা পড়তে সাহায্যের দরকার হলে 01623 463463 নাম্বার আমাদের সাথে যোগাযোগ করতে দ্বিধা করবেন না।

More Information

We hope you find this leaflet useful. If you have any suggestions concerning the improvement of this, or any of our leaflets please let us know.

Revised March 2013

WE CAN ALSO COPY THIS LEAFLET INTO LARGE PRINT FOR YOU IF YOU HAVE SIGHT DIFFICULTIES

If you have hearing problems we can arrange a signer to be present. Contact us so that we can arrange an appointment for you at the Civic Centre.

Minicom (Text Phone) – We have a text phone facility at the Civic Centre for the deaf or hard of hearing. If you wish to contact us by this method the number is : (01623) 463444

Interpreter – We can arrange for an interpreter for most languages. Contact us so that we can arrange an appointment for you at the Civic Centre.

Useful Contacts

24 hour telephone payments	☎ : 01623 428632
Council Tax enquiries	☎ : 01623 463144 ✉ : counciltax@mansfield.gov.uk
Direct Debit payments and billing enquiries	☎ : 01623 463162 ✉ : counciltax@mansfield.gov.uk
Council Tax Recovery enquiries	☎ : 01623 463346/463347/463380 ✉ : recovery@mansfield.gov.uk
Housing and Council Tax Benefit enquiries	☎ : 01623 463463 (option 2) ✉ : benefits@mansfield.gov.uk
The Tribunals Service - Nottingham 4 th floor Byron House, 2a Maid Marion Way, Nottingham, NG1 6HS	☎ : 0115 947 8993
The Tribunals Service – Chesterfield Ground Floor, St Mary's Court, St Mary's Gate, Chesterfield S41 7TH	☎ : 01246 203984
The Tribunals Service Administrative Support Centre P.O. Box 14620 Birmingham B16 6FR	☎ : 0845 408 3500
The Legal Services Commission 85 Gray's Inn Road London WC1X 8TX	☎ : 0845 345 4345
Mansfield & District Citizens Advice Bureau Advice Hub, 16 Regent Street Mansfield Notts NG18 1SS	☎ : 0844 856 3411
Nottinghamshire Welfare Rights Service County Hall, West Bridgeford, Nottingham NG2 7QP	☎ : 0115 977 4018 ✉ : welfare.rights@nottsc.gov.uk

Other Available Information Booklets:

Benefits

- Housing Benefit Appeals & Challenges
- Information for Landlords
- Local Housing Allowance
- Housing Benefit & Council Tax Reduction for Pensioners
- Housing Benefit & Council Tax Reduction for People of a Working Age

Council Tax

- A Guide to Discounts, Exemptions and Disablement Relief
- A Guide to Liability and Payments
- A Guide to the Recovery Process

Business Rates

- A Guide to Business Rates

Mansfield District Council
Civic Centre
Chesterfield Road South
Mansfield
Notts
NG19 7BH

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