



Housing & Council Tax Benefit

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

## Introduction

This leaflet explains what to do if you think the decision about your Housing Benefit or Council Tax Benefit is wrong. When you apply for Housing or Council Tax Benefit, we will give you a decision, in writing, about your claim.

You must be the person affected by our decision to ask us for any of these options.

- If you disagree with the decision you can ask for an explanation of how we made the decision either in writing or verbally.
- If you are still dissatisfied you can ask us to reconsider the decision. This is called revision. You will need to tell us, in writing, why you think the decision is wrong.
- If we are unable to change the decision but you are still unhappy you can ask for an appeal, in writing, which will be considered by an independent tribunal.

## Who is affected?

The people this will affect include:

- You (the person making the claim);
- Someone acting on your behalf (chosen by the courts);
- Someone who we agree can act on your behalf;
- Your landlord/Agent but only in matters relating to who we pay benefit to;
- Anybody who we ask to pay back benefit we have overpaid.

# Landlords and Appeals

Landlords only have certain rights to appeal if they don't agree with the decision about Housing Benefit.

- Landlords can appeal if our decision is not to pay benefit direct to them.
- Landlords can appeal if we ask them to pay back any benefit we have overpaid.
- Landlords cannot appeal against the level of benefit we give.

The list below gives some standard grounds for appeals, one or some of which may or may not apply in your case. It is not an exhaustive list and is in the form of headlines - You will need to provide further details.

- The council has not applied the regulations correctly;
- The decision has not taken all of the facts into consideration;
- My circumstances were not as used by the council in making the calculation;
- The council has not taken into consideration my underlying circumstances; and
- I am not the correct person to recover the overpayment because...

## Decisions you can't appeal against

You can ask us to look again at any decision you think is wrong. But there are some decisions you can't appeal against, for example:

- What information and proof we need you to give us;
- If we did not look at our decision again because you asked us too late;
- If we pay you by cheque or how often we pay you;
- That we have the right to recover an amount we have overpaid you;
- How we recover the amount we overpaid you; and
- If you think our decision about a Discretionary Housing Payment is wrong.

## Explanation of the Decision

You can ask for an explanation in writing/verbally to explain how we made the decision. This does not affect your right to appeal against the decision.

The time we take to provide the explanation will mean you have more time to ask us to look at the decision again or appeal.

## What should I do if I want you to reconsider the decision again?

This is called a revision. You must write to us within one month of the date on the decision letter. If there are special circumstances which mean you cannot write to us within one month, you must contact us to explain why because we still may be able to look at the decision again.

You should explain, in writing, why you think the decision is wrong and provide any evidence.

## What happens when we look at the decision again?

The decision will be checked by a different officer to the one who made the original decision:

### **If we can change the decision:**

- We may change it from the date of our original decision; and
- We will send you a letter explaining our new decision.

### **If we cannot change the decision:**

- We will send you a letter explaining why we cannot change the decision.
- You have one more month to appeal if you still disagree.

## I want to appeal against your decision. What should I do?

You must appeal by writing a letter or completing the appeal form, at the back of this leaflet. You must send your appeal within one calendar month of the date on the decision letter.

The Tribunal Service will make a decision about your appeal at a tribunal hearing. The tribunal hearing is made up of people who are independent from the Council.

It is important that you give the date of the decision and your reasons for appealing because the tribunal does not have to look at anything you don't mention in your letter or appeal form. The tribunal can only look at the evidence, the law, and the circumstances at the time the original decision was made.

## What happens after I have made an appeal?

After you have made an appeal we will issue you an acknowledgement letter. The decision will be looked at again and if it can be changed you will be issued with a new decision. If the decision cannot be changed, your appeal will be referred to the Tribunal Service who are independent of the Council.

The Tribunal Service will ask you if you want your appeal heard on the papers or an oral hearing. If you choose an oral hearing you will be able to attend the hearing.

Once your appeal has been heard you will be issued with a decision from the Tribunal Service.

I disagree with the decision

**Step 1:**


Ask for an explanation



I disagree with the explanation

**Step 2:**

Ask us to reconsider the decision  
giving reasons why you  
believe the decision is wrong.  
This is called a revision.



I disagree with the unsuccessful revision

**Step 3:**

Ask for an appeal.  
Give the date of the decision  
and reasons why you believe  
the decision is wrong.

# Your Appeal

Please complete this form and return it to Gateshead Civic Centre.

## I request:

Please tick only one of the steps below.

- Step 1: An explanation of the decision
- Step 2: A revision
- Step 3: An appeal

## About You

Title  Mr  Mrs  Miss  Ms

Surname \_\_\_\_\_

All other names \_\_\_\_\_

Date of birth \_\_\_\_\_

National Insurance No. \_\_\_\_\_

(Get this from your NI card, payslips, tax papers or letters from the Department for Work & Pensions)

Your address \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post Code \_\_\_\_\_

Daytime phone number \_\_\_\_\_

Have you arranged for someone to help with your request?  No  Yes

If YES tell us their name and address

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_ Post Code \_\_\_\_\_

Your signature to authorise this person to act for you \_\_\_\_\_



## Where can I get more advice?

Contact us if you want more help or advice.

Tel: 0191 433 4646

## Independent Advice

If you need independent advice, contact:

Citizens Advice Bureau

5 Regent Terrace

Gateshead

NE8 1LU

Tel: (0191) 477 1392

## Other formats

You can get the information in this booklet in large print, in Braille and in other languages or audio.



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