

## **Housing Benefit Appeals**

### **How do I appeal?**

You must give reasons why you believe our decision is wrong. If you do not give reasons, The Tribunal Service may refuse to hear your appeal. When giving your reasons for the appeal, make sure that you write down everything that you think is relevant. The Tribunal Service does not have to look at anything that you have not mentioned. Finally, make sure that you have signed your appeal as we cannot accept an appeal that is not signed.

### **How quickly do I have to Appeal?**

You must make sure that we receive your appeal within one month of the date of our decision notice or within one month of us sending you a requested written statement of reasons.

### **What if I am late in sending in my appeal?**

The Tribunal Service may not be able to accept your appeal if it is made outside the one month time limit. They can only accept a late appeal if you can show that there were special circumstances for not making an appeal on time. These could be a death, serious illness, or some other special reason.

The Tribunal Service will not accept a late appeal if the only reason is that you misunderstood the law or the law has changed since our decision was made.

If you are making a late appeal, you should include an explanation of why you could not appeal earlier. A tribunal member will look at the reason you have given. If they agree that the reasons given are sufficient an appeal will be arranged.

Please note that The Tribunal Service cannot accept an appeal that is made more than 13 months after our decision is made.

### **Receipt of Appeal**

When we receive your appeal, we will look at our decision again to make sure that it is correct. At this point:

- If we do not change our decision we will write to you and explain this, write a submission and send the appeal to the Tribunal Service.
- If we revise our decision and award you more benefit, the appeal will stop. However, if you do not agree with our new decision you will have another month to make a new appeal.
- If we revise our decision and award you less benefit your appeal will continue against our new decision. You will however have another month to give us your comments on the new decision before we send your appeal to the tribunal service.

If a tribunal is to be arranged we will send you a copy of the appeal submission and relevant documents. You should read the papers carefully. If you do not understand something, you should ask us, an advice agency or a solicitor to explain it. When the Tribunal Service receives your appeal they will send you a form that you must complete and return to them within 14 days. The form asks you to confirm that you wish the appeal to go ahead; it also asks whether you would like an oral hearing or a paper hearing. If you do not return this form, your appeal will be referred to a judge. He will decide whether the appeal should go ahead and be heard or a decision be made based on the papers.

## **What is an oral hearing?**

An oral hearing is a tribunal that you, and/or any representative can come to. Rother's Appeals Officer will also attend. You will be able to ask questions and put forward any points you think are relevant to your appeal. You may also be asked questions by the tribunal Judge or Rother's Benefit Department.

## **What is a paper hearing?**

A paper hearing is a tribunal that you do not have to go to. Rother Appeal's Officer does not go to a paper hearing either. The tribunal will decide your appeal based on the information you and the benefit service have sent in. If the tribunal service thinks that a paper hearing is not suitable, they can refuse your request and insist on an oral hearing.

## **What Happens at the tribunal?**

The tribunal will only look at the evidence, the law and your circumstances at the time the decision was made. It can not look at any changes in circumstances that have happened after the decision was made. If you have had a change in your circumstances you should tell us about it straight away. Do not wait for the appeal hearing.

You will be sent a decision notice explaining the tribunal's decision as soon as possible after the hearing, a copy will also be sent to Rother District Council Benefit Department. If your appeal is successful we will amend your entitlement as soon as possible after the tribunal's decision notice is received.

If you would like more information about the decision, you can ask the Tribunal Service for a statement of reasons. You must ask for this within one month of the date you were given the decision notice.

## **Appealing against a Tribunal Decision**

If either you or Rother District Council disagree with the tribunal's decision a further appeal may be possible to the Upper Tribunal, further details on this will be supplied with the Tribunal decision.

## **Getting Help and Advice**

Advice centres like the Citizens Advice Bureau can represent you and help you understand the reasons for the decisions about your Housing Benefit. They can also help you to fill in forms or write a letter of appeal. They may sometimes also go with you to the appeal hearing. It will help the Advice centre if you show them all letters you have about the decision that you think is wrong.

Rother District Council  
Post Handling Service  
PO Box 10665  
NOTTINGHAM  
NG6 6DZ

Telephone (01424) 787000  
Facsimile (01424) 787755  
Email: [revenuesandbenefits@rother.gov.uk](mailto:revenuesandbenefits@rother.gov.uk)



Name	<input type="text"/>
Address	<input type="text"/>
Postcode	<input type="text"/>
Telephone	<input type="text"/>

FOR OFFICE USE ONLY	
REF	<input type="text"/>
DATE ISSUED	<input type="text"/>
ISSUING OFFICER	<input type="text"/>

## Housing Benefit Appeal form

You may have the right to appeal our decision if you believe your assessments to be wrong. You can only appeal certain decisions. When we make a decision, we will send you a notification letter that tells you if you have the right of appeal.

If you can appeal then a submission will be sent to the independent Tribunal Service. Tribunals are made up of legally qualified benefit experts. They are not Rother District Council staff. The Tribunal will check the Housing Benefit rules to make sure that we have made the correct decision. Please note that if the tribunal decides that you have been receiving too much benefit then your entitlement will be reduced.

### Part 1: About the decision

Please give the date of the letter of the decision you wish to appeal.

Please enclose a copy of the letter, if possible.

## Part 2: Reason for the appeal

### Why do you think our decision is wrong?

Please give full details in the box below:

For example:

- 'You have used the wrong wages to work out my benefit. I only received £250 net pay per week for the first week in December.'
- 'My adult son moved out on the 8th April 2009 but you have included him in my assessment.'
- 'You have said I have £14,000 in savings but I only have £7,000.'
- 'I have received a letter from you saying I have been overpaid because I moved out but I am still resident at the property.'

### Part 3: Late Requests

You normally have one calendar month from the date on your decision letter to ask for an appeal. If more than a month has gone by since the date of the decision please say why you were unable to ask for an appeal in time.

If you have a representative such as a relative, advice worker or solicitor, who you want to act on your behalf, please provide their details below.

Surname or family name

Other names

Address and postcode

Phone number

Please read the declaration very carefully before you sign and date it. If you do not sign it we will have to send the form back to you and this will delay your claim. Where the declaration says “I” or “me” or “my” this means both you and your partner.

The Council can prosecute you if you give false information, or if you provide false or altered documents with your claim, or if you do not give us information that affects your claim (including a change in your circumstances).

- **I declare** that the information I have given on this form is correct and complete.
- **I understand** that if I give information that is incorrect or incomplete, you may take action against me. This may be court action.
- **I agree** that you will use the information I have provided to work out my claim for Housing Benefit or Council Tax Reduction or both. You may check some of the information with other sources if the law allows it.
- **I understand** that you may use any information I have provided for this and any other claim for Social Security Benefits that I have made, or may make. You may give some information to other organisations, such as government departments, local authorities, and private-sector companies such as banks and organisations that lend me money, if the law allows this.
- **I know** that I must let the Benefit Service know immediately, in writing, about any changes in my circumstances which might affect my claim.

Signature of person claiming

Date

## What to do next

Please send this form to:

Rother District Council  
Post Handling Service  
PO Box 10665  
NOTTINGHAM  
NG6 6DZ

Telephone (01424) 787000

Facsimile (01424) 787755

Email: [revenuesandbenefits@rother.gov.uk](mailto:revenuesandbenefits@rother.gov.uk)

This information can be made available in large print, braille, audio/CD or in another language upon request.

Please telephone: 01424 787000

Email: [customerservices@rother.gov.uk](mailto:customerservices@rother.gov.uk)