

Housing Benefit



WHAT TO DO

**If you think the decision about
your Housing Benefit is wrong**

Epping Forest District Council

This leaflet is about Housing Benefit only. If you think the decision about your Council Tax Support is wrong, please see separate leaflet about this new scheme.

◆ **DO YOU WANT MORE INFORMATION ABOUT THE DECISION?**

◆ **DO YOU DISAGREE WITH THE DECISION?**

◆ **DO YOU WANT TO APPEAL AGAINST THE DECISION?**

This leaflet tells you what to do if you want more information or think the decision about your Housing Benefit is wrong. It tells you what we will do if you want more information or disagree with our decision.

This leaflet also tells you what happens if you appeal against the decision to the Independent Tribunals Service.

Do you want more information about the decision?

If you want more information about your Housing Benefit you should contact us as soon as you receive your decision letter. This is because you must tell us within 1 month of the date on the letter if you want us to look at the decision again, or if you want to appeal against the decision.

- ◆ We will explain the reasons for the decision to you.
- ◆ We will send you a statement of reasons to explain the decision if you have asked for this.

Do you want us to look at the decision again?

If you disagree with the decision about your Housing Benefit you can ask us to look at the decision again.

- ◆ You must do this within 1 month of the date on the decision letter.
- ◆ We will check to see if the decision is correct.
- ◆ A different member of staff will review the decision, and if the decision is wrong we will change it.

If you ask us for a statement of reasons, we will extend the 1 month you have to ask us to review or appeal against the decision by the time we take to send you the statement of reasons.

If there are special circumstances which mean you cannot contact us within 1 month of the date on the decision letter we may still be able to review the decision. You must tell us what the special circumstances are when you contact us.

If we agree that you had special circumstances which meant you could not contact us within 1 month and we agree that the decision is wrong, we will change the decision from the date of the original decision.

If the decision cannot be changed, we will send you a letter to explain why. The letter will tell you whether you can appeal against the decision to the Independent Tribunals Service. If you can appeal against the decision, you must do so within 1 month of the date on the new letter confirming the original decision.

Do you want to appeal against the decision?

If you want to appeal against the decision about your Housing Benefit you must write to us straight away.

You may appeal against the decision:

- ◆ Within 1 month of the date on the decision letter telling you about your Housing Benefit.
- ◆ By the date advised in the statement of reasons, provided you requested this within 1 month of the original decision letter.
- ◆ Within 1 month of the date on the new decision letter confirming the original decision.

You can use the form on the back of this leaflet or write us a letter.

- ◆ You must write down as much detail as possible about the reasons for your appeal. If you are appealing against more than 1 decision, you must list each decision and your reasons for appealing against each decision.
- ◆ You must sign the appeal before you return it to us.
- ◆ You must send the appeal to the Benefits Division **within 1 month of the date** on the decision letter or statement of reasons.
- ◆ We will check to see if the decision is correct.
- ◆ A different member of staff will review the decision, and if the decision is wrong, we will change it.

If the decision is correct, we will send your appeal, and an explanation of the law and facts used to make the decision, to the Tribunals Service. This is known as a response.

A copy of the response will be sent to you, and your representative if you have one. You should read the response carefully. If you do not understand anything, ask us, an advice centre or solicitor to explain it.

Free help and advice is available from organisations like the CAB.

The Tribunals Service will send you a form (called a TAS 1) which you must complete and return to them **within 14 days, or your appeal will stop.**

The form also asks you questions about how you want your appeal to be looked at. You may ask for an Oral Hearing or a Paper Hearing.

Oral Hearing - This is an appeal which you can go to. You may be asked questions and will have an opportunity to ask questions yourself. You may take someone to represent you or witnesses to give evidence. We may also send a representative and/or witnesses. The Tribunals Service will hold your hearing at a venue near your home.

If you do not attend the Oral Hearing, the tribunal will hear your appeal without you, so it is important you let them know if you are unable to attend, as you may be able to arrange another date.

Paper Hearing - This is an appeal that you do not go to. You will not be told the date of a paper hearing. The appeal will be heard and the Tribunals Service will send you the decision. If the Tribunal thinks you need to go to an oral hearing, they can refuse your request for a paper hearing. **If you choose a paper hearing but change your mind, you must write to the Tribunals Service straight away.**

About the Tribunals Service

The Tribunals Service is an Independent Appeals Service. They will decide your appeal at a Tribunal hearing. They will look at the evidence, the law and the circumstances at the time the decision was made. This is known as a first tier Tribunal.

In special circumstances, they may accept a late appeal - you should write a letter to the Benefits Division telling us about the special circumstances when you appeal. We will look at your reasons for not appealing in time and decide if your appeal can be accepted. We may refer your late appeal to the Tribunals Service for them to decide if it can be accepted. They will consider the following points when deciding whether or not to accept your appeal:

- ◆ If there were special circumstances for the delay
- ◆ The length of time since you received the decision
- ◆ If it is in the interests of justice that your appeal is considered.
- ◆ Whether your appeal is likely to succeed.

The Tribunals Service cannot accept a late appeal where you have misunderstood the law, or the interpretation of the law has changed since the decision was made. **The Tribunals Service cannot accept any appeal 13 months or more after the date on the decision letter.**

- ◆ The Appeals Tribunal is made up of one or two members, neither of whom is from Epping Forest District Council.
- ◆ Tribunal members will be experts on the issues involved in your appeal.
- ◆ All Tribunals have a legally qualified member to help apply the law to your appeal.
- ◆ Tribunals may also include someone with financial qualifications.

If you would like more information about the Tribunals Service
Please contact them direct: The Tribunals Service, Administrative Support Centre, PO Box 14620, Birmingham, B16 6FR.
Telephone: 0845 408 3500 website: www.tribunals.gov.uk

What happens after the appeal?

- ◆ You will be sent a decision notice explaining the Tribunal's decision. A copy will also be sent to Epping Forest District Council.
- ◆ You may ask the Tribunals Service for a statement of reasons detailing the facts and law used in their decision. If you would like a statement of reasons, you must do so within 1 month of the date you are given or sent the decision notice. You will need a copy of the statement of reasons if you decide to appeal to the Upper Tier Tribunal.
- ◆ You may also request a record of the appeal hearing up to 6 months from the date of the hearing.

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 are appealing to the Upper Tier Tribunal.

Do you agree with the Tribunals decision?

If you do not agree with the Tribunal's decision you may be able to appeal to the Upper Tier Tribunal. The Upper Tier Tribunal judges are barristers, solicitors or advocates of not less than 10 years standing, appointed by the Queen.

on the advice of the Lord Chancellor. They are independent of both the Department for Work and Pensions and the Local Authority.

You can only appeal to the Upper Tier Tribunal on a point of law. You cannot appeal about questions of fact or purely against the Tribunal's decision. If no point of law is involved, the only option available is to apply for judicial review. Your decision letter from the Tribunals Service will tell you what to do if you want to appeal to the Upper Tier Tribunal.

Do you want to withdraw your appeal?

If you have read all the information in this leaflet and have decided that you do not wish to proceed with your appeal you must withdraw your appeal in writing. If you do not tell us in writing that you no longer wish to appeal, your appeal will continue to the Tribunals Service.

YOUR REQUEST OR APPEAL

Name:

Address:

Postcode:

Phone No:

I wish to:

1. Request a Statement of Reasons.
2. Request a revision of a decision.
3. Appeal against a decision.

Please tick one box.

Details of
Request or
Appeal

Signature:

Date:

/ /

Please return any Request or Appeal to:
Epping Forest District Council
PO Box 5455
Benefits Division
Epping Essex CM16 4DS

If you have any questions, our contact details are:
Tel : 01992 564000
Fax: 01992 564296
email : benefits@eppingforestdc.gov.uk