



Charnwood

Leading in Leicestershire

Please return this form to:
Benefits Services
Charnwood Borough Council
Southfields
Loughborough
Leics.
LE11 2TU



**WHAT TO DO IF YOU THINK THE
DECISION ABOUT YOUR HOUSING
BENEFIT OR COUNCIL TAX BENEFIT IS
WRONG?**

- **Benefits decision**

If you get a decision in writing from the Benefits Service about Housing Benefit or Council Tax Benefit that you disagree with you can ask us to look at it again. If we do not change our decision you may be able to appeal to an Independent tribunal at the Appeals Service.

You must write to us straight away if you want us to look at the decision again. **This must be done within one calendar month of the date on the decision letter.**

When you contact us you have several choices:

1. You can ask us to explain the reasons for our decision and / or
2. 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 have not already sent you one. We will send the **statement of reasons** to you as soon as possible.

If you ask for a **statement of reasons** the one-month you have to ask us to look at the decision again or to appeal against it will be extended by the time we took to send the **statement of reasons**.

If you still disagree with the decision you can either:

1. Ask us to look at it again; or
2. Appeal against our decision.

- **Do you want us to look at the decision again?**

If we have explained our decision and you still think that it is wrong you can ask us to look at it again.

- Let the Benefits Service know within **one calendar month** of the date of the letter. If you ask for an explanation first the **one calendar month** is counted from the date of the decision letter. If you ask for a written statement of reasons you will have the **one calendar month** from the date of the decision letter plus the time that we took to send you the **statement of reasons**.
- If there are special reasons, which mean that you cannot contact us within one calendar month, we may still be able to change the decision. You must tell us what those special reasons were when you contact us.
- If you ask us to look at a decision again more than one month after the date of the decision letter and you do not have any special reasons, we may still be able to change the decision. **BUT** this will usually only be from the Monday after the date you wrote to us.

What happens next

1. We will check that the decision is correct; and
2. A different member of staff will do this; and
3. If the decision is wrong we will change it.

A. If the decision can be changed:

1. If you asked us to look at the decision again, within one calendar month, or had special reasons that meant you could not, we will change the decision from the date of the original decision.
2. If you do not agree with the new decision, you can ask us to look at it again.
3. If you have asked us to look at our decision again after one calendar month and did not have special reasons, the decision will usually be changed from the Monday after the date you wrote to us.
4. We will send a letter telling you what the new decision is.

B. If the decision cannot be changed.

1. If the decision cannot be changed, we will send you a letter telling you that we cannot change it. The letter will confirm the original decision.
2. The letter will tell you if you can appeal against the original decision.
3. If you can appeal, the one calendar month time limit starts again from the date of the letter confirming the decision.

- **Do you want to appeal against the decision?**

IF YES: Please complete and return the form at the end of this leaflet. When you complete the form make sure that you:

1. Complete all the relevant boxes on the form. You can get help from a welfare rights organisation or a solicitor.
2. Write down the reasons for your appeal. This is important because the tribunal does not have to look at anything that you do not mention.
3. Make sure that you sign and date the form.
4. Send the form back to the address at the front of this leaflet.
5. If you cannot appeal against the decision you can still ask us to look at it again.
6. **NOTE:** If the Tribunal finds that you have been getting too much money your benefit will be reduced and you may have to repay any overpaid benefit.

- **What the Tribunal looks at**

1. The Tribunal can only look at the evidence, the law and the circumstances at the time we made the decision you are appealing against.
 2. The Tribunal cannot look at changes of circumstances that happened after we made the decision.
 3. **If a change of circumstances could affect you benefit or mean you could claim again, you should report this straightaway.** Do not wait for the appeal hearing. Contact us using the details shown on your decision letter.
- The Appeals Service cannot accept a late appeal if the only reason is that you misunderstood the law, or interpretation of the law has changed since the decision was made.
 - Your appeal cannot be accepted if you appeal 13 calendar months or more after the date on the decision letter.

- **After you have made your appeal**
 1. After you have appealed we will offer you an explanation of our decision if we have not already done this.
 2. We will look at the decision again if we have not already done this.
 3. If we agree that the original decision is wrong and the new decision is to your advantage, 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.
 4. If we decide that the original decision is wrong but the new decision is **not** to your advantage we will send you a new decision. Your appeal will continue against the new decision. You will have another calendar month to comment on the decision.
 5. If we do not change the decision, we will send your appeal, and an explanation of the law and facts used to make the decision to the Appeals Service. We will also include any relevant papers.
 6. A copy of the appeal papers will be issued to you and your representative, if you have one.
 7. Read all the papers carefully. If you do not understand something, ask us, an advice centre or a solicitor.
 8. You will also receive a form. You must complete this form and send it to the Appeals Service within **14 days** of the date the form was issued to you. **If you do not, your appeal will stop.**
 9. The form also asks you questions about how you want your appeal to be looked at. You can choose between an oral hearing and a paper hearing. If you choose to go to an oral hearing you will be able to deal with any questions or issues that arise. The Council will always request an oral hearing.

YOUR APPEAL

Complete this form if you wish to appeal against a decision that we have made about your claim for Housing Benefit and / or council Tax Benefit. The form must be returned to the address on page 1.

Title	Mr / Mrs / Miss / Ms
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Your Surname	
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All other names	
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National Insurance Number									
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Benefits reference number									
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Your address		
	Postcode	

Telephone number *	Code		Number	
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* This is optional but if you provide it we may be able to process your appeal more quickly.

Have you arranged for someone to help you with you appeal	Yes	
	No	

Their full name	
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Their address		
	Postcode	

Sign this box for them to act for you on your appeal	
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Name of benefit	Tick	Date at top of decision letter
Housing Benefit		
Council Tax Benefit		
Both		

About your appeal

- Use the space that follows to say why you do not agree with the decision.
- You must say why you think the decision is wrong.
- Do not say, “I do not agree” or “the benefit is not enough”, give full reasons as to why you disagree.
- 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 the decision was made, you must say why you could not make the appeal in time.**

Signed		Date	
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