

Leaflet MCL5

Help With Disputing a Benefit Decision

- Asking for an explanation
- Disputing a decision about your benefit
- Appealing against a decision about your benefit



Leaflets and where to get them

All of these leaflets are available free of charge. You can get them from the One Stop Shops, Citizen Advice Bureaux and libraries. You can also download copies on www.knowsley.gov.uk.

For your ease, all of the leaflets have a reference to identify them:

- MCL1** Starting Work
- MCL2** Help with Rent
- MCL3** Help with Council Tax (a guide to Council Tax Benefit)
- MCL4** How to claim Housing Benefit & Council Tax Benefit
- MCL5** Help with Disputing a Benefit Decision
- MCL6** Housing Benefit information for Private Landlords
- MCL7** Discretionary Housing Payments - Housing & Council Tax Benefit
- MCL8** Housing & Council Tax Benefit for Young People
- MCL9** Council Tax Discounts (including Disabled Relief)
- MCL10** A guide to Housing Benefit, Council Tax Benefit & Council Tax for Students



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1. What can I do if I think the decision about my Housing or Council Tax Benefit is wrong?

We aim to make the right decision when working out your entitlement to Housing or Council Tax Benefit. We are governed by rules and regulations set by Central Government.

If you have received a decision about Housing or Council Tax Benefit, and you think it is wrong, you can ask us to explain it, or you can write and ask us to give you a written statement of reasons for our decision.

If you still think it is wrong after we have explained it to you, or sent you a statement of reasons, you can ask us to look at it again.

For some decisions, you can appeal to an independent tribunal who can change the decision if they agree that it is wrong. There are some decisions which you cannot appeal to an independent tribunal against, including the following:

- The Local Housing Allowance rate set by The Rent Service
- The Broad Rental Market Area (BRMA) that your home is in
- Discretionary Housing Payments

There are time limits for asking for decisions to be looked at again and for appealing against a decision. We tell you about these time limits in this leaflet.

2. The decision

When you get a decision in writing from us about Housing or Council Tax Benefit, 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. The letter telling you about the decision will tell you if you can appeal.

There are special rules if you are not claiming the benefit yourself. For example:

- If you are a landlord, you may only dispute a decision about whether Housing Benefit is to be paid directly to you or if a decision is made to recover an overpayment of Housing Benefit from you
- If you are an appointee for another person you can ask us to look again at a decision about their benefit and you can appeal for them. An appointee is someone appointed to act for a person who cannot act for him or herself; or
- You are a third party acting on the claimant's behalf, with their written permission.

If you would like more information about the decision, you should contact us no more than one month after the date of the decision if you want us to look at it again. If you want to appeal against the decision, you must do so in writing no more than one month after the date on the decision letter.

For further help, you can call the Contact Centre or visit a One Stop Shop, see the back page for details.

When you contact us

You can:

- Ask us to explain the reason for the decision, and/or
- If you want more information to help you decide what to do, you can write and ask us for a written statement of reasons.
- Dispute the decision and ask us to look at it again
- Appeal in writing against the decision.

Your request to look at the decision again

Complete and pull out the form in this leaflet and return it to us at the address shown on your decision letter.

3. How do I get the decision looked at again?

You must write to us no more than one month of the date of the decision letter. If there are special circumstances which mean you cannot contact us in one month, we may still be able to change the decision. Tell us what the special circumstances are when you contact us. If you ask us to look at the decision again, more than one month after the date of decision letter and you do not have special circumstances, we may still be able to change the decision. But this may only be from the date you wrote to us.

What happens next?

Your case will be looked at again, usually by a different member of staff. Your claim will be checked thoroughly and any information you have provided will be taken into account.

We may:

- Decide not to change the decision
- Change the decision and pay you more benefit; or
- Change the decision and pay less benefit.

If the decision was wrong it will be changed and you will be sent a letter explaining why it was changed.

4. I still think the decision is wrong, what can I do?

You can make an appeal to the Tribunals Service through us, using the form in this leaflet. Please complete all relevant boxes on the form making sure you write down the reasons for your appeal. This is important because the tribunal does not have to look at anything you do not mention.

Make sure you complete and sign the form and send it to the address on your decision letter within one month of the date on the letter. If you need help filling in the form please refer to part 8 of this leaflet. The Tribunals Service will decide on your appeal at a tribunal hearing. Remember, if the tribunal finds you have been getting too much money, your benefit will be reduced.

5. Can I make a late appeal?

If you make your appeal more than one month after the date on the decision notice, you should state why you were unable to appeal in the time given. If we do not think the time for appealing should be extended, we will pass your appeal to the Tribunals Service, where a legally qualified tribunal member will make a final decision on whether the time for appealing can be extended.

Your appeal cannot be accepted if you appeal 13 months or more after the date on the decision letter.

Appeal Tribunals

- Tribunal hearings are usually heard by one judge, but may be heard by up to three judges, none of whom is from the Council.
- Tribunal judges 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.

DISPUTE FORM

Complete and pull out this form and return it to us at the address shown on your decision letter.

About you

Title	Mr/Mrs/Miss/Ms
Your surname	
All other names	
Claim reference No	
Your address	
Postcode	

About the decision

Name of benefit or benefits (please tick)	Housing Benefit only <input type="checkbox"/>	Council Tax Benefit only <input type="checkbox"/>	Both <input type="checkbox"/>
Date at the top of the letter about the decision	/	/	
Do you want us to look at the decision again?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Do you want to appeal to an independent tribunal?	Yes <input type="checkbox"/>	No <input type="checkbox"/>	
Your Signature			
Date	/	/	

If someone has been officially appointed to act for you or someone has the authority to act for you, they should also sign here.

Have you arranged for someone to help you with your dispute	No <input type="checkbox"/>	Yes <input type="checkbox"/>	Please tell us their name and address
Their full name			
Their address			
Postcode			
Sign this box to authorise this person to act for you			

What to do now

- Make sure you have said on this form why you do not agree with the decision.
- Take or send this form to us.
- Remember, your dispute must reach our office no more than one month of the date at the top of the letter telling you about the decision.

About your dispute

- Use the space on the form to say why you do not agree with the decision.
- 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 £75 per week but you stated it was £35 per week'.
 - 'I moved into the property on 1 November not 1 December'.
 - 'You have used the wrong wages to work out my benefit. I received £250 only during the Christmas week'.
- If you are disputing more than one decision, you must say why you do not agree with each one.
- If you are making your dispute more than one month after the decision was made, you must say why your request has been delayed.

What to do now

- Use this space to say why you do not agree with the decision.
- You must say **why** you think the decision is wrong. Use BLOCK CAPITALS.

- If you need more space, use another sheet of paper. Remember to put your name and Housing Benefit Reference number on any extra sheets of paper.
- **Make sure you have filled in all parts of this form and signed it.**
- Take or send this form to the office that sent you the decision.

6. What happens after I have made an appeal?

We will look at the decision again if we have not already done this. 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.

If we agree 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 have another month to comment on the new decision. 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 Tribunals Service. We will also include any other relevant papers.

A copy of the appeal papers will be sent to you and your representative if you have one. Read the appeal papers very carefully. If you do not understand something, ask us, an advice centre or solicitor to explain; See part 8 for details.

The Tribunals Service will write to you about your appeal, so they can make arrangements for hearing it. It is important that you reply to their enquiry, if you do not, your appeal may stop. One of their questions will ask you 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. People who go to their hearing usually do better than those who do not.

What is an oral hearing?

This is an appeal hearing which you can go to and at the hearing the tribunal may ask you questions.

- You can ask questions
- You can take someone with you to represent you
- You can call witnesses to give evidence to the tribunal
- One of our representatives may be at the hearing. They may ask you questions and call witnesses.

If you choose an oral hearing but find you cannot go, you must let the Tribunals Service know straightaway. 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.

Oral hearings are usually open to the public, but anyone who goes to the hearing will usually be involved in the appeal. You can ask to have your appeal heard in private.

Can I get expenses?

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.

If you live abroad you will have to pay your own fares to and from Great Britain. You may be able to get expenses while you are in Great Britain and the appeal hearing is going on.

What is a paper hearing?

This is an appeal hearing which you do not go to. If there is any further information or evidence you want the tribunal to see, you should send it directly to the Tribunals Service.

Do not delay sending information as 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 they need you 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 can choose to have an oral hearing. Write to the Tribunals Service straightaway. If the Council asks for an oral hearing and you have asked for a paper hearing, normally it will be an oral hearing that takes place.

The result of my appeal

Whether you have an oral or paper hearing you will be told the result in the same way.

You will be given a decision notice explaining the tribunal's decision as soon as possible after the appeal hearing. A copy will be sent to the office that made the original decision.

You can also ask for a statement of reasons. This gives an explanation of the tribunal's decision including the facts and the law used.

You must ask for a statement of reasons no more than one month of the date you are given or sent the decision notice. You must have a copy of the statement of reasons if you later decide to further appeal to the Upper Tribunal.

If you want a record of the appeal hearing, you can get a copy of the record of proceedings up to six 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 straightaway if we intend to appeal to the Upper Tribunal.

7. What can I do if I disagree with the tribunal's decision?

If you do not agree with the appeal tribunal's decision you may be able to appeal to the Upper Tribunal. They are independent of both the Department for Work and Pensions and the Local Authority.

Who can appeal to the Upper Tribunal?

Appeals can be made by:

- Anyone who has already appealed to the Tribunals Service
- The Council
- The Department for Work and Pensions.

What you can appeal to the Upper Tribunal about

You can only appeal to the Upper Tribunal about a point of law. You cannot appeal about:

- Questions of facts
- A tribunal's findings or conclusions

For further information visit the Upper Tribunal website at www.tribunals.gov.uk.

8. If you need help with your appeal

Advice centres

Advice centres, such as the Citizens Advice Bureaux and law centres, can represent you and help you understand the reasons for decisions about Housing and Council Tax Benefits. They can also help you to fill in forms or to write a letter. They will sometimes go with you to the tribunal that hears your appeal.

It will help the advice centre if you show them any letters you have about the decision that you think is wrong. Trade unions may also offer free advice to their members. They may also be able to speak for you at the tribunal that hears your appeal.

You can find addresses for these organisations in the business section of The Phone Book, the Thomson Local Directory, the Yellow Pages or at a library.

Solicitors

You may be able to get advice from a solicitor under the Legal Advice and Assistance Scheme. You can find out about this from a solicitor. But, if you decide to use a solicitor, the scheme does not cover the cost of a solicitor to help you at a hearing. You cannot get any money for things like solicitor's fees from us or the Tribunals Service.

For details of solicitors and advice centres, contact: The Community Legal Service Directory on **0845 608 1122**.

If you live abroad

You can ask someone in Great Britain to act for you. They may be able to get help from a solicitor under the Legal Advice and Assistance Scheme.

The scheme does not cover the cost of a solicitor to help you at a hearing.

Merseyside authorities working together

This leaflet is one of a series produced by a number of Merseyside authorities to help you understand Housing Benefit and Council Tax Benefit. It is a general guide. People have different circumstances, so please contact us if you need more detailed advice. Addresses are on the back of this leaflet.



Knowsl@y Council

www.knowsley.gov.uk

Sefton Council 

www.sefton.gov.uk

 **WIRRAL**

www.wirral.gov.uk

FIGHT FRAUD – PLAY YOUR PART

Benefit Thieves take money from your pocket. Don't turn a blind eye and let them get away with it. If you know or suspect a Benefit Thief, report it in confidence. You do not have to give your details.

Call FREE on **0800 0730532** or use the simple Online Form at **www.knowsley.gov.uk**

You can also get this information in other formats and languages. Please phone **0151 443 4031** or email **customerservices@knowsley.gov.uk**

How to contact us

Information relating to the services which the Council provides and how to contact the various departments can be obtained from any Branch Library or One Stop Shop.

In person: Please call at:

Huyton One Stop Shop
Municipal Buildings
Archway Road
Huyton
Merseyside
L36 9XJ

Kirkby One Stop Shop
Municipal Buildings
Cherryfield Drive
Kirkby
Merseyside
L32 1TX

Prescot One Stop Shop
Prescot Shopping Centre
Aspinall Street
Merseyside
L34 5GA

Halewood One Stop Shop
Roseheath Drive
Off Leathers Lane
Merseyside
L26 0UP

One Stop Shop opening times: Monday to Friday 9.00am to 5.00pm

By post: Please write to:

Housing Benefit Section
Knowsley Borough Council
Municipal Buildings
Cherryfield Drive
Kirkby
Merseyside
L32 1TX

By telephone:

Please ring contact centre on
0151 443 4042

By e-mail:

benefits@knowsley.gov.uk

By fax:

0151 443 4142

Disabled access is available at all of the One Stop Shops. The following facilities are available:

- Wheelchair/pram access and lowered desks
- Minicom telephone system for hearing impaired people. Please dial: 0151 443 4248
- Advisors trained in British Sign Language (up to Level 2)
- Access to BT's language line through which we can contact an interpreter in minutes
- Private interview rooms
- Friendly staff who are happy to assist