

What to do if you think that a decision about your claim for Housing or Council Tax Benefit is wrong

If you think the decision is wrong you can ask us to explain it. If you still think it is wrong after we have explained it to you, we will look at it again. For some decisions you can appeal to an independent tribunal who can change the decision if you think it is wrong.

Do you want more information about the decision?

There are two types of information that you can ask for:

- An explanation - where we will explain the reasons for our decision.
- A statement of reasons - where we will tell you the law and the reasons that we used to reach the decision. A statement of reasons will always be provided in writing.

You must make a request for more information as soon as possible after you have received your decision letter. You only have one month from the date on your decision letter to ask us to look at the decision again or to appeal.

Do you want us to look at the decision again?

If you want us to look at a decision again you have to let us know within one month of the date of the decision letter. If you ask for an explanation first, the month starts from the date of your decision letter. If you ask for a statement of reasons you will have one month plus the time it took us to send you the written statement of reasons.

When you ask us to look at a decision again we will check to make sure that the decision is correct.

If the decision can be changed:

- We will change the decision from the date of the original decision.
- If you do not agree with the new decision, you can ask us to look at it again.

If the decision cannot be changed:

- We will send you a letter telling you that we cannot change our decision. The letter will confirm the original decision.
- The letter will tell you if you can appeal against the original decision.
- If you can appeal, the one-month time limit starts again from the date of the letter confirming the decision.

Do you want to appeal against the decision?

Do you:

- Have the right to appeal against the decision?
- Believe the decision is wrong?
- Want to appeal to an independent tribunal?

If YES, to all questions, use the form attached to this sheet to appeal.

The Appeals Service will decide your appeal at a tribunal hearing. The tribunal is made up of people who are not from Calderdale Council.

After you have made your appeal

- After you have appealed we will offer you an explanation of our decision if we have not already done this.
- 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 will 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 Appeals 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.
- 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 sent to you. **If you do not, your appeal will stop.**
- 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. People who go to their hearing usually do better than those who do not.

Late appeals

- The Appeals Service may not be able to accept your appeal if it is received more than one month after the date on the decision letter.
- They can only accept a late appeal if there are special circumstances that caused the delay. These could be a death, serious illness, absence abroad, a postal strike or some other special circumstance.
- You should include an explanation of why you could not appeal within one month on the form at the back of this leaflet.
- Your appeal cannot be accepted if you appeal **13 months** or more after the date on the decision letter.

PLEASE DETACH THIS SHEET AND KEEP IT FOR YOUR INFORMATION.

APPEAL FORM - YOU MUST COMPLETE ALL BOXES

About you

Full name

Date of birth

National insurance no. Claim ref. no.

Address

Contact number

Have you arranged for someone to help you with your appeal? YES NO

If YES, what is their full name, address and contact number?

About the decision

Which benefit are you appealing against? Housing Benefit Council Tax Benefit

What is the date on the decision letter that you want to appeal against?

About your appeal

- Use the space on the other side of this 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 I receive is not enough'.
- 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 month after the decision was made, you must say why your appeal has been delayed.

Your signature

Signature

Date

What to do now

- Use the space below to state why you do not agree with the decision.
- Bring or send this form to us.
- Remember your appeal must reach the office within one month of the date of the letter telling you about the decision.

- If you need more space use another sheet of paper.
- Remember to put your name and National Insurance number on any extra sheets of paper.
- Make sure you have filled in all parts of this form and signed it.
- This form should be returned to:

The Benefits Service
PO Box 660
Halifax
HX1 1ZT
Tel: 0845-245-8000
benefits.unit@calderdale.gov.uk

Office use only – date stamp

If you would like this information in another format or language, please contact 0845-245-8000.