

This leaflet explains what to do if you think the decision about your Housing Benefit or Council Tax Benefit is wrong.

Introduction

When you apply for Housing Benefit, Council Tax Benefit or both, or you tell us about a change in your circumstances, you will get a decision in writing. If you think the decision is wrong, you can ask for it to be looked at again.

There are different ways you can do this. You can contact us and

- ask us for an explanation of the decision. This is called a 'Statement of Reasons'
- ask us to revise the decision, in writing (see page 6)
- appeal against the decision, in writing so that an independent appeal tribunal, can look at your decision (see page 6).

In order to request any of these options, you must be the 'person affected'.

Who is a person affected?

A person affected is

- the claimant
- someone acting on behalf of the claimant who is appointed by the courts
- someone who the Council agrees is appointed to act on behalf of the claimant
- the landlord or agent, but only in matters where the claimant's benefit is paid to them
- any person that has an overpayment of benefit that we need to recover.

This means that only the claimant can ask the Council to revise a decision about the amount of benefit they get.

The landlord or agent can only ask the Council to revise a decision about whether payments should be made to a landlord. And whether the decision that an overpayment is recoverable from a landlord or agent has been correctly made

Landlords and appeals

Landlords only have limited rights of appeal where they do not agree with decisions about the Housing Benefit for their tenants. Landlords **cannot** appeal about how much benefit their tenant gets.

If the Council decides to recover an overpayment for a tenant's previous address, the current landlord cannot appeal against the decision. However, landlords can appeal if

- the decision is not to pay the tenant's benefit direct to the landlord
- they are asked to pay an overpayment back, when too much benefit has been paid for one of their tenants.

Decisions you cannot appeal against

Most decisions you think are wrong can be looked at again, but there are some decisions you cannot appeal against to an appeal tribunal. For example,

- about what information and evidence you need to provide
- not to accept a late request to change a decision
- not to pay back benefit, if you are too slow telling us of a change
- about paying you by cheque or how often we pay you
- that we will recover an overpayment if we have the right to do so
- about how we recover an overpayment
- about Discretionary Housing Payments

What about Rent Officer decisions?

This is not a decision you can appeal against. If you disagree with the Rent Officer's valuation of your home, you can ask for a 'Re-determination'. Phone us on 01702 318197 or 01702 318198. You can email us at revenues&benefits@rochford.gov.uk for further information.

The Rent Service, do not look at your income when making a determination. Your reasons for requesting a re-determination should not be about your income. An officer from a different Rent Service area will look at the original valuation and you will be told about the outcome as soon as possible.

If you cannot afford your rent you may qualify for a Discretionary Housing Payment. You can phone us and ask for an advice leaflet or ask for help on 01702 318197 or 01702 318198. You can also email us at revenues&benefits@rochford.gov.uk

What is a statement of reasons?

A person affected can ask the Council to provide a written 'Statement of Reasons'. The Statement of Reasons does not affect your right of appeal. The statement will explain how the Council reached its decision.

The time taken for the Council to provide the statement will extend the time limit for requesting a revision or seeking an appeal to the Tribunals Service.

If you would like a Statement of Reasons, you need to complete the section at the back of this form (see page 6 and 7). Tick the Statement of Reason box and tell us the date of the decision you think is wrong. The Council will reply to you as quickly as possible.

What is a revision?

If you ask us to revise the decision you think is wrong, we will look at the decision again. A revision does not go to the Tribunals Service at this stage. It will be looked at by another officer, within the Revenues and Benefits department.

If the decision is wrong, we will correct your claim and you will get a new decision in writing with new appeal rights.

If the decision is correct, we will tell you in writing and you then have **one more month** to appeal to us. If you appeal, we will ask the Tribunals Service to look at your decision.

Late revision requests

If you do not request your revision within one calendar month from the date you were told about the decision, it is called a 'Late Revision'.

If you do not have good reasons for delay, the Council may not be able to revise the decision you think is wrong.

Examples of good reasons for delay are: bereavement, serious illness, hospitalisation, postal strike. The Council cannot change a late revision if the only reason it was late, is because you did not understand the law.

What is an appeal?

If you appeal against a decision you think is wrong, the Council will look at your decision again.

If the decision is wrong, we will correct your claim and you will get a new decision in writing with new appeal rights.

If the decision is correct, we will give your appeal to the Tribunals Service. They will decide whether the Council's decision is right or wrong.

Late appeal requests

If you do not request your appeal within **one calendar month** from the date you were told about the decision, it is called a 'Late Appeal'.

The Council will still give your late appeal to the Tribunals Service. However, unless you have a very good reason for the delay, your appeal may not be accepted.

The Tribunals Service cannot accept your appeal if the only reason it was late, is because you did not understand the law. Your appeal cannot be accepted if you appeal 13 months or more after the date on the decision letter.

What the Tribunals Service looks at

The Tribunals Service can only look at the evidence, law and the circumstances at the time we made the decision you are appealing against.

The Tribunal cannot look at any changes in your circumstances that have happened since the decision was made.

If you have a change of circumstances that could affect your benefit you should report it straight away. Do not wait for the appeal hearing.

What is an appeal?

Decide whether you would like to request a Statement of Reasons, a Revision or an Appeal.

Fill in all information boxes on page 6 to 7.

Make sure you tick only one box on page 7 and give the date of the decision you think is wrong.

Then tell us why you think the decision is wrong. Give as much information as possible. If you have any evidence to support your statement, send this in with the appeal form. Return the appeal to us in the envelope provided.

If you need any further help, phone us on 01702 318197 or 01702 318198. You can also email the office at revenues&benefits@rochford.gov.uk

Revenues and Benefits appeal form

If you are the claimant please enter your details in Section A. If you are not the person claiming Housing Benefit, Council Tax Benefit or both, please enter the claimant details in Section A and your details in Section B.

Section A

Title (Mr, Mrs, Miss, Ms)		
First name		
Surname		
Address including postcode		
Phone numbers	Home	Mobile
Email address		
Reference number		

Section B

Title (Mr, Mrs, Miss, Ms)		
First name		
Surname		
Address including postcode		
Phone numbers	Home	Mobile
Email address		
Reference number		
What is your relationship to the claimant?		

Independent advice

If you need free and independent advice you can contact Citizens Advice.

Rochford Office, Back Lane, Rochford SS4 1AY

Open Tuesday 10.00am–2.00pm
Thursday 10.00am–2.00pm
Phone: 0344 477 0808

Rayleigh Office, Civic Suite, Hockley Road, Rayleigh SS6 8EB

Open Monday 10.00am–2.00pm
Thursday 10.00am– 2.00pm
Friday 10.00am– 2.00pm
Phone: 0344 477 0808

How to contact us

If you need help filling in the form

You can phone us on 01702 318197 or 01702 318198 between 8.30am to 5.30pm, Monday to Thursday and 8.30am to 5.00pm Friday.

You can come into the office from 8.30am to 12 noon Monday, Tuesday, Thursday and Friday or 12 noon to 5.00pm on Wednesday.

We are closed at the weekend. Our address is on the front of this form.

You can also email us at revenues&benefits@rochford.gov.uk

If you would like this information in large print, Braille or another language, please phone 01702 318197 / 318198.



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