



Housing Benefit and Council Tax Benefit appeals

If you think our decision about your Housing
Benefit or Council Tax Benefit is wrong



 **Hackney**

What can I do if I think that your decision about my Housing Benefit or Council Tax Benefit is wrong?

When we make a decision about your entitlement to Housing Benefit or Council Tax Benefit, we will send you a benefit notification letter. This will tell you how we have worked out your benefit, and how much benefit you will receive or the reasons why you do not qualify for benefit.

You should always read the benefit notification letter carefully to make sure that we have worked out your benefit correctly, because if we have made a mistake and we pay you too much benefit, you may have to pay back any overpayment.

You must let us know immediately if any of the information in the letter is wrong or missing.

If you are not happy with our decision, you have the following three options.

- Ask us to explain our decision.
- Ask us to look at your claim again (a revision).
- Make a formal appeal to the independent Tribunal Service.



Ask us to explain our decision

If you do not understand your benefit assessment, please contact us straight away. You can ask us any questions you have, and we will explain the reasons for our decision. If you want to do this please contact us.

- Visit us at Hackney Service Centre, 1 Hillman Street, London, E8 1DY.
- Email us at benefits@hackney.gov.uk.
- Call our benefit call centre on **020 8356 3399**.

You can ask us to either explain our decision verbally or to provide you with our reasons in writing.

If you ask for a verbal explanation and you are still not happy, you will have one month from the date we originally told you of your benefit award to ask us to review our decision or to appeal to the Tribunal Service.

Statement of reasons

You have the right to ask us for a written ‘statement of reasons’. This statement will explain, in writing, the reasons for our decision.

If you want a written statement of reasons, you must ask us for one within one month of receiving your benefit decision.

Once you have received a statement of reasons, you then have a further 14 days to ask us to review our decision, or to appeal to the Tribunal Service.

Ask us to look at our decision again

If you think we have made a mistake, or you have information and evidence which you believe will change our decision, you can ask us to look at the decision again. (This is called a revision.)

To ask for a revision you must write to the Revenues and Benefits department. You can only ask for a revision if you are a person affected by the decision.

You are a person affected if:

- you are the person who is claiming benefit or someone they have authorised or who has power of attorney to act on their behalf;
- you are a landlord or agent, but only if the decision concerns who Housing Benefit is paid to; or
- you are someone we decide to recover an overpayment from.



You have one month from the date we told you our decision to ask for a revision. The letter asking for a revision must be signed by the person affected. If you ask us for a revision after one month, we will only be able to look again at your claim if you can show that you have good reasons for not asking for a revision within the one-month time limit. We cannot carry out a revision after 13 months, whatever your reasons for not asking for one sooner.

When you ask us for a revision, another officer will look at the claim.

After reconsidering our decision, we will let you know in writing whether we have changed the decision or whether it will stay the same.

If we still feel that our original decision is correct, you have another month to appeal to the independent Tribunal Service. Our letter will tell you about your right to appeal.

Appeal against our decision

If you believe our decision is wrong you have the right to appeal to the Tribunal Service.

You must make your appeal within the following time limits.

- Within one month of the date we tell you our initial decision.
- If you have asked for a statement of reasons, within 14 days from when we provide it.
- If you have asked for a revision within one month from when we confirm that our original decision was correct.

In order for your appeal to be valid, it must:

- be in writing;
- be signed by the person making the appeal;
- clearly say which decision you are appealing against; and
- explain why you believe the decision is wrong.

If anything is wrong with your appeal application, or you have not provided all the information that is needed, we will write to you and give you 14 days to correct it.

If you want to appeal you can write to us, fill in the Housing Benefit Revision and Appeal form (which is available at our reception at Hackney Service Centre or at the back of this form), call **020 8356 3399** or visit our website at www.hackney.gov.uk

If you appeal in writing, please send your appeal to the Appeals Team, Revenues and Benefits Service, Hackney Service Centre, 1 Hillman Street, London, E8 1DY.

You should make it very clear in your letter that you want to appeal.

Things you may want to appeal against

You can appeal against most of the decisions we make. Here are some examples.

- You may appeal against the start or end date of your claim.
- You may appeal against the amount of income, savings or rent we used to work out your benefit.
- You may appeal against the number of people we have included on your claim.
- You may appeal against the amount we say we have overpaid you.

However, there are certain decisions that you cannot appeal against, These are mainly decisions involving a figure that is laid down in law, for example the maximum amount of capital (savings and investments) which someone can have before they no longer qualify for Housing Benefit. If you try to appeal against a decision that you cannot appeal against, this is known as 'out of jurisdiction' and we cannot consider it. However, we will still send your appeal to the Tribunal Service and ask them to confirm that we cannot consider your appeal.

Special rules if you are receiving Pension Credit

If you are receiving Pension Credit, you should send any appeal against the income we used to work out your benefit to The Pension Service, not to us. You can contact The Pension Service on **0800 991 234**.

You should send your appeal to us if it is about any other part of your Housing Benefit or Council Tax Benefit claim, for example the amount we have deducted from your benefit to allow for a non-dependant.

Late appeals

You must make your appeal within one month of receiving our decision. If you are outside this time limit, you can write to us to ask for a late appeal. Your letter must explain why you did not appeal within the one-month deadline. (You should include details of any special circumstances which prevented you from appealing on time.) We may allow you to make a late appeal if this is in the interest of justice.

If you appeal outside the one-month deadline, and we do not extend the time limit, we will pass your appeal to the Tribunal Service who will decide if whether to hear your late appeal.

In all cases, the reasons for the delay must have meant it was not practical to make the appeal within the deadline. The person who wants to appeal must sign the letter asking for a late appeal.

We cannot extend the deadline for appeals by more than 12 months, so if you make an appeal after 13 months, there will be little or no chance of it being heard.

What happens next?

Once you have made your appeal we will look at our decision again. We will do one of the following.

- Change the decision in your favour. We will send you a new benefit notification and your appeal will end. We will tell you about your right to appeal against our new decision.
- Send your appeal to the Tribunal Service if we do not change the decision or if we change the decision in a way that reduces the amount of benefit you are entitled to. We will prepare the appeal and send it to the Tribunal Service who are independent of us and totally unbiased. We aim to send all appeals to the Tribunal Service within 90 days. We will also send a copy of the appeal papers to you.

If the Tribunal Service accept your appeal, they will write to you with the date and time of the First Tier Tribunal hearing. You can choose whether to go to the hearing and speak, or ask the tribunal to look at the case in your absence. You can take a representative or friend with you.

The Tribunal Service use over 140 venues across the country, and they will try to hold the appeal within a reasonable distance of where you live. We have no control over how long the Tribunal Service take to hear your appeal.

If you want to go to the hearing, but you cannot go on the date that has been arranged, you can ask the Tribunal Service to postpone the hearing. However, the Tribunal Service will only agree to this in exceptional circumstances. Normally the tribunal will go ahead without you.

You can also withdraw the appeal at any time before the hearing by writing to the Tribunal Service.

At the tribunal hearing a judge will examine the facts, apply the law to the facts of the case, and come to a decision. Occasionally there may be other specialist panel members at the hearing if the judge feels they need an expert or experts (for example a qualified accountant) to help them understand the evidence.

The Tribunal Service will tell you the outcome of the hearing in writing.

What if I disagree with the First Tier Tribunal's decision?

If you disagree with the First Tier Tribunal's decision, it may be possible to take the case to the Upper Tier Tribunal, but only if the First Tier Tribunal has made a mistake in applying the law.



Use this space to tell us what you think is wrong with our decision. Tell us why you want us to look at the decision again or write the clear reasons for your appeal. Please continue on a separate sheet if you need to. You can attach as much information or evidence to support your appeal as you want.

If it is more than a month after the date of our decision, use this space to tell us why you did not send us this form sooner.

Signature

Date

Return to: Hackney Service Centre, 1 Hillman Street, Hackney, London, E8 1DY.



Form A1

Revision and Appeal

Form A1 Housing Benefit and Council Tax Benefit revision and appeal request

Name	
Address	
Date of birth	
Claim number	
National Insurance number	
Daytime phone number	

Date of the decision

Please write the date of the decision letter we sent to you that you disagree with.

Please tick the box (or boxes) that apply to you.

I would like you to explain your decision.

I would like you to look at the decision again.

I want to appeal against the decision.

If you would like to find out what this document says please tick the appropriate box, put your name, address and phone number at the bottom of this page and return it to the address below.

Bengali

এই দলিলে কি লেখা আছে সে সম্পর্কে যদি আপনি জানতে চান তাহলে অনুগ্রহ করে উপযুক্ত বাক্সে টিক দিন, এই পাতার নীচে আপনার নাম, ঠিকানা ও ফোন নম্বর লিখুন এবং এটি নীচের ঠিকানায় ফেরত পাঠান।

Somali

Haddii aad jeclaan lahayd in aad ogaato waxa dokumeentigani sheegayo fadlan calaamadi godka ku haboon, ku qor magacaaga, cinwaanka iyo telefoon lambarkaaga boggan dhankiisa hoose ka dibna ku celi cinwaanka hoose.

French

Si vous désirez connaître le contenu de ce document, veuillez cocher la case appropriée et indiquer votre nom, adresse et numéro de téléphone au bas de cette page et la renvoyer à l'adresse indiquée ci-dessous.

Spanish

Si desea saber de lo que trata este documento, marque la casilla correspondiente, escriba su nombre, dirección y número de teléfono al final de esta página y envíela a la siguiente dirección.

Kurdish

Ger hun dixwazin bizanibin ku ev dokument çi dibêje, ji kerema xwe qutika minasib îşaret bikin, nav, navnîşan û hejmara telefona xwe li jêrê rûpel binivîsin û wê ji navnîşana jêrîn re bişînin.

Turkish

Bu dökümanda ne anlatıldığını öğrenmek istiyorsanız, lütfen uygun kutuyu işaretleyerek, adınızı, adresinizi ve telefon numaranızı bu sayfanın alt kısmına yazıp, aşağıdaki adrese gönderin.

Polish

Jeśli chcesz dowiedzieć się, jaka jest treść tego dokumentu, zaznacz odpowiednie pole, wpisz swoje nazwisko, adres i nr telefonu w dolnej części niniejszej strony i przeslij na poniższy adres.

Vietnamese

Nếu bạn muốn biết tài liệu này nói gì hãy đánh dấu vào hộp thích hợp, điền tên, địa chỉ và số điện thoại của bạn vào cuối trang này và gửi lại theo địa chỉ dưới đây.

Urdu

اگر آپ یہ جاننا چاہتے ہیں کہ دستاویز میں کیا لکھا ہے تو ازراہ کرم مناسب باکس میں صحیح کا نشان لگائیے اور اپنا نام، پتہ اور فون نمبر اس صفحہ کے نیچے لکھیے اور اسے نیچے دیئے گئے پتہ پر واپس بھیج دیجئے۔

Chinese

如果你想知道這分文件的詳細內容，請在方框內打鉤，在本頁下面寫下你的名字、地址和電話號碼並寄到下面的地址。

If you would like this document in any of the following formats or in another language not listed above, please complete and send the form to the address below.

In large print

On Disk

In Braille

On audio tape

In another language, please state:

Name:

Address:

Tel:

Return to: Hackney Service Centre, 1 Hillman Street, Hackney, London, E8 1DY.