

Disputing a Housing Benefit Decision



What to do if you think the decision about
your Housing Benefit is wrong



What can I do if I think the decision about my Housing Benefit is wrong?

We aim to make the right decision when working out your entitlement to housing benefit. We must comply with rules and regulations set by central Government.

If we send you a decision in writing it is usually because you have

- a) claimed housing benefit;
- b) had a change of circumstances which affects your benefit;
- c) been told you have to pay back an overpaid benefit.

If you have received a decision letter about housing benefit, and you think the decision may be wrong or you need further information about it, you should ask us for an explanation.

If you still think the decision is wrong after we have explained it to you, you can ask us to look at it again.

For some decisions, you can appeal to an independent tribunal. They can change the decision if they decide that it is wrong. There are some decisions which you cannot appeal to an independent tribunal against, these include:

- a) the local housing allowance rate set by the Valuation Office;
- b) the broad rental market area that your home is in;
- c) any decision relating to the discretionary housing payment scheme.

There are time limits for asking decisions to be looked at again and for appealing against a decision, details of which are shown later in this leaflet.

IMPORTANT - landlords or agents

Landlords and agents cannot dispute most decisions made by the council. They can only dispute decisions that directly affect them. These are:

- the decision about who housing benefit is paid to;
- the decision that an overpayment can be recovered from the landlord or agent.

Any other decision made by the council can only be disputed by the claimant or their appointee.

Do you want us to look at the decision again?

If you want us to look at the decision again, you must write to us within one month of the date of the decision letter using the form in this leaflet. If there are special circumstances which mean you cannot contact us within one month, we may still be able to reconsider the decision but you must tell us what these are when you write to us.

We will check your claim 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 we decide the decision was wrong it will be changed and you will be sent a letter explaining why it was changed.

If we decide the decision is correct, we will tell you whether you can appeal and you will then have **one month** to do this.

Do you want to appeal to an independent tribunal?

If you still think that the decision is wrong after we have looked at it again, you can make an appeal to the Tribunals Service through the council, using the form in this leaflet. Please complete all relevant boxes on the form making sure you write down the reasons why you think that the decision is wrong.

An appeal must be received in writing within **one month** of the original decision letter or if you have previously asked us to look at our decision again, then you will have **one month** from the date of our reply to submit your appeal.

If your appeal is received **outside** the one month time limit you must explain what special circumstances stopped you disputing the decision within one month. If we accept your reasons then your dispute will be looked at.

If you appeal late and we do not accept your reasons your late appeal will be forwarded to the Tribunals Service. A Tribunal Judge will look at your reasons and whether there is a reasonable chance that your appeal would be successful. If so, a tribunal hearing will be arranged.

A late dispute cannot be accepted if we receive it more than **13 months** after the date on the original decision letter.

When we receive your appeal we will look at the decision again if we have not already done so. If the decision is wrong we will change it.

If we:

- change it and this is to your advantage, we will write to you about the new decision and your appeal will stop. We will also tell you your appeal rights for the new decision;

- change it and this is not to your advantage, we will write to you about the new decision. We will then pass your appeal to the Tribunals Service;
- cannot change it, we will pass your appeal to the Tribunals Service.

If we pass your appeal to the Tribunals Service, we will send you a copy of the submission which includes your letter of appeal, the reasons for our decision and all relevant documents.

Appeal Tribunals

The Tribunals Service will write to you when they receive your appeal, so they can make arrangements for the hearing. It is important that you reply to their enquiry, if you do not, your appeal may stop. One of the questions they will ask you is about how you want your appeal to be heard. You can choose between an oral hearing or a paper hearing.

Oral hearing

This is an appeal tribunal you attend. At the oral hearing you will be able to deal with any questions or issues that arise.

If you choose an oral hearing the Tribunals Service will write and tell you when the appeal tribunal will be. The other people who attend a tribunal are:

- The Tribunal Judge;
- The Tribunal Clerk;
- The council's presenting officer;
- Any representative you have - this may be somebody from the advice agencies, a relative or a friend;
- Any witnesses you or the council want to call.

If you choose an oral hearing but cannot attend, 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, the tribunal may hear the appeal without you.

Paper hearing

This is an appeal hearing which is heard in your absence. 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.

Tribunal decision

Whether you have an oral or paper hearing:

- 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 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 within one month of the date you were 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 your appeal is successful, we will usually action the decision as soon as we receive our copy of the tribunal's decision. We may not action the decision straightaway if we intend to appeal to the Upper Tribunal.

Expenses

The council do not make payments for any expenses you incur during the appeal process.

The Tribunals Service may pay some of your expenses for going to the tribunal, for example travel costs.

What can you do if you disagree with the tribunal's decision?

Appeals to the Upper Tribunal

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 Local Authority;
- the Department for Work and Pensions.

What you can appeal to the Upper Tribunal about

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

- questions of facts;
- a tribunal's finding or conclusions.

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

Other organisations that can help

Advice centres, such as the Citizens Advice Bureau and law centres, can represent you and help you understand the reasons for decisions about housing benefit. 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.

If you have any enquiries or require assistance, you can visit your local customer service centre listed below.

Anlaby Haltemprice Customer Service Centre
East Riding Leisure Haltemprice
Springfield Way
Anlaby
HU10 6QJ

Bridlington Customer Service Centre
Town Hall
Quay Road
Bridlington
YO16 4LP

Cottingham Customer Service Centre
Civic Hall
Market Green
Cottingham
HU16 5QG

Goole Customer Service Centre
Council Offices
Church Street
Goole
DN14 5BG

Beverley Customer Service Centre
Cross Street
Beverley
HU17 9AX

Brough Customer Service Centre
Petuaria Centre,
Centurion Way,
Brough,
HU15 1DF

Driffield Customer Service Centre
Cross Hill
Driffield
YO25 6RQ

Hedon Customer Service Centre
2 New Road
Hedon
HU12 8EN

The Hesse Centre
Southgate
Hesse
HU13 0RB

Howden Customer Service Centre
69 Hailgate
Howden
DN14 7SX

Pocklington Customer
Service Centre
The Pocela Centre
23 Railway Street
Pocklington
YO42 2QU

Hornsea Customer Service Centre
75 Newbegin
Hornsea
HU18 1PA

Market Weighton Customer
Service Centre
Wicstun Centre
14 Beverley Road
Market Weighton
YO43 3JP

Withernsea Customer Service
Centre
243 Queen Street
Withernsea
HU19 2HH

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