Housing Benefit
And
Council Tax Benefit
Appeals
Your Rights

When you receive a benefit notification letter from us it will give details of how we have worked out your benefit or why it has been refused. If you are unhappy with our decision you can ask us to look at it again. Details on how to do this are listed in the letter and if you are the person affected (this means someone who the decision affects and has the legal right to challenge it), explains how you can do this and the time limit for doing it.

The Housing Benefit rules are set by the Government and Harlow Council has little say in their creation. We have no control over such things as the amounts or figures used when calculating benefit so you cannot appeal against these decisions and some other rules contained in the regulations.

What can I do if I am not happy with a decision?

You can ask us to explain our decision; you can do this by Visiting Contact Harlow at the Civic Centre in person, by phone, email or in writing. A phone call or visit is probably best because if you visit us or use the telephone number on the decision letter you will be speaking to a trained Benefit Officer. This means that they will be able to explain the decision more fully and answer any questions that you may have at the same time. If you are then still not happy with the explanation there are two other paths available to you.

You can ask us to look at your claim again; if you believe that we have made a mistake or if you have further evidence such as wage slips which you believe may change the decision we have made. This is called a reconsideration request. Reconsideration requests should be made in writing and be sent to the benefit unit with any new evidence that you think we should look at. It is important to ask for a reconsideration as soon as possible, as in some cases if the new evidence supplied means that your benefit rate will increase, by law it will only be increased from the Monday following the date that we receive the new evidence.
You can make a formal appeal against our decision; if you are not happy with the explanation received or the result of the reconsideration requested.

You can make a formal appeal at any point however it is in everybody’s interests that a dispute is sorted out as soon as possible. Appeals often take a long time to prepare and to be heard by the Tribunal Service and the first two stages when used often avoid this.

The rest of this leaflet is about how to make a formal appeal and what happens next.

**Making a Formal Appeal**

An appeal must be made in writing and you should state which part of our decision you are not happy with and why. You must make it clear that you want to make an appeal to the Tribunal Service and that you are not asking for an explanation or requesting that the council revise the decision.

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<th>Important</th>
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<td>You have one calendar month to appeal, starting from the date that you receive the notification letter. If you have asked for an explanation or reconsideration, the time period will be frozen until you receive a reply from the council and then the clock will start ticking once more.</td>
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*You must always sign the letter yourself even if somebody else has written it for you, if you make an appeal by Email you must follow it up with a signed request.*

Your Landlord can appeal for instance if we ask them to pay back benefit we have overpaid in respect of you (not ongoing recovery for housing benefit deductions). They cannot appeal on your behalf, for instance about how much benefit we award you.
Important
If you have evidence that you have not already sent to us it is helpful if you send this in with your request for an appeal. This may speed things up and can often mean that the decision will be changed before an appeal hearing becomes necessary.

When we receive your appeal your claim will be reviewed by a reconsideration panel, made up of three experienced officers. A Benefit Officer (not the one that made the original decision) a Team Leader and the Appeals Officer, the panel will check to see that;

- The original decision is correct
- All evidence supplied has been used
- It is a decision that can be appealed against
- That your appeal request has been made within the time limits allowed.

If we feel the decision cannot be changed we will tell you so in writing and give you the reasons why. Your appeal will then go ahead.

If the panel change the decision and it is not in your favour or does not change things from the date that the original decision is made your appeal will go ahead, unless you tell the Tribunal Service that you do not wish for it to continue. You can ask us to do this on your behalf but it must be done in writing.

If the decision is changed in your favour we will tell you so in writing giving you further appeal rights with the new decision and no further action will be taken.

Your opportunity to discuss your appeal

If you wish to discuss your appeal in person you can contact us to arrange a private interview with the Appeals Officer by phoning 01279 446462. If you cannot get into the Civic Centre a home visit may be available in certain circumstances.
What happens to my appeal?

If you appeal is correctly made, we will send it to the Tribunal Service with a copy of the papers about our decision and a ‘submission’. A copy will be sent to you at the same time and will be sent to your representative if you have told us that you have one.

The submission

This tells the Tribunal Service the reasons for our decision and supplies details of the law and any other information that was used to make the decision. When you recive our submission you should read it carefully.

When you have read our submission you, or your representative my think it necessary to make one of your own, telling your side of the story to the Tribunal or to point out what you believe is wrong. This should be sent to the Tribunal service as early as possible and can be included in the reply to their enquiry form.

Late appeals

If your appeal is made over one month from the original decision it will be classed as late. The Council may accept it however they may ask you for the reason for the delay therefore it is important to include this reason in any late appeal made. If you do not include the reason for the delay we may then request it at a later date delaying your appeal further. All late appeals will be set to the Tribunal Service, it will then be up to them to decide whether they believe that your appeal should be heard.

If your appeal is made more than 13 months after the original decision was notified it will still be sent to the Tribunal Service but there will be little or no chance of it being heard.
Out of Jurisdiction appeals

An appeal that is considered to have little or no chance of success because it is against a decision that is fixed in law that cannot be changed, such as the benefit rate, is known as being ‘out of jurisdiction. We will advise you that your appeal has been considered to be out of jurisdiction and will then send it to the Tribunal Service for them to decide whether this is so.

Tribunal Service enquiry form

You will receive an enquiry form from the Tribunal Service. It asks you important questions about your appeal. The form gives you a chance to add any more information that you think the Tribunal Service should know about. It is very important that the form is completed fully and returned promptly. This information will let the Tribunal Service decide how and when your appeal will be heard.

You must send the completed form to the Tribunal service in the envelope provided within 14 days of the date on the front of it, if you don’t your appeal may fail.

Once you have sent the form back, if you then have any further queries about when your appeal will be heard you will need to contact the Tribunal Service (see contact details)

Types of Tribunal

The enquiry form will ask you what type of hearing you want. You can choose either a paper hearing or an oral hearing.

Paper hearing

Your appeal will be decided by the Chairman based upon the submission and any written information you have provided. The Tribunal will make their decision without you or anyone else present. The Tribunal Service will not notify you of the hearing date but will send you a copy of the Tribunals decision.
Oral Hearing

You or your representative (if you have one) can attend an oral hearing and it is in your best interests to be there if you request one. This gives you a chance to deal with any questions or issues that may arise. Tribunal hearings are open to the public but you can ask for your hearing to be held in private. Harlow Council will normally send a presenting officer to any oral hearing notified who will explain our case further and explain the law used, you will be able to question them on the day.

Struck out appeals

Sometimes the Tribunal Service decide that an appeal should not go ahead – this is called striking out your appeal. This can happen because;

- The Tribunal service did not receive the enquiry form from you within 14 days of the date shown on it. The appeal papers will be put before the Tribunal to decide whether the appeal should be allowed to go ahead or closed by ‘striking out’
- You or your represantative failed to do something that the Tribunal Service asked you to do. For example you have not answered letters in time.
- The Tribunal service does not know or cannot trace your address.

The Tribunal Service will write to you if your address is known and supply the reasons for striking out your appeal.

When and where will my appeal be heard

If you request an oral hearing the Tribunal Service will write to you and will tell you the time, date and where the Tribunal will be heard. You should receive at least fourteen days notice of the hearing date.
For Harlow residents all Tribunals are held at the Latton Bush Centre. If necessary, reasonable travel expenses will be paid.
If you are housebound or in hospital, you can request what is called a ‘Domiciliary Hearing’. If you want to know more about this please contact the Tribunal Service direct using the phone number included on their appointment letter.

**What happens if I can not make it to my hearing?**

If you know you will not be able to attend the hearing you can ask the Tribunal Service for a postponement. This will only be given in exceptional circumstances. You must request this in writing from the clerk of the tribunal and give the reasons for your request. If you are not given another date the original hearing will go ahead as planned (in your absence if necessary).

**Withdrawing the appeal**

If you want to cancel your appeal you must make your request in writing and send it to the Tribunal Service, you can do this at any time prior to the hearing. If you wish to withdraw your appeal on the day you must tell the Tribunal Clerk.

**The Tribunals Decision on your appeal**

The Chairman will make their decision on your appeal at the end of the hearing. You will be given the decision in writing either on the day of the hearing or by post within two working days. It will include notes about what happens next and what to do if you are not happy with the decision. A copy of the tribunal decision notice is sent to the council so that we can make any changes necessary as a result of their decision. When you receive the decision if you want to know more details about how the decision was made you can:

- Ask the Tribunal Service for a statement of reasons detailing the facts and law used in their decision. You have 1 month of the decision notice to do this.
- You can also request a record of the appeal hearing up to 6 months from the date of the hearing.
Contact details

Where to send your appeal request

Harlow Council
Revenues and Benefits
The Civic Centre
The Watergardens
Harlow
Essex
CM20 1 WG

Visit the Housing Benefit web pages at www.harlow.gov.uk for more useful help, advice and links

You can hand it in at Contact Harlow at the address above

Enquiries about making an appeal or to discuss your appeal

Telephone the Appeals Officer on 01279 446462
Email hdc.benefits@harlow.gov.uk

Contacting The Tribunal Service

Write to: The Tribunal Service
Social Security Appeals, Administrative Support Centre, P O Box 14620, Birmingham, B16 6FR
Or telephone: 0845 408 3500
Monday to Friday 8.30am to 5pm

For free independent help and advice you can contact;

The Citizens Advice Bureau
15-17 West Gate, The High, CM20 1JP
Telephone: 0845 120 3717 Website www.advice.org.uk