

Housing Benefit and Council Tax Benefit

What do I do if I disagree with your decision



Equal Opportunities Statement

Dartford Borough Council and Sevenoaks District Council are committed to ensuring that no service user or customer is discriminated against on the grounds of gender, race, colour, ethnic origin, disability, sexuality or religion.

Leaflets available:



A Guide for Working Age People (Leaflet 1 WRK)



A Guide for Pensioners (Leaflet 2 PNS)



Can my claim be backdated? (Leaflet 3 BKD)



Changes you need to tell us about (Leaflet 4 C/C)



A Guide for the Self-Employed (Leaflet 5 S/E)



Extra help towards your Rent & Council Tax (Leaflet 6 DHP)



What do I do if I disagree with your decision? (Leaflet 7 APP)



What happens when I have been paid too much? (Leaflet 8 O/P)



A Guide for Landlords (Leaflet 9 L/L)



Attending an Interview Under Caution (Leaflet 10 IUC)



Can I ask someone to act on my behalf? (Leaflet 11 ACT)

**This leaflet is available in large print, please phone:
01732 227414.**

**This leaflet can be explained in other languages please phone:
01322 343705 or 01732 227000.**

Please note that whilst every effort has been made to ensure that the details given in this leaflet are correct, the information should not be treated as an authoritative statement of benefit regulations.

The decision

Once we have looked at your claim we will write to you with a decision. Our letter will tell you if you qualify or not, how much benefit you will get, how you will be paid and the date the benefit will start.

What do I do if I disagree with your decision?

If you believe our decision is wrong you can ask us to:

- explain our decision
- look at our decision again - this is called a 'reconsideration' or
- pass your case to an independent tribunal - this is called an 'appeal'.

Time limits

There are time limits for reconsiderations and appeals. If you want to ask us to look at a decision again, or if you want to appeal against a decision, you should do so within one month of the date on the Housing Benefit and/or Council Tax Benefit decision letter.

If you miss the one-month time limit, it is still worth contacting us as there are special circumstances in which it may be possible to extend the time limit.

You can ask us to explain our decision at any time but after the one-month time limit we may not be able to reconsider a decision if, after looking at our explanation, you then decide that you think the decision is wrong.

Late appeals

The Appeals Tribunal may accept appeals more than one month after the date on the decision letter if there are special circumstances that caused the delay for example:

- a death
- serious illness
- absence abroad or
- postal strike

If your appeal is late, make sure you include a reason, or reasons, why you did not appeal earlier. The reason(s) will be examined by an Appeals Tribunal Judge who will decide if your appeal can go ahead.

No appeals can be accepted after more than 13 months from the date of the decision.

What can I not appeal against?

You cannot appeal against the Local Housing Allowance (LHA) rates for the area you are living in, because these statutory rates are set by the Rent Service, an independent body separate from us. An appeal can be made against the LHA rate used in your assessment (eg 1 bedroom rate, 2 bedroom rate etc).

You can however request us to reconsider your claim if you think our decision is wrong.

If you wish to appeal against the Discretionary Housing Payment decision you cannot appeal through the Tribunal Service, but you should write to us explaining why you feel we should reconsider; we will then reconsider through our internal appeal procedure.

How do I get you to reconsider your decision?

Complete the form at the back of this leaflet or write us a letter. You must do this within one calendar month of the date on the benefit decision letter.

Tell us why you think our decision is wrong. Be specific - it is not sufficient to say **'I do not agree with your decision'** or **'the benefit is not enough'**. The letter, or form, must be signed by you or your official appointee (an appointee is someone appointed to act for a person who cannot act for themselves).

If you disagree with more than one decision, say why you do not agree with each one in turn. You should also say whether you want us to reconsider the decision(s) or you wish to appeal to the Tribunal Service.

Your letter, or form, must be received at our offices within **one calendar month** of the date on the benefit decision letter. In a few exceptional circumstances a request to reconsider a decision, or appeal against a decision, can be accepted up to 13 months from the date of the decision letter.

What happens when I ask for a reconsideration?

A senior Officer will check your claim thoroughly taking into account any information you have given in your letter. We could then:

- decide not to change the decision
- change the decision and pay you more benefit or
- change the decision and pay you less benefit.

We aim to write to you within 2 working days to acknowledge your letter, and aim to give you a full response within 4 weeks. If we need longer to give you a full response we will contact you and explain why.

If, after the reconsideration, our decision remains unchanged and you still disagree with it, you can ask for it to be looked at by an independent tribunal. You have one month from the date of our letter telling you that our decision cannot be changed to write to us saying you wish to appeal.

If, after the reconsideration, we change our decision you will be given new appeal rights.

How do I appeal against a decision?

Complete the enclosed form and return it to us within one calendar month of the date on the benefit decision letter. Please write clearly in black ink and make sure you sign it.

Where can I get help to write my appeal?

If you are unable to write your own appeal you can ask someone to help you, for example a relative, or the Citizens Advice Bureau (see the inside of the back cover for contact details). The appeal must, however, be signed by you or your official appointee (an appointee is someone appointed to act for a person who cannot act for themselves).

What happens after I appeal?

The Appeals Officer will look at the decision again to see if it can be changed.

- If we find 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 we find that the original decision is wrong but the new decision is not to your advantage, we will send you a new decision and forward your appeal to the Tribunal Service.
- If we do not change the decision, we will send your appeal, together with an explanation of the law and the facts used to make the decision to the Tribunal Service for consideration by an Appeals Tribunal. We will also include any other relevant papers. The written paperwork sent to the Tribunal Service is known as a submission. A copy of the submission will be sent to you by recorded delivery.

What is a 1st Tier Appeals Tribunal?

An Appeals Tribunal is like a court of law. It is where the decision about your appeal will be made. Most tribunals have just one judge. Appeals Tribunal Judges are people who are experts on the issues involved in your case. All tribunals include a legally qualified person.

At the Appeals Tribunal the Judge looks at the evidence from both parties and makes a decision.

What happens when my appeal is sent to the 1st Tier Appeals Tribunal?

We will send you a copy of the written submission we sent to the Appeals Tribunal, together with a covering letter by recorded delivery.

The Appeals Tribunal will send you a form to complete, asking you whether you would like:

- your appeal dealt with in writing (paper hearing) or
- you wish to attend in person (oral hearing).

You have 14 days in which to return this form to the Tribunal Service. If you fail to return it your appeal will not proceed. The Appeals Tribunal call this being **struck-out**.

You can submit evidence prior to the Appeals Tribunal hearing which you wish to be taken into consideration at the hearing or in person on the day.

At the hearing, the Appeals Judge will look at the evidence, the law and the circumstances at the time we made our decision.

What is an oral hearing?

This is a hearing that you can attend. The Appeals Tribunal will write to tell you the date and time and place of the hearing.

At the hearing:

- you can take someone with you for support or to represent you
- you can ask questions
- the Judge may ask you questions
- you can call witnesses to give evidence
- one of our representatives may be there and he or she may ask you questions and call witnesses.

It may be in your interest to request an oral hearing so that you can answer any questions or issues that come up during the hearing.

If the Appeals Tribunal thinks that it is in your best interest to have an oral hearing, they will write to tell you this.

The Appeals Tribunal may pay some of your expenses, for example, travel costs. For more details about expenses, please contact the Appeals Tribunal office handling your appeal. Their telephone number will be on top of the letter they send you.

What is a paper hearing?

This is a hearing that you do not attend. The Appeals Tribunal looks at the information you have provided together with the Council's written submission and then writes to you with their decision.

You will not be told the date of a paper hearing.

How will I know the result of my appeal?

It is often possible for the decision of the Appeals Tribunal to be given on the day. If this is the case the Judge will give you the decision at the end of the hearing.

Whether you chose an oral or paper hearing, you will be sent a decision notice by the Appeals Tribunal, giving the Appeals Tribunal's decision after the hearing. Most decision notices are sent out within 7 days of the hearing.

The Appeals Tribunal will also send us a copy of their decision. If you want a written Statement of Reasons about the decision made by the tribunal you can get a copy of the proceedings up to one month from the date of the hearing. Please contact the Appeals Service if you would like a statement of reasons from the Judge.

If your appeal is successful, we will usually put the decision right as soon as we receive our copy of the Tribunal's decision.

However, if we are not happy with the Appeals Tribunal's decision we may decide to appeal to the Upper Tribunal. If we appeal to the Upper Tribunal the Appeals Tribunal hearing decision will be **stayed** (not actioned). If we decide to do this we will write to you.

What happens if the Appeals Tribunal does not make a decision?

If the Appeals Tribunal has insufficient evidence to make a decision the hearing will be adjourned and a new date set.

What if I disagree with the Tribunal's decision?

Once you have received the written Statement of Reasons from the Appeals Tribunal you can ask for your case to be looked at by the Upper Tribunal.

The Upper Tier Judges are barristers, solicitors or advocates with at least 10 years' experience and are appointed by the Queen on the advice of the Lord Chancellor. They are independent of both us and the Department for Work and Pensions.

Who can appeal to the Upper Tribunal?

Appeals can be made by:

- anyone who has already appealed to the Appeals Tribunal and been given a decision
- us
- the Department for Work and Pensions.

You can only appeal to the Upper Tribunal on a point of law or a mistake of a material fact. You must also have got a copy of the Statement of Reasons for the Appeals Tribunal's decision.

How do I appeal to the Upper Tribunal?

Your decision letter from the Appeals Tribunal will tell you how to appeal to the Upper Tribunal.

You cannot appeal without first getting a written Statement of Reasons for the Appeals Tribunal's decision.

Examine the statement of reasons carefully. If you think the Appeals Tribunal did not apply the law correctly, you can apply to appeal to the Upper Tribunal. You must do this within one month of the date the written Statement of Reasons was sent to you.

You must send the written Statement of Reasons with your application. Form UT 1 (Social Entitlement) can be obtained from www.tribunals.gov.uk. A legally qualified Appeals Tribunal member will decide if your appeal can be sent to the Upper Tribunal or whether a different Appeals Tribunal should look it at again.

Notes for completion of the form

Please use this form:

- if you want us to explain our benefit decision
- if you want us to reconsider the decision
- if you wish to appeal against the decision.

Fully complete this form using black ink and take it or send it to us - see the back of this leaflet for our address.

Complete each section giving us your full name, address, phone number and, if applicable, the name and address of the person you have arranged to help you with your appeal. Make sure that you sign to authorise this person to act for you.

The decision/my request

Tell us what you want us to do by ticking the relevant boxes. Give specific reasons for the request. If you need more space please use another sheet of paper and attach it to the form.

If you are late with your appeal you must tell us why. Late is more than one month after the date on your decision letter.

Finally ensure you have signed and dated the form. Make sure your official appointee, if you have one, has also signed it.

Post the form to us or return it in person. Our address is on the back of this leaflet

Application for an explanation/reconsideration of a decision or to appeal against a decision.

Benefit Reference Number:

Full Name:

Date of Birth:

National Insurance Number:

Address (including postcode):

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.....
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Daytime Telephone Number:

Mobile Telephone Number:

Have you arranged for someone to help you with your appeal? Yes No

Their Full Name:

Their Address (including postcode):

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.....

Sign here to authorise this person to act for you:

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PTO

Where can I get help?

You can always phone us for help and advice. For details visit our website www.dartford.gov.uk or www.sevenoaks.gov.uk or see the back of this leaflet.

You could also contact or visit the following:

Dartford Citizens Advice Bureau

Trinity Resource Centre, High Street, Dartford DA1 1DE

Call: 01322 224686

Edenbridge & Westerham Citizens Advice Bureau

68 High Street, Edenbridge TN8 5AR

Call: 01732 865131

Email: Edenbridge@cabnet.org.uk

Sevenoaks & Swanley Citizens Advice Bureau

Buckhurst Lane, Sevenoaks TN13 1HW

Call 01732 456100

Email: info@sevenoaksdistrictcab.org.uk

16 High Street, Swanley BR8 8BG

Call: 01732 456100

Email: info@sevenoaksdistrictcab.org.uk

Shelter Kent Housing Aid

Bull Yard

High Street

Ashford

TN24 8SN

Call: 0344 515 1444

Email: ashford@shelter.org.uk

If you have any questions about your Housing Benefit or Council Tax Benefit



Phone us on: 01322 343705 (Dartford)

01732 227000 (Sevenoaks)

A service is available for minicom users on: 01732 227496
(for textphone users only)



Write to us at:

Benefit Services, Dartford Borough Council
Civic Centre, Home Gardens, Dartford, Kent DA1 1DR

Benefit Services, Sevenoaks District Council
PO Box 102, Argyle Road, Sevenoaks, Kent TN13 1GT



**E-mail us at: benefits@dartford.gov.uk
benefits@sevenoaks.gov.uk**

Visit our main offices at the following times:



Dartford

Monday - Thursday 8:45am to 5:15pm

Friday - 8:45am to 4:45pm

Sevenoaks

Monday - Wednesday 8.45am to 5.00pm

Thursday 9.30am to 5.00pm

Friday 8.45am to 4.45pm

**For appointments at our Edenbridge, Swanley & Hartley surgeries
please call 01732 227000**

What if I want to comment on your service?

Please get in touch with us. We would like to know what you think.
Information on how we deal with comments about our services is
available on our websites: www.dartford.gov.uk or www.sevenoaks.gov.uk