

## What to do if you think the decision about your benefit is wrong.

This leaflet explains what to do if you think the decision about your Housing Benefit is wrong. You can also use it to appeal Council Tax Benefit.

If you want to appeal a Council Tax Support decision, you must do this directly to The Valuation Tribunal.

If you think the decision we made on your claim is wrong, you can contact us to:

- Ask us to explain it
- Ask us to look at the decision again
- Appeal to an independent tribunal to look at the decision

There are time limits for asking us to look at the decision again or for making an appeal but you can ask us to explain the decision in writing to you at any time. This written explanation is called a 'statement of reasons'

### What should I do if I want you to look at the decision again?

You must write to us within **one month** of the date on the decision letter. If you have asked for a statement of reasons first, the one month time limit is extended by the time it takes us to reply to you.

### I have asked for the decision to be looked at again. What happens next?

A different officer will look at the decision to see if it is correct.

If the decision can be changed we will send you a letter explaining the new decision. If you do not agree with the new decision you can ask us to look at it again.

If the decision cannot be changed we will send you a letter explaining why. If you then want to appeal to the Tribunals Service you have **another month** from the date of the letter to do so.

### What should I do if I want to appeal against the decision?

Complete the attached form or write to us within **one month** of the date of the decision letter. The form will help you provide the right information.

If you write to us; state the decision you are appealing against, the date on the notification and give reasons why you think the decision is wrong.

If you have any evidence to support your appeal, send it to us with your form or letter.

You may find it helpful to talk to a welfare rights organisation, such as Citizens Advice or the Welfare Rights Service.

### Who can make an appeal?

- Whoever made the claim (the claimant)
- someone who is appointed by the courts to act on behalf of the claimant
- someone who we agree can act on behalf of the claimant
- a landlord – but only about who benefit may be paid to
- an agent – but only about who benefit may be paid to
- anyone we ask to pay back an overpayment of benefit

## **What happens after I have made an appeal?**

We will look at the decision again if we have not already done this.

If we think the original decision is wrong we will change it and write to let you know. If we decide in your favour, your appeal will stop.

If we think the original decision is wrong but it is not to your advantage e.g. the amount of benefit you get remains the same or goes down; your appeal will continue.

When we have prepared the appeal papers we will write to you again and send you a copy of the papers.

## **I have not asked you to look at my claim or made an appeal within one month - what can I do?**

You can ask us to look at your claim again or make an appeal outside the one month time limit if there were reasons why you could not do this at the time. You need to tell us what the reasons are and provide any evidence that you have.

We cannot normally accept an appeal 13 months after the decision was made.

However, if you do appeal outside this time limit we will refer your appeal to the First Tier Tribunal for them to decide whether your appeal can be allowed.

## **General information**

This leaflet is a guide only; it is not meant to say exactly what your legal rights are.

We have tried to make sure that the information in this leaflet is correct and up to date; but please remember that the information in this leaflet is likely to become less accurate over time because of changes to the law.

To make this topic easier to understand some of the information may have been oversimplified. If you need more detailed information please contact us by:-

Telephoning Access Bolton on 01204 331590

Email to [housing.benefit@bolton.gov.uk](mailto:housing.benefit@bolton.gov.uk)

Visiting the One-Stop-Shop at Bolton Town Hall

If you write to us our address is:-

Housing Benefits

Bolton Council

PO Box 4

Bolton

BL1 1RX

# Housing and Council Tax Benefit Appeal Form.

Reference number

## About you

Title (Mr, Mrs, Miss, Ms)								
Your surname								
Forename and middle name(s)								
Your date of birth								
National Insurance (NI) number								

Your address and postcode

Daytime telephone number or mobile number

Have you arranged for someone to help you with your appeal?

Yes

No

If yes, tell us their name and address

Sign this box to allow this person to act for you.

## About your appeal

Name of the benefit you want to appeal  
e.g. Housing Benefit, Council Tax Benefit

What is the date of the decision letter you want to appeal about

There is a box on the next page for you to say why you do not agree with the decision. If you need more room please use a separate sheet of paper but make sure you state APPEAL at the top and put your reference number or your name and address on it.

## About your appeal continued

- You must explain why you think the decision is wrong. It is not enough to say 'I do not agree with the decision' or 'The money is not enough'.
- The reasons given should be like these examples:
  - 'My rent was £75 a week but you have said it was £35 a week.'
  - 'I moved into the property on 1 November, not 1 December.'
  - 'You have used the wrong wages to work out my benefit. I only received £250 during the Christmas week.'
- If you are appealing against more than one decision, you must say why you do not agree with each one.
- If it is more than one month after the date on the decision letter, you must say why your appeal is late.

## Your Appeal

Write your appeal in the box below

## Declaration

I confirm that to the best of my knowledge, the details on this form are correct and true.

Your Signature

Date

Signature of the person helping you with your appeal or your appointee

Date

## What to do now

Check that you have:

- Stated which decision you do not agree with and the date of the decision
- Explained why you do not agree with the decision
- Signed the form or that your appointee has signed if they have the right to act for you
- Given reasons if your appeal is late
- Provided any proof that you think we need to confirm the information that you have stated in your appeal

You can email this form to [housing.benefit@bolton.gov.uk](mailto:housing.benefit@bolton.gov.uk)

You can hand this form in at the One-Stop-Shop at Bolton Town Hall or any of the other local council offices

If you are posting this form to us our address is:-

Housing Benefits  
Bolton Council  
PO Box 4  
Bolton  
BL1 1RX

**Remember your form should normally reach us within one month of the date of the decision letter.**