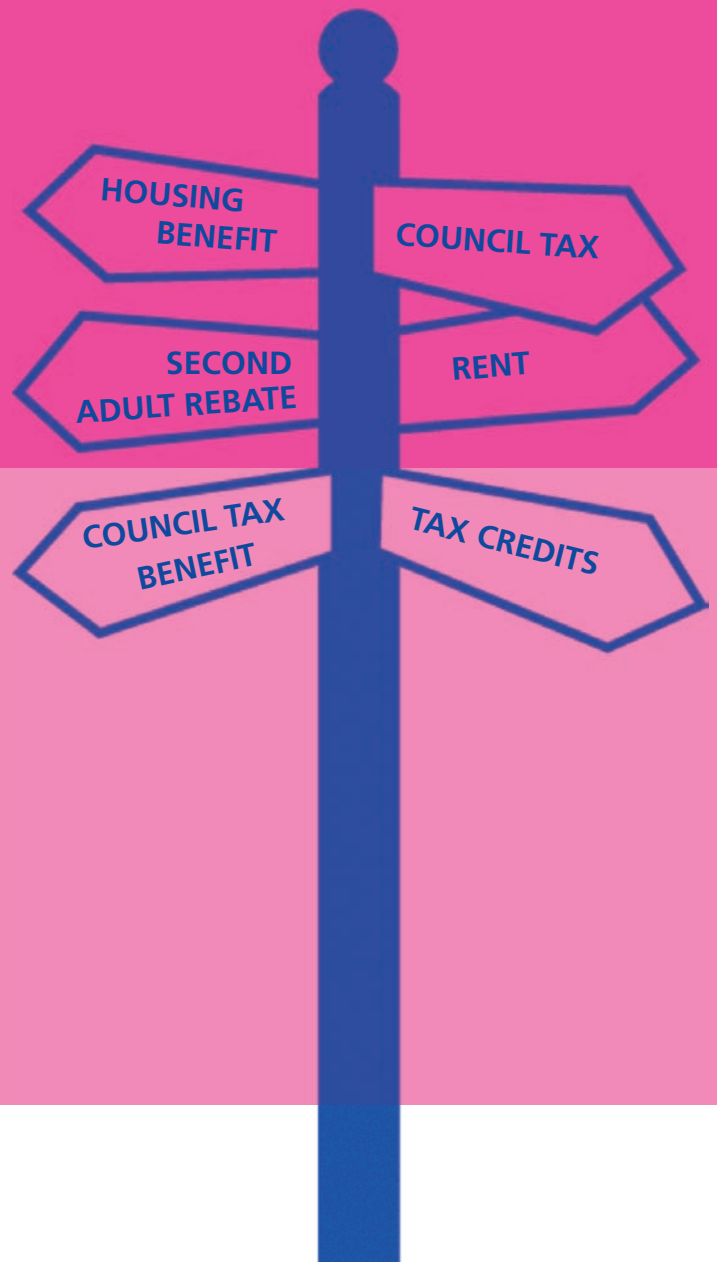


Housing Benefit and Council Tax Benefit

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



Housing Benefit Section, 2nd Floor, Ty Elwyn, Llanelli,
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Tel: 01554 742100 • Fax: 01554 742277 •
email: Housing.benefits@carmarthenshire.gov.uk

What to do if you think the decision about your Housing Benefit or Council Tax Benefit is wrong ►

Introduction

When you apply for Housing or Council Tax Benefit, we will give you a decision in writing about your claim. If you disagree with it, you can ask us to look at it again.

There are different ways in which you can do this.

You can contact us to:

- ask us to explain our decision;
- ask us to look at your claim again; or
- appeal against our decision to an independent tribunal.

Important Notes ►

The amount of benefit we pay you is a matter between us and you. Only you can ask us to look again at how much benefit we pay you. If we reduce your benefit to recover any benefit we have overpaid you from a previous address, your current landlord cannot appeal against our decision to recover that overpayment.

Who can appeal? ►

The people this will affect include:

- you (the person making the claim);
- someone acting on your behalf (chosen by the courts);
- someone who we agree can act on your behalf;
- your landlord – but only in matters relating to who we pay benefit to;
- your agent – but only in matters relating to who we pay benefit to; or
- anybody who we ask to pay back benefit we have overpaid.

This means that only you can ask us to look at our decision again about how much benefit we think you are entitled to.

Only your landlord or agent can ask us to look at our decision about whether we should pay them and whether our decision that they owe us money (because your benefit was overpaid) is correct.

Landlords and appeals ►

Your landlord only has certain rights to appeal if they don't agree with our decision about your Housing Benefit.

- Your landlord can appeal if our decision is not to pay your benefit direct to them.
- Your landlord can appeal if we ask them to pay back any benefit we have overpaid you.
- Your landlord cannot appeal about how much benefit we give you.

What should I do if I disagree with the Rent Officer's decision? ►

You cannot appeal against this decision. If you disagree with the Rent Officer's decision of what is a reasonable rent to pay for the property you live in, you can ask for a re-determination (for them to look at their decision again) or you can apply for a Discretionary Housing Payment. Please contact us on the address overleaf for advice on how to do either of these.

The Rent Service does not take your income into account when they make a determination, so your reasons for asking for a re-determination should not be your level of income. An officer from a different Rent Service area will look at the original valuation and write to you to tell you their decision.

Decisions you can't appeal against ►

You can ask us to look again at any decision you think is wrong. But there are some decisions you can't appeal against, for example:

- what information and proof we need you to give us;
- if we did not look at our decision again because you asked us too late;
- if we pay you by cheque or how often we pay you;
- that we have a right to recover an amount we have overpaid you;
- how we recover the amount we overpaid you; and
- if you think our decision about a Discretionary Housing Payment is wrong.

Statement of Reasons ►

You can ask us to give you a statement (called a 'statement of reasons') in writing to explain how we made our decision. This does not affect your right to appeal against our decision. The time we take to provide the statement will mean you have more time to ask us to look at our decision again or appeal to the Tribunals Service.

What should I do if I want you to look at your decision again? ►

You must write to us or complete a reconsideration form within one month of the date on the decision letter. If there are special circumstances as to why you cannot write to us within one month, you must contact us to explain those circumstances because we may still be able to look at our decision again.

What happens when we look at our decision again? ►

The decision will be checked by a different officer to the one who made the original decision to see if it is correct.

If we can change our decision:

- we may change it from the date of our original decision; and
- we will send you a letter explaining our new decision.

If the new decision is in your favour your appeal will lapse and you will be given new rights of appeal.

If we cannot change our decision:

- we will send you a letter explaining why; and you have one more month to appeal to the Tribunals Service.

I want to appeal against your decision. What should I do? ►

You must appeal by writing a letter or filling in an appeal form, which you can get from us. You must sign your appeal and send it to the address shown overleaf within **one calendar month** of the date on the letter telling you about our decision.

Grounds for appeal ►

You should specify the decision you're appealing against, giving the date on the official letter notifying the decision.

You have to give the reasons why you are appealing. These are your 'grounds of appeal'. Your reasons don't have to be lengthy or written in legal language, but you need to say more than just 'I disagree'. You should explain simply why you think the decision you're appealing against is incorrect.

You might usefully state what you consider the correct decision should be.

If you have information or evidence to support your appeal, for example a letter from your doctor, you should enclose it at this stage with your appeal.

If we consider that your grounds of appeal are insufficient, we may ask you for further information. If we are still not satisfied, we will forward your appeal to the Tribunals Service for a tribunal chairman to rule whether it can go ahead.

Time limits ►

You have one calendar month from the date on which the official letter giving the decision was sent to you to appeal.

Your appeal is not regarded as made until it has been received by us in writing. For example, if the letter giving the decision is sent to you on 15 March, your appeal must arrive at the address overleaf by 15 April at the latest.

Please note you have one calendar month in which to appeal but any time waiting for a statement of reasons does not count towards that month.

If you find yourself outside the time limit (whether you asked for a statement of reasons or not), you can ask for an extension. You do this by:

- sending off your appeal as soon as you can, and
- explaining in your appeal why it is late and why you have a good case.

An extension may be granted if you have reasonable prospects of a successful appeal or if there are special circumstances why it wasn't practicable for you to have appealed sooner. Special circumstances include things like serious ill health. Simply being unaware of the time limit does not count. If we accept that there are special circumstances for the delay, we can agree to an extension.

If we do not agree, your appeal will be forwarded to the Tribunals Service for a chairman to decide whether to grant an extension. If the chairman grants an extension, your appeal may go ahead. If the chairman refuses an extension, the appeal ends there.

Please note an extension of more than one year **cannot** be granted.

The Tribunals Service ►

The Tribunals Service will make a decision about your appeal at a tribunal hearing.

The tribunal hearing is made up of up to two people who are independent from us. It will usually have one member who is an expert on the issues involved in your appeal and at least one of the members will be legally qualified.

It is important that you give your reasons for appealing because the tribunal does not have to look at anything you don't mention in your letter or appeal form. The tribunal can only look at the evidence, the law, and the circumstances at the time the original decision was made.

Remember, if the appeal tribunal finds you have been getting too much money, we will reduce your benefit.

If your appeal is passed to the Tribunals Service, you will be sent a copy of the appeal papers and a form asking you whether you wish your case to be dealt with:

- in writing
- by attending in person

You are allowed 14 days to return the form to the Tribunals Service. If you do not return the form, your appeal will stop.

General Information ►

If you require any further advice or wish to obtain a reconsideration form or an appeal form, please contact;

The Housing Benefits Section
Carmarthenshire County Council

Ty Elwyn
Llanelli, SA15 3AP

Tel: 01554 742100

Fax: 01554 742277

Website: www.carmarthenshire.gov.uk

E-mail: Housing.Benefits@carmarthenshire.gov.uk

If you would like either of these forms in Welsh or in large print, please contact us at the above. This leaflet is also available in Welsh.

Alternatively, you can call at one of our customer service centres located at:

Ty Elwyn
Llanelli

3 Spilman Street
Carmarthen

Town Hall
Ammanford

Opening hours

8.45am – 5.00pm (Monday - Thursday),

8.45am – 4.30pm (Friday)

For independent advice, you can contact:

Citizens Advice Bureau

Llanelli 01554 759626

Carmarthen 01267 234488

Ammanford 01269 591091

Shelter Cymru

01267 229206

CATCHUP Ltd

01554 776850

01554 774570