
Financial Rights– Making an Appeal

There is a lot of paperwork to complete to ensure that your benefit claim is done correctly, so when it goes wrong it is important that the appeals process is as easy as possible.

As different benefits have different appeals procedures this helpsheet sets out some of these differences and what to do.

Housing Benefit

Sometimes your Housing Benefit may not be paid at the correct rate. This could be due to an error in the calculations, a misunderstanding or lack of information regarding your situation. If you disagree with the amount of Housing Benefit you are being paid, you should contact the Housing Benefit Department and apply for a 'Reconsideration' of your claim.

If your dispute is not resolved through reconsideration by the council, you need to make an appeal to the *First –tier Tribunal*. A First–tier Tribunal will not deal with administrative problems such as issues with customer service; you would need to take this up as a complaint with the council.

You must request a First–tier Tribunal appeal in writing to the council. This could be by letter clearly stating that you would like to make an appeal and what you are appealing against or the council may have an appeal form for you to complete. If possible, include evidence to support your case. Your appeal form or letter must reach the council within one month of the date on the decision letter.

If for any reason the council or the claimant is still not satisfied with the outcome, further appeals may then be passed to the *Upper Tribunal*.

Council Tax Reduction

Council Tax Reduction replaced Council Tax Benefit on 1st April 2013. This means appeals are dealt with separately instead of jointly with Housing Benefit.

If you disagree with the outcome of a Council Tax Reduction decision you would need contact the council. You must do this in writing but there is no time limit for you to do this. Once the original decision has been reconsidered and you have been informed of this; if at this time you still disagree you then have two months to make an appeal to the *Valuation Tribunal*. The easiest way to do this is via a form which you can obtain from Hanover's Financial Rights Team on 0800 023 4477 or directly from the Valuation Tribunal at www.valuationtribunal.gov.uk.

If for any reason you are still not satisfied with the decision made at the Valuation Tribunal you have a maximum of two weeks to ask for a statement of reasons for the decision; and a further two weeks to make a further appeal to the High Court.

Disability Benefits

Attendance Allowance, Personal Independence Payments and Disability Living Allowance claims are based upon your health circumstances. The decision on whether you can successfully claim one of these benefits is made based on the information you give on the form, along with other medical evidence such as a doctor's report, consultants report or a face to face assessment. If information given is incomplete or does not give an accurate description of your circumstances you may have your application turned down unnecessarily.

To appeal against an unsuccessful decision you need to contact the Department for Work and Pensions: for Attendance Allowance 0845 605 6055, or from a mobile 0345 605 6055: for Disability Living Allowance 0845 712 3456: for Personal Independence Payments 0845 850 3322 to request a reconsideration of your claim or a statement of reasons for their decision. You have one month from the date of receiving the decision notice or a written statement of reasons for the decision, to request a 'reconsideration'. If you only receive a verbal statement of reasons the time limit for reconsideration remains one month from the date of the decision notice.

Once your claim has been reconsidered you will be sent another decision notice giving you the result. If you still disagree with the decision you would then need to appeal to an independent *First-Tier Tribunal*. If you wish you can nominate a third party to help with the tribunal or do this on your behalf. The decision notice will give you details of how to do this. It will involve completing a form, giving the reasons why you feel the original and reconsidered decisions are incorrect.

Further Information

Hanover would always recommend that you seek advice and aid in making a case for appeal. We would also always recommend that you attend, with another person if possible, any oral hearing that relates to your appeal.

For further advice please contact-

Citizens Advice Bureau www.citizensadvice.org.uk

AgeUK 0800 169 6565 www.ageuk.org.uk

Gov.uk Website www.gov.uk

Hanover's Financial Rights Team may also be able to help if you call 0800 023 4477.