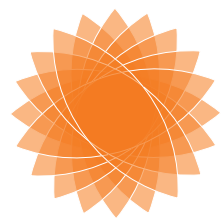


If you think the  
decision about your  
Housing Benefit or  
Council Tax Benefit  
is Wrong



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North Kesteven District Council

# If you have received a decision about Housing or Council Tax Benefit, you may need to know what you can do if you think it is wrong.

## If you receive a decision in writing it is usually because you have:

- Claimed Housing or Council Tax Benefit.
- Had a change of circumstances, which affects your benefit.
- Been told you have to pay back money because you were paid too much benefit.

## If you think our decision is wrong, or don't understand it, you can:

- Ask us for a spoken or written explanation.
- Ask us to look at our decision again, or
- Appeal against our decision.

For many decisions, you may be able to appeal to an independent tribunal who can change the decision if they agree that it's wrong. You can find more information about tribunals in this leaflet.

There are time limits for asking us to look at decisions and appeals. We tell you about these in this leaflet.

## 1. Ask us to explain our decision.

When you have received a written decision from us, and you want more information about it, you should contact us straight away.

You must contact us within one month of the date on the decision letter. You can do this by telephone, in writing or by visit.

We will either provide a spoken explanation or, if you request it, we will send you a written statement of reasons as soon as possible.

## 2. Ask us to look at our decision again.

When you have received a written decision from us, or a written statement of reasons and you still think it is wrong, you must contact us within one month of the date of the letter.

If there are special circumstances, which mean you cannot contact us within one month, we may still be able to look at the decision again. Tell us what the special circumstances are when you contact us.

We will check the decision to see if it is correct. A person who was not involved with the original decision will usually look at it. They will look at any evidence you send to support why you think the decision is wrong.

If the decision is wrong we will change it and send you a new decision letter.

If the original decision cannot be changed, we will send you a letter telling you that we cannot change it. The letter will also tell you if you can appeal against the original decision.

If you ask for your decision to be looked at again more than one month after the date of the decision letter and you do not have special circumstances for the delay it may still be possible to change the decision but only from the date you contacted us.

## 3. How to appeal to an Independent Tribunal.

When you have received a written decision or statement of reasons from us, and you still think it is wrong you may have the right to appeal against our decision. You must do this within one month after the date on the decision letter. Please use the form at the back of this leaflet to appeal.

## Appeal Tribunals

The Tribunals Service will decide your appeal at a tribunal hearing. The tribunal is made up of people who are not from the Council. They will be experts on the issues involved in your appeal.

All tribunals have a legally qualified person to apply the law and they may also include someone with financial qualifications.

The tribunal can only look at the evidence, the law and the circumstances at the time we made the decision you are appealing against. The tribunal cannot look at changes of circumstances that happened after we made the decision.

## Late Appeals

The Tribunals Service can only accept a late appeal if there are special circumstances that caused the delay. These could be a death, a serious illness, absence abroad, a postal strike or some other special circumstance. If your appeal is late you must explain why this has happened when you write your appeal.

## After you have made an appeal

When your appeal is received we will offer you an explanation of our decision, if we have not already done so.

We will look at our decision again, if we have not already done so.

If we can change our decision to your advantage, we will do this and send you a new decision. Your appeal will then stop, but you will have the right to appeal against the new decision if you still think it is wrong.

If we cannot change our decision, or the change is not to your advantage we will send your appeal,

with an explanation of the law and facts used to make the decision, to the Tribunals Service. We will also include any other relevant papers. A copy of these papers will also be sent to your representative if you have one.

You will also receive a form. You must complete this form and send it to the Tribunals service within 14 days of the date the form was sent to you. If you do not, your appeal will stop.

The form will ask you questions about how you want your appeal to be looked at. You can choose between an **oral hearing** and a **paper hearing**. These are explained below.

## Oral Hearing

This is an appeal hearing, which you can go to. It will usually be held in Lincoln or Boston. The appeal tribunal may ask you questions and you can also ask questions. You can take someone with you to represent you and you can call witnesses to give evidence to the tribunal. A Council representative may be at the hearing. They may ask you questions and call witnesses.

If you choose an oral hearing and find you cannot go, you must let the Tribunals Service know straight away. You must have a good reason why you cannot go, such as illness, then you may be able to arrange another date. If you do not let the Tribunals Service know you cannot go to the hearing, the tribunal may hear your appeal without you.

Tribunal hearings are open to the public, but members of the public do not often go to them. The Tribunal can stop members of the public from going to hearings in certain circumstances.

The Tribunals Service may pay some of your costs for going to a tribunal, for example travel costs. If you want more information about expenses, contact the Tribunals Service office handling your appeal.

## Paper Hearing

This is an appeal hearing, which you do not go to. The appeal papers will be considered and the Tribunals Service will send you the decision. You will not be given a date when your appeal will be decided.

If the tribunal think they need you to go to an oral hearing they can refuse your request for a paper hearing. If you choose a paper hearing but change your mind, you can choose to have an oral hearing. Write to the Tribunals Service straight away.

## The Result

When your appeal has been decided you will be given or sent a decision notice explaining the tribunal's decision. A copy will be sent to the Council too.

If your appeal is successful, we will usually put the decision right as soon as we receive our copy of the tribunal's decision. We may not put it right straight away if we decide to appeal to the Upper Tribunal.

If you don't agree with the tribunals decision and you wish to make a further appeal to the Upper Tribunal, you must ask for a statement of reasons. Your decision letter from the Tribunals Service will tell you what to do if you are unhappy with the decision.

You can only appeal to the Upper Tribunal if you think the Tribunal has not applied the law correctly in dealing with your appeal. You can't appeal to the Commissioners about

- facts they have used
- their medical findings or conclusions.

## Other organisations that can help

**Advice centres**, such as Citizens Advice can give you help and support. They can help you to fill in forms or to write a letter. They may sometimes go with you to the tribunal.

You may be able to get advice from a **solicitor** under the legal help scheme. If you decide to use a solicitor, the scheme does not cover the cost of a solicitor to help you at a tribunal. You cannot get any money for things like solicitor's fees from us or the Tribunals Service.

This document is available in large print, Braille, audio tape, electronic formats such as CD, or in a different language. For a copy please contact Customer Services at the Council using the following options:

**Phone:** 01529 414155  
(main switchboard) or  
01522 699699 (if calling  
from a Lincoln number)

**Minicom:** 01529 308088

**Fax:** 01529 413956

**Web:** [www.n-kesteven.gov.uk](http://www.n-kesteven.gov.uk)

**Email:** [customer\\_services@n-kesteven.gov.uk](mailto:customer_services@n-kesteven.gov.uk)

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