



HOUSING BENEFIT CENTRAL UNIT

What to do if you think the Decision on your Housing Benefit Claim is wrong

If you think the decision made is wrong, you can:

- ◆ Ask for an explanation
- ◆ Ask us to look at the decision again
- ◆ Appeal against the decision

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Department of
Finance and Personnel

IF YOU THINK OUR DECISION IS WRONG

If you have applied for, or are receiving Housing Benefit you may need to know what to do if you think our decision is wrong.

If you think our decision is wrong, you can ask us to explain it. If you still think it is wrong we will look at it again.

For some decisions you may also be able to appeal to an independent tribunal and that tribunal can change our decision if they agree it is wrong.

There are time limits for asking us to look at decisions again and for appealing.

DO YOU WANT MORE INFORMATION ABOUT OUR DECISION?

If you have received a decision letter and want more information about this please contact us at the telephone number or address on the decision letter for an explanation.

The reasons for our decision will be explained to you or given in writing.

If a written statement of reasons has not been sent to you, you can request this within one month of the date of the decision letter. This will be sent to you within **14 days**.

DO YOU WANT US TO LOOK AT OUR DECISION AGAIN?

If you are not satisfied with the reasons given you can either ask us to look at our decision again or lodge an appeal.

If you have decided that you wish us to look at our decision again or wish to lodge an appeal then you should let us know **within one month of the date of the decision letter**.

If you have asked for a written statement of reasons for our decision we will extend this time limit by the number of days it takes to issue this to you.

If you want us to look at our decision again contact us at the address on the decision letter **within one month of the date of that letter** and tell us you would like our decision looked at again.

If you do this within one month and we agree the decision should be changed, the change will usually be effective from the date of our original decision.

If there are special circumstances that meant you could not contact us within one month it may still be possible to change the decision but it is likely that this will be from the date you asked us to look at the decision again. You must detail the special circumstances when you contact us.

When you ask us to look at a decision again, we will arrange for a different member of staff to carry out the reconsideration.

If the original decision is wrong we will change it and send you a new decision letter telling you what our decision is. If you don't agree with our new decision you can ask us to look at it again.

If after investigation we are content that our decision is correct we will send you a decision letter confirming this. If you wish to appeal against our original decision, the one-month time limit starts from the date on the letter letting you know our new decision.

DO YOU WANT TO APPEAL AGAINST OUR DECISION?

If you wish to appeal against our decision you can use the Appeal Form at the back of this booklet. It is important that you complete the form **in full**.

Alternatively you may write us a letter making sure that the following information is included –

- 1 Your full name, your full postal address.
- 2 Your claim number.
- 3 Your National Insurance Number.
- 4 Your ratepayer and property number.
- 5 A daytime telephone number.
- 6 The date of the notification letter of the decision you wish to appeal against.
- 7 You **must** sign and date the letter.
- 8 You must state the reason **why** you think our decision is wrong, it is not enough to say, "I do not agree with the decision"
- 9 You should also state if you have arranged for someone to help you with your appeal and whether you wish correspondence regarding your appeal to be sent to you or them.

This letter must be sent to Housing Benefit Central Unit, Londonderry House, Chichester Street, Belfast, BT1 4JJ **within one month of the date of the decision letter**. If not you must tell us the reason for delay.

LATE APPEALS

- ❖ If your appeal is received more than one month after the date of the decision you must state the reasons for the delay.
- ❖ A legally qualified tribunal member will look at the reasons you have given for not appealing in time and will decide if your appeal can be accepted.
- ❖ The legal member will look at;
 - 1 whether there were special circumstances for the delay
 - 2 the length of time since you received notification of the decision
 - 3 whether it is in the interests of justice that your appeal is accepted; and
 - 4 whether your appeal is likely to succeed.
- ❖ Special circumstances could be a death, a serious illness, absence abroad, a postal strike or other circumstances considered exceptional.
- ❖ A legal member cannot accept a late appeal if the only reason is that you misunderstood the law, or interpretation of the law has changed since the decision was made.
- ❖ Your appeal cannot be accepted if it is received 13 months or more after the date the decision was made.

MISCONCEIVED APPEAL

- When the Rate Collection Agency considers that an appeal has no prospect of success because the rules for Housing Benefit entitlement are clearly not satisfied, or the appeal is without merit, it will refer the matter to The Appeals Service as a 'misconceived appeal'.
- The Appeals Service will ask you if you wish to have an oral hearing or a paper determination to consider the misconceived issue only.
- You must reply to this enquiry within 14 days otherwise your appeal may be struck out and will proceed no further.
- If the tribunal decides that your appeal is misconceived then it will be struck out and will proceed no further.
- If the tribunal decides that your appeal is not misconceived then it will be referred back to the Rate Collection Agency so that they can reconsider the decision appealed against.

If the Rate Collection Agency do not change the decision appealed, they will prepare a submission and refer the appeal to The Appeals Service for consideration by a tribunal.

WHAT HAPPENS NEXT?

After you have appealed we will offer you an explanation of our decision.

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

If we agree that our original decision was wrong and the new decision is to your advantage we will send you notification of our new decision and your appeal will stop. If you do not agree with our new decision you can appeal against it.

If we agree our original decision is wrong but the new decision is not to your advantage we will send you notification of our new decision. Your appeal will continue against the new decision. You will have one month to comment on the new decision.

If we do not change our decision, we will send your appeal and an explanation of the law and facts used to make the decision to The Appeals Service along with any other important papers.

The Appeals Service will send one copy of all the papers to you, or to the person you have nominated to help you with your appeal.

APPEAL TRIBUNALS

An independent tribunal is made up of people who are not from the Rate Collection Agency.

The tribunal will be made up of either:

A legally qualified member sitting alone;

Or

A legally qualified member sitting with a financially qualified member if the issue involves difficult financial matters.

The tribunal can only look at the evidence, the law and the circumstances at the time the decision was made you are appealing against.

They can not look at changes of circumstances that happened after the decision was made.

If a change of circumstance could affect your benefit you should report it to us in writing immediately. Do not wait for the appeal hearing – contact us at the address on the notification letter.

ORAL HEARING

- ❖ This is an appeal hearing, which you can go to.
- ❖ You will be given 14 days notice of the date, time and place of the hearing.
- ❖ The tribunal may ask you questions.
- ❖ You can ask questions.
- ❖ You can take someone with you to represent you.
- ❖ You can call witnesses to give evidence to the tribunal.
- ❖ A representative of the Rate Collection Agency will usually be at the hearing.
- ❖ If you choose an oral hearing but find you are unable to attend, you must let the tribunal know straight away. If you do not let the tribunal know that you cannot go to the hearing the tribunal may decide the appeal in your absence.
- ❖ You can request a postponement of your hearing to another date. You must have a good reason why you cannot attend, such as illness. The request must be made in writing to the clerk to the tribunal. The clerk or the legal member of the tribunal will decide whether or not to grant the request.
- ❖ Oral hearings are usually open to the public, but anyone who goes to the hearing will usually be involved in the appeal. You can ask to have your appeal held in private.
- ❖ You should bear in mind that persons who attend the hearing of their appeal are more likely to be successful than those who do not.

PAPER HEARING

- ❖ A paper determination is where the tribunal sits in private and decides the appeal. They will only have the papers provided by the Rate Collection Agency and any papers or written submission you or your representative forward to The Appeals Service.
- ❖ You are not required to attend and the Rate Collection Agency is not represented.
- ❖ When you receive the appeal papers and decide that you want a paper determination you should send The Appeals Service any additional information you want the tribunal to take into account. This will also be copied to the Rate Collection Agency.
- ❖ You should return the enquiry form and any additional information to The Appeals Service within **14 days**.
- ❖ The Appeals Service will arrange the hearing and neither you nor the Rate Collection Agency will be informed of the date.
- ❖ The tribunal will consider the appeal and you will be notified of their decision.

You should note that even if you request a paper determination an oral hearing will take place if:

- the Rate Collection Agency request an oral hearing, **or**
- the tribunal directs that an oral hearing is necessary to reach a decision.

If you choose a paper determination but later change your mind, you can choose to have an oral hearing. If this happens write to The Appeals Service straight away. If the appeal has not already been decided, The Appeals Service will write and tell you if an oral hearing has been granted.

THE RESULT OF THE APPEAL

As soon as possible after the tribunal hearing you will be issued with a copy of the summary decision of the tribunal. A copy will also be issued to the Rate Collection Agency.

You can also apply for a statement of reasons, which gives an explanation of the tribunal's decision including the facts and law used. You must apply for the statement of reasons **within one month of the issue of the summary tribunal decision**. You must have a statement of reasons if you appeal to the Social Security Commissioners.

If you want a record of the appeal hearing you can get a copy of the record of proceedings up to 6 months from the date of the hearing.

If your appeal is successful, the office that deals with your benefit will usually put the decision right as soon as they receive their copy of the tribunal's decision. They will not do this if the Rate Collection Agency appeals to the Social Security Commissioners.

If you do not agree with the appeal tribunal's decision you may be able to appeal to the Social Security Commissioners. The Commissioners are lawyers who are not from the Rate Collection Agency or The Appeals service.

You can only appeal to the Commissioners on a point of law. You cannot appeal about questions of fact.

The notes accompanying the decision of the tribunal will tell you what to do if you are unhappy with the decision.

THE APPEAL APPLICATION FORM

If you want to appeal a decision we have made, please complete the form at the back of this booklet, ***in full***.

Remember, you must state why you disagree with our decision.

Also, if it is more than one month from the date on your notification letter you must state the ***reason for delay***.

Please note: the information in this booklet is for guidance only, it is not a statement of law.

RATE COLLECTION AGENCY COMPLAINTS PROCEDURE

A separate Rate Collection Agency complaints procedure exists if you are not happy with the standard of service in relation to the Housing Benefit Scheme. Details can be obtained from the Rate Collection Agency, Londonderry House, 21 -27 Chichester Street, Belfast, BT1 4JJ.

OFFICE CONTACT DETAILS

	Telephone Numbers
North Eastern Academy House 121a Broughshane Street Ballymena BT43 6HY	028 2566 4700
North Western Orchard House 40 Foyle Street Londonderry BT48 6AT	028 7131 9900
Eastern Londonderry House 21-27 Chichester Street Belfast BT1 4JJ	028 9025 2525
Southern 16 West Street Portadown BT62 3PD	028 3839 6200
South Western Boaz House 15 Scarffe's Entry Omagh BT78 1JE	028 8225 4777
Housing Benefit Central Unit Londonderry House 21-27 Chichester Street Belfast BT1 4JJ	028 9025 2525



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