

## Your appeal

- Use this space to say why you do not agree with the decision.
- You must say **why** you think the decision is wrong. Please use BLOCK CAPITALS.

- If you need more space, use another sheet of paper. Remember to put your name and National Insurance number on any extra sheets of paper.
- **Make sure you have filled in the other side of this form and signed it.**
- Take or send this form to: Housing and Council Tax Benefits Service, Ground Floor, Civic Centre, Castleford WF10 4JH.

## For our use

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal form issued to customer
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal received
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Appeal received at sector office
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Invoice number <input type="text"/>

# Fact Sheet

## What if I disagree with the decision on my benefit?

### What should I do if I don't understand my benefit decision?

When we have dealt with your claim for benefit, we will send a decision letter that shows the information we have used to work it out. You should check this information carefully.

If you do not understand our decision, you should ask us to explain it. You can get in touch by phone, email, letter or speak to us face to face in our reception area. If you want a decision explaining in writing you need to ask for a 'statement of reasons'.

### Are there any decisions I can't dispute?

Yes there are. The examples below cannot be looked at again by us or The Tribunals Service. You can, however, discuss them with us:

- The level of Local Housing Allowance used when we have calculated your Housing Benefit.
- What information and proof we need you to give us.
- How often we pay your Housing benefit.
- How we recover an overpayment.
- If you think our decision about a Discretionary Housing Payment is wrong.

### What should I do if I think my benefit decision is wrong?

If you think that the decision we have made is wrong you can ask us to:

- Look at the decision again; or
- Pass your case to an independent tribunal run by The Tribunals Service.

If you want us to look at your decision again, you must write and tell us why you think your benefit is wrong. We must receive this letter within one month of the date on your benefit decision letter.

If you want an independent tribunal to look at your decision, you must complete and return to us the attached form.

The form needs completing fully and must be received by us within one month of the date on your benefit decision letter.

The one month time limit does not include any time it takes us to send you a 'statement of reasons'. For example, your benefit decision is 1 May, you can dispute the decision up to 2 June, but if in that time you have requested a 'statement of reason' and it has taken us 5 days to respond, then you can have up to the 6 June.

In exceptional circumstances, the one month time limit may be extended by us or the Tribunals Service. You must state the exceptional circumstances when you contact us.

You should note that the results of any decision you dispute may increase or decrease your benefit entitlement.

### What will happen once I ask you to look at my decision again?

A different member of staff than the original assessment officer will look at the decision and check whether it is correct.

If the decision is wrong we will change it, and advise you.

If the decision cannot be changed we will write to you and tell you. If you still think this is incorrect you can ask for the decision to be passed to the independent tribunal. You have one month from the date of the letter confirming our decision to do this.

### What will happen if I ask for the decision to be looked at by an independent tribunal?

We will look at the decision again, but if we cannot alter it we will send your appeal with an explanation of the law and the facts we used to make the decision to the Tribunals Service. We will also send a copy of the appeal papers to you.

You will also receive a form which you must complete and return to the Tribunals Service. If you do not return this form, the Tribunal Service will assume you do not wish to continue with your appeal and the process will stop.

You must read all the papers we send very carefully, and if you don't understand anything seek advice from us, an advice centre or solicitor.

The Tribunals Service will then arrange an appeals hearing. Hearings will usually consist of one person, normally a judge. All tribunals have a legally qualified person to help apply the law to your appeal; they may also include someone with financial qualifications.

You will be asked how you want your appeal to be looked at. You can choose an oral hearing or a paper hearing.

If you choose an oral hearing you will be able to ask questions and answer any that may arise. You can take someone with you to represent you at the hearing and you can also call witnesses to give evidence. Someone from the Council may be at the hearing and ask you questions and call witnesses.

People who attend an oral hearing usually do better than those who don't.

The Tribunals Service may pay some of your expenses for going to the tribunal.

If you choose a paper hearing you will not be required to attend. Your representations will be in writing.

### Where can I get more advice?

- **For more information or advice:**

Website: [www.wakefield.gov.uk/housing/benefits](http://www.wakefield.gov.uk/housing/benefits)

Email: [benefitsservice@wakefield.gov.uk](mailto:benefitsservice@wakefield.gov.uk)

Telephone: 0845 8 504 504

In person or by post:  
Housing and Council Tax Benefits Service, Ground Floor,  
Civic Centre, Ferrybridge Road, Castleford WF10 4JH.

Opening Hours: Monday - Thursday 8.30am to 5.00pm  
Friday 8.30am to 4.30pm

- **Other useful contacts**

Official UK Government website for citizens at  
[www.direct.gov.uk](http://www.direct.gov.uk)

Whether you have an oral or paper hearing, you will be given a decision in writing as soon as possible after the hearing. We will also be notified.

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

You can ask for a written explanation of the tribunal's decision. You must ask for this within one month of the date you are notified.

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 hearing.

### What if I disagree with the tribunal's decision?

You may be able to appeal to the Upper Tribunal. The Council can also appeal against the tribunal's decision.

You can only appeal to the Upper Tribunal on a point of law, not about the facts, findings or conclusions of the tribunal.

At this stage we would advise you to seek independent advice.

- **Independent Advice**

- Citizens Advice Bureau at [www.citizenadvice.org.uk](http://www.citizenadvice.org.uk), or ring 0844 499 4138.

- The Springs Advice Centre,  
4-5 The Springs, Wakefield WF1 1PU  
Telephone: 01924 302085 Fax: 01924 302097

**Telephone advice Service available:**

Mon, Tues, Fri 9.00am-1.00pm,  
Thurs 1.00pm-5.00pm

**Reception service available:**

Mon, Tues 1.00pm-4.00pm,  
Thurs, Fri 10.00am-1.00pm

**Appointment service available:**

Mon 1.00pm-3.00pm, Thurs 10.00am-12.30pm

**Drop-in session:**

Tues 1.00pm-3.30pm

## Your appeal

### About you

Title

Your surname

All other names

Your date of birth

National Insurance (NI) Number

*Get this from your NI number card, payslips, tax papers or DWP letters.*

Your address

Daytime phone number

Email address

Have you arranged for someone to help with your appeal?  No

Yes Please tell us their name and address

Their full name

Their address

Sign this box to authorise this person to act for you

### About the decision

Name of the benefits

Date at the top of the letter about the decision

### About your appeal

Use the space on the other side of this form to say why you do not agree with the decision.

- You must say 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 you give should be like these examples:
  - 'My rent was £75 per week but you have stated it was £35 per week'
  - 'I moved into the property on 1 November not 1 December'
  - 'You have used the wrong wages to work out my benefit. I received £250 only 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 you are appealing more than one month after the decision was made, you must say why your appeal has been delayed.

### Your signature

Your signature

Date

If someone has been officially appointed to act for you or someone has the authority to act for you, they should sign here.

### What to do now

- Make sure you have told us on the other side of this form why you do not agree with the decision.
- Take or send this form to us.
- It will help if you write Appeal on the front of the envelope.
- Remember, your appeal must reach the office within one month of the date at the top of the letter telling you about the decision.

For this information in any other format, such as large print, audio, Braille or in a different language please call 0845 8 504 504