

Housing Benefit & Council Tax Support

What if I disagree with the decision?

This factsheet explains what you can do if you don't understand, or you disagree with, a decision that we've made about your Housing Benefit or Council Tax Support. If you disagree with **both** your Housing Benefit and Council Tax Support decisions, you **must** tell us why you disagree with **each** decision.

Housing Benefit Decisions

What should I do if I don't understand my Housing Benefit decision?

When your Housing Benefit has been worked out, we will send you a decision letter that confirms your entitlement and shows the information used to assess your award. You should check this information carefully.

You might also find it useful to look at our 'Frequently Asked Questions about Housing Benefit' on our website at www.wakefield.gov.uk/hb-faq.

If you still do not understand our decision, you can ask us to explain it to you. This is known as a 'statement of reasons'.

If you would like a 'statement of reasons' you must request this **within one month of the date of the decision notice**.

On receiving your request, we will provide you with a detailed explanation of why we have made the decision.

What should I do if I think my Housing Benefit decision is wrong?

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

- Look at the decision again - this is known as a 'review'
- Pass your case to an independent tribunal which is run by The Tribunals Service.

You can request a review by:

- Writing to our Appeals Team at Wakefield One, PO Box 700, Burton Street, Wakefield WF1 2EB
- Emailing our Appeals Team at ctsappeals@wakefield.gov.uk

Your request must be made within **one month of the date of your benefit decision notice** and you **must** tell us why you think our decision is wrong.

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

The form should be completed in full and signed by the person for whom benefit is paid (i.e. the person who made the claim). We must receive this form **within one month of the date of your benefit decision notice**.

Please note that the one month time limit does not include any time taken between you requesting and us providing you with a 'statement of reasons'

If your appeal is received after the one month time limit, you have to show there were exceptional reasons for it being late or your appeal may not be accepted by the Tribunal service.

Are there any Housing Benefit decisions that I can't dispute?

Yes, there are some decisions that cannot be looked at again by us or by the Tribunal Service. These are:

- The level of Local Housing Allowance (LHA) used when calculating your Housing Benefit
- The level of Housing Benefit Cap used when calculating your Housing Benefit

- What information and proof we need you to give us
- How often we can pay your Housing Benefit
- How we recover an overpayment
- If you think our decision about a Discretionary Housing Payment is wrong
- The level of under-occupancy reduction that has been applied to your claim.

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

A member of staff different to the officer who originally assessed your claim will look at the decision and check whether it is correct.

If the decision is wrong we will change it and advise you of our new decision. If the decision cannot be changed, we will write to you and explain why. If you still think the decision is wrong you can ask for the decision to be passed to an independent tribunal.

Please note that you have **one month** from the date of the new decision letter to do this.

What will happen if I ask for the decision regarding my Housing Benefit to be looked at by an independent tribunal?

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

You must read the appeal papers very carefully; if you don't understand anything then please contact us for advice, or alternatively seek advice from an advice centre or a solicitor.

After receiving your appeal, the Tribunals Service will send you a form which you must complete and return to them. On this form you will be asked how you want your appeal to be looked at and you can request a paper or oral hearing. If you do not return the form, the Tribunals Service will assume you do not wish to continue with your appeal and the process will stop.

After you have returned the form, the Tribunals Service will arrange a hearing. Hearings will

usually consist of one person, normally a judge who will apply the law.

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

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

After your appeal has been heard, a decision will be issued to you in writing as soon as possible after the hearing. The Council will also receive a copy of the decision.

If your appeal is successful, we will usually change our decision as soon as we receive a copy of the Tribunal's decision. We may not change the decision if we ask for a statement of reasons or appeal the new decision to the Upper Tribunal.

After you have received the decision, you can again ask for a 'statement of reasons'. This must be done within **one month of the date you are notified of the decision**.

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.

What if I disagree with the decision from the Tribunals Service?

You may be able to appeal the decision to the Upper Tribunal. The Council can also appeal the decision made by the Tribunals Service.

An appeal can only be made 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.

Council Tax Support Decisions

What should I do if I don't understand my Council Tax Support decision?

When your Council Tax Support has been worked out, we will send you a decision letter that confirms your entitlement and shows the information used to assess your award. You should check this information carefully.

You might also find it useful to look at our 'Frequently Asked Questions about Council Tax Support' on our website at www.wakefield.gov.uk/cts-faq.

If you do not understand our decision, you should ask us to explain it to you. This is known as a 'statement of reasons'. **You can request a 'statement of reasons' at any time.**

On receiving your request, we will provide you with a detailed explanation of why we have made the decision.

Are there any Council Tax Support decisions that I can't dispute?

Yes, you cannot ask us to look again at your Council Tax Support because you disagree that you now have some (or more) Council Tax to pay, and you cannot afford to pay it. You can only appeal if you think that we have not applied the Council Tax Support rules correctly.

What should I do if I think the Council Tax Support decision is wrong?

If you think that the decision we have made is wrong then you can:

- Ask us to look at the decision again - this is known as a 'review'
- Appeal to an independent body, known as the Valuation Tribunal Service. You can only do this after your claim has been reviewed by Wakefield Council.

You can request a review by:

- Writing to our Appeals Team at Wakefield One, PO Box 700, Burton Street, Wakefield WF1 2EB
- Emailing our Appeals Team at ctsappeals@wakefield.gov.uk

Any request for a review must tell us the decision you want to be reviewed and why you disagree with it.

There is no time limit for when you can request a review of your Council Tax Support decision

However, it is very important to note that if you do not receive a response from us regarding your review *within 2 months from the date you requested it*, then you can appeal directly to the Valuation Tribunal as long as no more than 4 months have passed since you first wrote to the Council to request a review. Details on how you can do this can be found later in this factsheet.

Important Note: If you dispute a decision regarding Council Tax Support **you must still continue to pay your Council Tax** in accordance with your latest bill issued. A pending appeal is not grounds for withholding payment. If your appeal is successful, your bill will be amended accordingly.

What if I still disagree with my Council Tax Support decision?

Once you have had a review of the decision, you have the right to make an appeal to an independent body called the Valuation Tribunal if you still disagree with it.

You can only appeal against a Council Tax Support decision to the Valuation Tribunal after you have asked the Council to review your claim.

You must make your appeal to the Valuation Tribunal **within two months of the date you receive a review decision from us**. The Valuation Tribunal may authorise a 'late' appeal if they are satisfied that the failure to initiate the appeal within prescribed time limits was for reason outside that person's control. It is normal for us to be asked to comment on these cases before the Valuation Tribunal can make their decision whether to allow a 'late' appeal.

You must be aware that the Valuation Tribunal cannot hear appeals about the design and contents of the Council scheme but only how the scheme has been applied to your circumstances. If the taxpayer believes that the scheme is unlawful then the remedy is to apply for a judicial review in the High Court.

To appeal to the Valuation Tribunal you will need to complete an appeal form. These are available:

- Online, at www.valuationtribunal.gov.uk
- By telephoning the Valuation Tribunal on 0300 123 1033,
- By writing to:
Valuation Tribunal Service
Council Tax Reduction Team
Hepworth House
2 Trafford Court
Doncaster
DN1 1PN

Your appeal should include the following:

- Your full name and address
- The address to which the appeal relates
- Date on which the written notice was served and the name of the authority on which it was served
- Date (if applicable) on which you first notified the authority that you wanted a review of the decision
- Grounds on which you are aggrieved
- Brief reasons why you consider that the decision or calculation made by the authority was incorrect.
- If you have also made an appeal regarding your Housing Benefit, they need to know if your appeal for both raises a common issue
- Your appeal must be signed by the person who made the claim

Can the Valuation Tribunal award costs?

No. There is no power to order one side to reimburse the expenses of another, whatever the outcome. Both parties to appeal have to meet their own expenses in preparing their case and attending the hearing.

Where can I get more advice?

For more information or advice, see our Frequently Asked Questions on our website at www.wakefield.gov.uk/cts-faq.

For independent advice:

Citizens Advice Bureau
Visit: www.adviceguide.org.uk
or call 03444 111 444

Valuation Tribunal Service
Council Tax Reduction Scheme
3rd Floor
Crossgate House
Wood Street
Doncaster
DN1 3LL

Tel: 0300 123 1033
Email: appeals@vts.gsi.gov.uk

Your appeal

Housing Benefit & Council Tax Support

Please use this form to say why you do not agree with a decision on your Housing Benefit or Council Tax Support.

You must say why you think the decision is wrong, and give reasons. For example, 'I think you have used the wrong figures to work out my income' or 'you have paid me from the wrong date, it should have been from 2 weeks earlier'

If your appeal is made more than one month after our decision was made, then you must explain the reason for the delay.

Please make sure you sign the form yourself, even if someone else has filled it in for you. You should return your completed form to the address overleaf:

About you

Title (Mr/Miss/Ms/Mrs)

Surname

Other names

Date of birth

National Insurance number

Your address

Daytime telephone number

Email address

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

If yes, please tell us their name and address

Please sign here to confirm you authorise this person to act on your behalf:

About your appeal

Please tell us the date at the top of the letter telling you about the decision you are appealing against:

The decision I am appealing against is for: Housing Benefit
Council Tax Support
Both

Please use the space below to say why you do not agree with the decision. If you need more space, please continue on another sheet of paper.

You must say why you think the decision is wrong. If you are appealing against more than one decision, you must say why you do not agree with each one. It is not enough to say 'I do not agree with the decision' or 'the money is not enough'; you should give reasons why the decision is wrong. For example 'My rent was £75 per week but you have stated it was £35', or 'You have used the wrong wages to work out my benefit. I received £250 only during the Christmas week'.

If you are appealing outside the time limits as described in this form, you must also say why your appeal has been delayed.

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:

Please return your completed form to:

Revenues & Benefits Service – Appeals
Wakefield Council
Wakefield One
PO Box 700
Burton Street
Wakefield, WF1 2EB