

What if I do not agree with your decision?

We may decide that your reasons are not good enough for us to backdate your benefit. If you do not agree with our decision, you should write and ask us to look at the decision again and tell us why you think the decision is wrong. You must contact us within one month of the decision letter.

You can also phone us, write to us or visit us to ask us to explain our decision. You can also ask for a written statement of our reasons for our decision which will give you more information. If you are still not satisfied, you can appeal to us in writing. The Tribunals Service will then decide on your appeal at a tribunal hearing (see the leaflet 'What can I do if I think the decision about my Housing or Council Tax Benefit is wrong' for more information).

Where can I get help?

You can always phone us for help and advice.

- **Tel:** 01962 848 539
Email: benefits@winchester.gov.uk
Website: www.winchester.gov.uk
telephone calls may be recorded
- **Department for Work & Pensions**
Website: www.dwp.gov.uk
- **Winchester City Council**
Colebrook Street
Winchester
Hampshire
SO23 9LJ
Opening hours:
Monday to Thursday 8.45 to 5.00
Friday 8.45 to 4.30
- Or, you could contact your local Citizens Advice Bureau as detailed below

Winchester Citizens Advice Bureau

The Winchester Centre
68 St Georges Street
Winchester
Hants SO23 8AH
Tel 01962 848 000

Bishops Waltham Citizens Advice Bureau

Well House
2 Brook Street
Bishops Waltham
Hants SO32 1AX
Tel 01489 896 376

Housing & council tax

Can my Housing Benefit and Council Tax Benefit be backdated?



I am 60 or over. **When will my benefit start?**

If you, or your partner, are over 60 and qualify for Housing Benefit and/or Council Tax Benefit, we can backdate your benefit up to 3 months before the date you made your claim (as long as you were entitled to benefit for that period). If you are 60 or over and you are entitled to benefit from a date before you claimed, we will backdate benefit automatically from that date. We do not need to know why you did not claim sooner to backdate your benefit. For us to work out how much benefit you will be entitled to, you will need to give us proof of your income, savings and rent for the period you want to claim. Please contact us if you think your claim should start from an earlier date. The rest of this leaflet explains about backdating for people under 60.

I am under 60. **When will my benefit start?**

If you qualify for Housing Benefit and/or Council Tax Benefit, we will normally start your benefit from the Monday after you asked us for an application form (as long as you return the application form within one calendar month of contacting us). When you make a claim for Housing Benefit or Council Tax Benefit (or both) over the phone through Jobcentre Plus, we will treat the date of your claim as the same date you contacted Jobcentre Plus. If you get Income Support or Jobseeker's Allowance (income based), Incapacity Benefit or Jobseeker's Allowance (contribution based), all the benefits will have the same claim date. Sometimes we can pay benefit for a period before the date you claimed. This is called backdating. The law says we can backdate your benefit for up to 6 months. However, you must have a good reason why your claim is late. This is known as 'good cause'.

What is considered to be 'good cause'?

We will look at each case individually. 'Good cause' is the reason that prevented you from claiming benefit earlier. Good causes may include the following, depending on your circumstances.

- You were ill and no-one else could claim for you.
- You were waiting for a decision about another benefit.
- You were given the wrong advice by an official organisation who said you were not entitled to Housing Benefit or Council Tax Benefit (or both).
- You did not understand that you could claim, perhaps because:
 - of your age;
 - you did not know how benefits work;
 - you have language difficulties;
 - you have difficulty understanding technical documents; or
 - another reason.
- You did not claim immediately after leaving hospital, prison or long-term care.
- You were not able to manage your own affairs and had no-one to help you.
- A close relative died.

These examples are only a guide to help you. They are not a full list of all possible reasons. If you forgot to claim, or did not know you could claim, this would not be a good reason on its own. To qualify for backdated benefit, you must be able to prove you had 'good cause', and why you did not claim earlier.

Here are some examples

You were ill from January to March and only claimed benefit in March when you were better. You did not claim before because you had no one to help you. In this case, we may backdate your benefit to January.

However, if you were ill from January to March and had no-one to help you make a claim, but you did not claim until May, we would not backdate benefit to January because you were not ill from January until May.

How do I claim backdated benefit?

If you think you have good cause for making a late claim, you should complete and return the form "Application for backdated benefit". You must tell us the period you want to backdate your benefit for and tell us why your claim is late. We will need to see proof of your income, savings and rent payments (where applicable) for the period you want to backdate your benefit for and any proof to support your reasons for not applying earlier (for example, medical certificates or hospital letters). If you would like some help, please see the back of this leaflet for details.

What happens then?

We will decide if we can backdate your benefit based on the information you give us. We will write to you and tell you our decision. If we decide not to backdate your benefit, we will tell you why.