



# Housing & council tax

## What can I do if I think the decision about my Housing or Council Tax Benefit is wrong

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

- ask for an explanation
- dispute the decision about your benefit
- appeal against the decision about your benefit.

You must do this within one month of the date on your decision letter.

### What will the Tribunal look at?

The tribunal will 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 in your circumstances that happen after we made the decision.

If you have a change of circumstances that could affect your benefit you should report it to us straight away. Do not wait until after the appeal hearing.

### What happens if I appeal outside the one calendar month time limit?

Your appeal may not be accepted if it is received more than one calendar month after the date of the decision letter.

A late appeal can only be accepted if there are special circumstances that caused the delay. For example, death, serious illness, absence abroad, postal strike.

You should include an explanation of why you could not appeal within one calendar month in your letter of appeal.

We will look at the reasons you have given for not appealing in time and decide if your appeal can be accepted.

If we do not accept the reasons that you have given for your late appeal, we will send your appeal to the Tribunals Service as an 'unsupported late appeal'. A legally qualified tribunal member will consider your case and decide whether or not your appeal can be accepted.

A late appeal cannot be accepted if the only reason is that you misunderstood the law.

Your appeal will not be accepted if it is received by us 13 months or more after the date of the decision letter.

### For further information please contact the Benefits Section

#### Benefits Section

Winchester City Council  
City Offices  
Colebrook Street  
Winchester  
Hants  
SO23 9LJ

**Tel:** 01962 848 539  
**Fax:** 01962 848 200  
**E-mail:** [benefits@winchester.gov.uk](mailto:benefits@winchester.gov.uk)  
**Website:** [www.winchester.gov.uk](http://www.winchester.gov.uk)

telephone calls may be recorded

A private interview room is available at the City Offices.

If you want independent advice you can contact the 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

**Whatever action you decide to take, you must do it within ONE MONTH of the date of your decision letter.**

### **What can I do if I think the decision about my Housing and/or Council Tax Benefit is wrong?**

If you get a decision in writing from us about your Housing and/or Council Tax Benefit and you think the decision is wrong you can write to us within one calendar month of the date you receive your letter and:

- Ask us to explain the reasons for the decision
- Ask us for a statement of reasons for the decision
- If you disagree with the decision you can ask us to look at it again
- Appeal to an independent tribunal who can change the decision if they agree that it is wrong

### **What can I do if I want an explanation of the decision?**

If you have received a letter from us about your Housing and/or Council Tax Benefit and you would like more information about that decision you must contact us straight away.

If you would like a written statement of reasons for the decision you must write to us within one calendar month of the date of the decision letter.

We will send the statement of reasons to you as soon as possible. The one month time limit will be extended by the time we took to send this to you.

### **What can I do if I want you to look at the decision again?**

If you have received a letter from us telling you about a decision, or a written statement of reasons explaining the decision and you still think it is wrong you may want us to look at the decision again.

You must write to us within one calendar month of the date of the decision letter. If you had asked for a statement of reasons the time limit will be extended by the time we took to send this to you.

If there are special circumstances that mean you were unable to contact us within one calendar month we may still be able to change the decision. You will need to tell us about the special circumstances when you contact us.

If you ask us to look at the decision again more than one month after the date of the decision letter and you do not have special circumstances, we may still be able to look at the decision again but this will normally only be from the date you write to us.

### **What happens if I ask you to look at the decision again?**

When we receive a written request from you asking us to look at the decision again we will check that the decision is correct. This will be done by a different member of staff.

If the decision is wrong we will change it from the date of the original decision. We will send you a letter letting you know about the new decision.

If the decision cannot be changed we will send you a letter confirming that the original decision is correct. The letter will tell you if you can appeal against the original decision.

If you do want to appeal, the one month time limit will start again from the date of the letter confirming the decision is correct.

### **What if I want to Appeal against the decision?**

If you have received a letter telling you about a decision or a written statement explaining the decision and you still think it is wrong you may have the right to appeal against it.

The appeal must be;

- Made in writing
- Within one calendar month of the date of the letter informing you of the decision
- Give details about the decision you are appealing against
- Give details about why you think the decision is wrong

Your appeal will be sent to an administrative body called the Tribunals Service who is a completely separate body from the Local Authority.