

■ APPEALING
AGAINST
a Housing Benefit
and/or Council Tax
Benefit decision



The Tribunals Service

The Tribunals Service is an administrative body that has the responsibility for arranging for cases to be heard by the tribunal.

It is an independent body completely separate from the Local Authority.

Appeals Tribunals

Appeals Tribunals are usually made up of up to two members neither of whom is from the Local Authority. These members will be experts on the issues involved in your appeal.

All tribunals have a legally qualified member to help apply the law to your appeal. Tribunals may also include someone with financial qualifications.



What happens after I have made an appeal to the Local Authority?

When we receive your appeal and you have not previously asked us to look at the decision again, we will:

- offer you an explanation of our decision
- look at the decision again

If we agree that the original decision is wrong but the new decision is not to your advantage, we will send you a new decision notice. Your appeal will continue against the new decision. You will have one calendar month to comment on the new decision.

If we do not change the decision, we will send your appeal along with an explanation of the law and facts and any relevant paper work that was used to make the decision to the Tribunals Service. This is known as a 'submission'

A copy of the submission will be sent to you and your representative if you have one. You should read the appeal papers very carefully and if you do not understand something you should contact us or seek advice from the Citizens Advice Bureau or a solicitor.

You will also be sent an enquiry form which you must complete and return to the Tribunals Service within **14 days** of the date the form was sent to you. **If you do not return this form within this time limit your appeal will stop.**

The form will ask you questions about how you want your appeal to be looked at. You can choose between a **paper** or an **oral** hearing.

Paper Hearing

This is an appeal hearing that you do not need to go to. You should use the enquiry form to add any more information that you think will help your case.

Do not delay sending information as you will not be told the date of the paper hearing. The appeal will be heard by the tribunal and the Tribunals Service will send you the decision by post.

In some cases, if the tribunal think that they need you to go to an oral hearing they can refuse your request for a paper hearing. If you change your mind you can choose an oral hearing. You must write to the Tribunals Service straight away.

Oral Hearing

If you choose to go to an oral hearing you will be able to deal with any questions or issues that arise. An oral hearing is normally recommended as it will give you an opportunity to present your case direct to the tribunal.

- You can take someone with you to represent you.
- You can call witnesses to give evidence
- You can ask questions
- The tribunal may ask you questions
- One of our representatives may be at the hearing. They may also ask questions and call witnesses
- Oral hearings are open to the public although only the people involved in the appeal normally attend and you can ask your appeal to be heard in private.

The Tribunal's Service will notify you in writing of the date of the hearing. If you are unable to go, you must let the Tribunals Service know straight away. You will need a good reason why you cannot go, such as illness. If you do not let the Tribunals Service know that you cannot go to the hearing, the tribunal may hear your appeal without you.

If you live abroad and want an oral hearing, let the Tribunals Service know if you want to go to the hearing or want to send someone to represent you. The Tribunals Service can either arrange an alternative place in Great Britain or delay the hearing until you return.

Expenses

The Tribunals Service will pay reasonable expenses for going to the tribunal, for example travel costs. If you would like more information about expenses, contact the Tribunals Service office that is handling your appeal.

The Result

Whether you have a paper or an oral hearing:

- You will be given a decision notice explaining the tribunal's decision as soon as possible after the hearing. A copy will be sent to the Local Authority.
- You can ask for a statement of reasons which will give you an explanation of the tribunals decision including the facts and the law used. You must do this within **one month** of the date you receive the decision notice.
- If you want a copy of the record of the appeal hearing, you can get a copy of the **record of proceedings** within 6 months from the date of the hearing.
- If your appeal is successful, we will usually put the decision right as soon as we receive our copy of the tribunal's decision. We may not put it right straight away if we appeal to the Social Security Commissioners.

What can I do if I disagree with the tribunal's decision?

If you do not agree with the tribunal's decision you may be able to appeal to the Social Security Commissioners.

The Commissioners are barristers, solicitors or advocates of not less than ten years' standing and are appointed by the Queen on the advice of the Lord Chancellor. They are independent to both the Department of Works and Pensions and the Local Authority.

Who can appeal to the Commissioners?

Appeals can be made by:

- Anyone who has already appealed to the Tribunals Service
- The Local Authority
- The Department of Works and Pensions

What can you appeal to the Commissioners about?

You can appeal to the Commissioners on a point of law. You cannot appeal about:

- Questions of facts
- A tribunals finding or conclusions

How do I appeal?

Your decision notice from the Tribunals Service will tell you what to do if you are unhappy with the decision. Read this carefully as it tells you the important time limits for your appeal.

- You must request a statement of reasons first – you are unable to appeal without this
- You should read the statement of reasons carefully – if you think that the tribunal have not applied the law correctly, you can apply for leave to appeal to the Commissioners. You must do this within **one month** of the date the statement of reasons is sent to you.
- You must send the statement of reasons with your appeal application to the Commissioners.
- A legally qualified tribunal member will decide if your appeal can be sent to the Commissioners or if the appeal should be looked at again by a different tribunal
- You can ask for advice from the Citizens Advice Bureau, a solicitor, or another suitable person or organisation to help you with your application.

Late Applications

Late applications for a statement of reasons or for leave to appeal to the Commissioners are only accepted if there are special circumstances or special reasons that caused the delay. You will need to show why you were not able to make your request on time.