

**A guide to  
Council Tax Benefit &  
Housing Benefit Appeals**

**CARLISLE  
CITY COUNCIL**



[www.carlisle.gov.uk](http://www.carlisle.gov.uk)

## Useful contacts

Get in touch with us by writing to:

Revenues & Benefits Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG.  
Fax: **01228 817266**  
E-mail: **hben@carlisle.gov.uk**

Or you can phone us on one of the following numbers.

- Benefit queries:  
**01228 817201**
- Council Tax queries:  
**01228 817200**

If you prefer you can call into the Civic Centre to speak to someone.

Our Customer Contact Centre on the ground floor of the Civic Centre is open from:

- 9am to 5pm, Monday to Thursday;
- 9am to 4pm on Fridays.

## You can get independent advice on Housing Benefit and Council Tax Benefit from the following:

Citizens Advice  
Old Post Office Court  
Devonshire Street  
Carlisle  
CA3 8LE  
Phone: **01228 633900**

Community Law Centre  
8 Spencer Street  
Carlisle  
CA1 1BG  
Phone: **01228 515129**

Benefit Advice Service  
Civic Centre  
Carlisle  
CA3 8QG  
E-mail: **bac@carlisle.gov.uk**  
Phone: **01228 625250** between  
1pm and 3pm on Mondays to  
arrange an appointment.

Age Concern  
Carlisle & District  
20 Spencer Street  
Carlisle  
CA1 1BY  
Phone: **01228 536673**

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

If you have received a decision in writing from us about Housing Benefit or Council Tax Benefit and you think it is wrong, you can do the following:

- ask for an explanation;
- dispute a decision about your benefit; and
- appeal against a decision about your benefit.

In some cases, you can appeal to an independent tribunal who can change the decision if they agree that it is wrong.

If you have received a letter from us telling you about your Housing Benefit or Council Tax Benefit decision and want more information about it, please contact us straight away. (Our contact details are on page 2 of this leaflet.) If you want us to look at the decision again or if you want to appeal against it, you must do so within one month of the date on your decision letter.

There are special rules if you are not claiming the benefit yourself. For example, if you are a landlord and a decision is made about whether Housing Benefit is to be paid directly to you or if you are a landlord and a decision is made to recover an overpayment of Housing Benefit from you.

If you are an appointee for another person, you can ask us to look again at a decision about their benefit and you may also be able to appeal on their behalf. The letter telling you about the decision will tell you if you can appeal.

An appointee is someone appointed by us to act for a person who cannot act for themselves.

When you contact us, you can ask us:

- to explain the reasons for the decision and/or if you want more information to help you decide what to do; and
- for a written statement of reasons for the decision, if we have not already sent you one. You must do this within **one month** of the date of the decision letter.

We will send the statement of reasons to you as soon as possible.

### **What if I do not agree with your decision?**

If you still disagree with the decision you can ask us to look at it again. If you ask for a written statement of reasons, the one month time limit will be extended by the amount of time we take to send you the statement of reasons.

### **If you want us to look at our decision again**

Please complete the form at the back of this leaflet and send it to us within **one month** of the date shown on the decision letter. (If you ask for an explanation first, the **one month** is still counted from the date on the decision letter. If you ask for a written statement of reasons, you will have one month from the date of the decision letter, plus the time we take to send you the statement of reasons.)

### **What if I can't contact you within one month?**

If there are any special circumstances that mean you cannot contact us within one month, we may still be able to change the decision. Please let us know any special circumstances when you contact us.

If you ask us to look at a decision again, more than one month after the date of the decision letter and you do not have any special circumstances, we may still be able to change the decision. This will usually be from the date you wrote to us.

### **If the decision can be changed**

- If you asked us to look at our decision again, within one month, or had special circumstances that meant you could not get in touch, we will change the decision from the date of the original decision letter.
- If you do not agree with the new decision letter, you can ask us to look at it again.
- If you asked us to look at our decision again **after** one month and did **not** have special circumstances, the decision will usually be changed from the date you asked us.
- We will send you a letter telling you what the new decision is.

### **If the decision cannot be changed**

If the decision cannot be changed, we will send you a letter telling you that we cannot change it. The letter will also confirm the original decision.

The letter will tell you if you can appeal against the original decision.

If you can appeal, the one month time limit starts again from the date of the letter confirming the original decision.

## **What if I want to appeal against your decision?**

You can appeal if:

- you have received a letter from us telling you the decision or a written statement of reasons, explaining the decision;
- we have explained our decision and you still think it is wrong; or
- the decision letter tells you if you have the right to appeal against it.

**If you have the right to appeal against the decision and you think the decision is wrong or want to appeal to an independent tribunal, please use the form at the back of this leaflet.**

- Complete all relevant boxes on the form. You can also get independent help from an advice centre or solicitor.
- Write down all the reasons for your appeal.
- Make sure that you sign the form.
- Send the form to us at the address shown on your decision letter within **one month** of the date shown.

If you cannot appeal against the decision you can still ask us to look at it again.

## **Who makes the decision if I appeal?**

The Appeals Service will decide your appeal at a tribunal hearing. The tribunal is made up of people who are not from Carlisle City Council.

Please remember, if the appeal tribunal finds you have been getting too much money your benefit will be reduced.

## **Appeals Tribunals**

- Tribunals are made up of up to two members, neither of whom is from Carlisle City Council.
- Tribunal 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 does the Appeals Tribunal look at?**

The tribunal can only look at the evidence, the law and the circumstances at the time the decision is made that you are appealing against.

The tribunal cannot look at any changes of circumstances after we have made a decision.

If a change of circumstances could affect your benefit or mean you could claim again, you should report it immediately. Do not wait for the appeal hearing. Please contact us using the details shown on your decision letter.

## **What happens after I have made an appeal?**

After you have appealed, we will offer you an explanation of our decision if we have not already done this.

We will then look at the decision again, if we have not already done this.

If we agree that the original decision is wrong and the new decision is to your advantage, we will send you a new decision and your appeal will stop. If you do not agree with the new decision, you can again appeal against it.

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 in writing. Your appeal will continue against the new decision. You will have another month to comment on the new decision.

If we do not change the decision, we will send your appeal and an explanation of the law and facts used to make the decision, to the Appeals Service. We will also include any other relevant papers.

A copy of the appeal papers will be sent to you and your representative, if you have one.

Please read the appeal papers very carefully. If you do not understand something, ask us, an advice centre or a solicitor to explain.

You will also receive a separate form. You must complete this and send it to the Appeals Service within **14 days** of the date the form was sent to you. If you don't, your appeal will stop.

This form also asks you questions about how you want your appeal to be looked at. You can choose between an oral hearing or a paper hearing. If you choose to go to an oral hearing, you will be able to personally deal with any questions or issues that arise.

## What if my appeal is late?

The Appeals Service may not be able to accept your appeal if it is received more than **one month** after the date on the decision letter.

They can only accept a late appeal if there are special circumstances that have caused the delay. These could be:

- a death;
- a serious illness;
- absence abroad;
- a postal strike; or
- some other special circumstance.

You should include an explanation of why you were unable to appeal within **one month** on the form at the back of this leaflet.

A legally qualified tribunal member will look at the reasons you have given for not appealing in time and will decide if your appeal can be accepted. They will look at:

- whether there were special circumstances for the delay;
- the length of time since you received the decision;
- whether it is in the interests of justice that your appeal is accepted; and
- whether your appeal is likely to succeed.

The Appeals Service cannot accept a late appeal if the only reason is that you misunderstood the law, or interpretation of the law has changed since the decision was made.

Your appeal cannot be accepted if your appeal is **13 months** or more after the date on the decision letter.

## **What happens at an Oral hearing?**

You can attend an oral hearing. The tribunal panel may ask you questions regarding your case.

You can:

- ask questions to the tribunal panel;
- take someone with you to represent you; and
- call witnesses to give evidence to the tribunal.

A Carlisle City Council representative may be at the hearing. They may ask you questions and call witnesses.

## **What if I can't attend an Oral hearing, even though I said I would?**

If you choose an oral hearing, but find you cannot go, you must let the Appeals Service know immediately. You must have a good reason why you can't attend, such as illness. You may be able to arrange another date. If you don't let the Appeals Service know you cannot go to the hearing, the tribunal may hear your appeal without you.

Oral hearings are usually open to the public, but anyone who goes to the hearing will usually be involved in the appeal. You can ask to have your appeal heard in private.

If you live abroad and want an oral hearing, let the Appeals Service know you want to go to the hearing or want to send someone to represent you.

The Appeals Service can arrange for your appeal hearing to be:

- as near as possible to the place you arrive in the United Kingdom;
- as near as possible to your representative, if you have one; and
- delayed until you are in the United Kingdom.

## **What is a Paper hearing?**

This is an appeal hearing that you do not go to. If you go to an oral hearing you will be able to deal with any questions or issues that arise.

You should use the form enclosed with the appeal papers 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 a paper hearing.

The appeal will be heard and the Appeals Service will send you the decision.

If the tribunal think they need you to go to an oral hearing they can refuse your request for a paper hearing.

**If you choose a paper hearing but change your mind, you can choose to have an oral hearing. Write to the Appeals Service immediately.**

## **Can I claim expenses?**

The Appeals Service may pay some of your expenses to go to the tribunal, for example travel costs. If you want more information about expenses, contact the Appeals Service office which is handling your appeal.

If you live abroad you will have to pay your own fares to and from the United Kingdom.

You may be able to get expenses while you are in the United Kingdom and during the length of time of the appeal hearing.

## **How will I get to hear about the decision?**

Whether you have an oral or paper hearing, you will be given a decision notice explaining the tribunal's decision as soon as possible after the appeal hearing. A copy will also be sent to us.

You can also ask for a 'statement of reasons' which gives an explanation of the tribunal's decision. You must ask for a statement of reasons within **one month** of the date you are given or sent the decision notice. You must have a copy of the statement of reasons if you appeal to the Social Security Commissioners.

If you want a record of the appeal hearing, you can get a copy up to six months from the date of the hearing.

If your appeal is successful, we will usually correct the decision as soon as we receive our copy of the tribunal's decision. We may not be able to correct the decision if we appeal to the Social Security Commissioners.

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

### **Appeals to the Social Security Commissioners**

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

The Commissioners are barristers, solicitors or advocates of no less than ten years experience and are appointed by the Queen on the advice of the Lord Chancellor. They are independent of Carlisle City Council.

## **Who can appeal to the Commissioners?**

Appeals can be made by:

- anyone who has already appealed to the Appeals Service; and
- the Local Authority.

## **What you can appeal to the Commissioners about?**

You can appeal to the Commissioners on a point of law.

You cannot appeal to the Commissioners about question of facts.

## **How do I appeal to the Commissioners?**

Your decision letter from the Appeals Service will tell you what to do if you are unhappy with the decision. Please read this carefully, it tells you important time limits for your appeal.

You cannot appeal unless you get the statement of reasons for the tribunal's decision.

You should read the statement of reasons carefully. If you think the tribunal did not apply 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 was sent to you.

If you appeal to the Commissioners, you must send the statement of reasons with your application. If you do not, your application may not be looked at.

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 panel.

You can ask a solicitor or at an advice centre for help with your application.

### **What if my application is late?**

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

### **Advice centres**

Advice centres, such as the Benefit Advice Service, Citizens Advice Bureau and law centres, can represent you and help you understand the reasons for decisions about Housing Benefit and Council Tax Benefit. They can also help you to fill in forms or to write a letter. They will sometimes go with you to the tribunal that hears your appeal.

It will help the advice centre if you show them any letters you have about the decision that you think is wrong. Trade Unions may also offer free advice to their members. They may also be able to speak for you at the tribunal that hears your appeal.

## Your appeal

Please complete this form and return it to:

Revenues & Benefits Services  
Carlisle City Council  
Civic Centre  
Carlisle  
CA3 8QG.

**Title (Mr, Mrs, Miss, Ms, Dr)** \_\_\_\_\_

**Your surname** \_\_\_\_\_

**All other names** \_\_\_\_\_

**Your date of birth** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**National Insurance Number (NI)** \_\_\_\_\_

(you will find this on your NI number card, payslips or tax letters)

**Benefit claim number** \_\_\_\_\_

(on your decision letter)

**Your address** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Postcode** \_\_\_\_\_

**Daytime phone number** \_\_\_\_\_



**Have you arranged for someone to help you with your appeal?**

- No
- Yes (please tell us their name and address)

**Their full name** \_\_\_\_\_

**Their address** \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Postcode** \_\_\_\_\_

**Please sign in this box to authorise this person to act for you**

**About the decision**

**Name of benefit or benefits** \_\_\_\_\_

**Date at the top of your decision letter** \_\_\_\_ / \_\_\_\_ / \_\_\_\_

**About the appeal**

- Please use the additional space on this form to explain why you do not agree with the decision.
- You must state why you think the decision is wrong. The reasons you give should be similar to the following examples: 'my rent was £75 per week but you stated it was £35 per week'; or 'I moved into the property on 1 November not 1 December'.







## **The following leaflets are available to give you information about Housing Benefit and Council Tax Benefit.**

- Discretionary Housing Payments – help you can get to top up your Housing Benefit and Council Tax Benefit
- Housing Benefit and Council Tax Benefit – can your claim be backdated?
- A guide to Housing Benefit and Council Tax Benefit for students
- A guide to Housing Benefit and Council Tax Benefit for landlords
- Changes you need to tell us about if you are claiming Housing Benefit or Council Tax Benefit
- What happens when you have been paid too much Housing Benefit or Council Tax Benefit?
- How to claim Housing Benefit and Council Tax Benefit
- A guide to Council Tax Benefit
- A guide to Housing Benefit
- Housing Benefit and Council Tax Benefit for people who work
- Housing Benefit and Council Tax Benefit for people who are away from home
- How other people in your home affect your Housing Benefit or Council Tax Benefit

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