

Housing Benefit and Council Tax Benefit

- can your claim be backdated?

**CARLISLE
CITY COUNCIL**



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**

Benefits Advice Centre
Civic Centre
Carlisle
CA3 8QG
E-mail: **bac@carlisle.gov.uk**

Please phone **01228 625250** between 1pm and 3pm on Mondays to arrange an appointment.

Please ring **01228 817400** between 2pm and 4pm on Thursdays for advice over the phone.

When can you pay my benefit from?

If you qualify for Housing Benefit or Council Tax Benefit we usually pay it from the Monday after we get your claim.

Sometimes we can pay benefit before the date you claim. This is called 'backdating' your claim.

The law says that we can backdate a claim for up to 52 weeks if we receive a request in writing.

But, there has to be a good reason why your claim is late. This is known as 'good cause'. Good cause must be continuous for the period you want benefit backdated.

What do you mean by 'good cause'?

Good causes include the following:

- if you were ill and had no one to make the claim for you;
- if you could not reasonably have been expected to know your rights, for example, where there have been changes in the law;
- if you did not understand that you could claim, perhaps due to:
 - age;
 - inexperience;
 - language difficulties;
 - difficulty in understanding technical documents.
- if you were wrongly advised that you were not entitled to Housing Benefit or Council Tax Benefit; or
- if you were unable to manage your affairs and did not have an 'appointee' or someone to help you.

For example, if you were ill from January to March and only claimed benefit in March when you were better. You hadn't been able to claim before March because you had no-one to act for you.

In this case, we would consider backdating your benefit to January.

But, if you were ill from January to March and had no-one to act for you, but did not claim until May, we would not be able to backdate your claim to January.

We would only be able to pay your benefit from May because 'good cause' did not continue from January to May.

What should I do if I think I have 'good cause' for my late claim?

If you think you have 'good cause' for making a late claim, you should:

- make sure you fill in a claim form for the period in question;
- supply all the evidence about your income as soon as possible; and
- send the claim form to us with a letter which asks us to backdate your claim.

You need to tell us the period you want it backdated for and give full details of why your claim is late.

We will then consider whether we can backdate your benefit.

What happens to my Housing Benefit and Council Tax Benefit when my Income Support or income-based Jobseeker's Allowance ends?

You should reapply for Housing Benefit and Council Tax Benefit based on your new income or circumstances. A new form will need to be completed. You can contact us for help. (Our contact details are on page 2 of this leaflet.)

If you are able to reapply within 28 days of the end of your Income Support or income-based Jobseeker's Allowance entitlement, we may be able to treat your claim as a continuous claim.

If you reapply after 28 days, the normal rules about the start date of all claims will apply – that is from the Monday after the claim is received by the Benefits office.

We can also take into account if you have any ‘underlying entitlement’ as long as you provide proof of your actual income.

Here is an example of ‘underlying entitlement’.

- Your entitlement to Income Support or income-based Jobseeker’s Allowance ends in October, but we only find out about the change in the following July.

Housing Benefit and Council Tax Benefit must be cancelled back to October.

As more than four weeks have passed since October, any new claim you make cannot automatically restart from October.

- But, if you provide proof of your actual income from October onwards, we will work out what benefit you would have been entitled to as if we had known about the change.

This is called ‘underlying entitlement’.

- You will need to pay back any extra benefit that you have received but are not entitled to.

What is Rapid Reclaim?

The aim of Rapid Reclaim is to make it easier for you to reclaim Housing Benefit or Council Tax Benefit (or both).

For example, you may start work and stop receiving Income Support or income-based Jobseeker’s Allowance. Then, you stop working and claim benefit again.

If you reclaim within 12 weeks of when your Income Support or income-based Jobseeker's Allowance ended, JobCentre Plus will give you a Rapid Reclaim pack. Within this pack, you will find an HBRR1 form and you can use this to reclaim Housing Benefit and Council Tax Benefit.

What can I do if I don't agree with your decision?

If you don't agree with our decision you can ask us to look at it again. Our letters about our decision tell you what your rights are.

Our leaflet 'If you think the decision about your Housing or Council Tax Benefit is wrong' gives more detailed information.

Where can I get help?

You can always phone us for help and advice. (See page 2 of this leaflet for our contact details.)

Or, you can contact Citizens Advice or the Benefits Advice Centre. (See page 2 of this leaflet for details.)

What if I want to comment on your service?

We would like to know what you think about this leaflet or about the service we provide to you. If you have any comments, please contact us. (Our contact details are on page 2 of this leaflet.)

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
- 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 and Council Tax Benefit
- How to claim Housing Benefit and Council Tax Benefit Council Tax Benefit
- 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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