

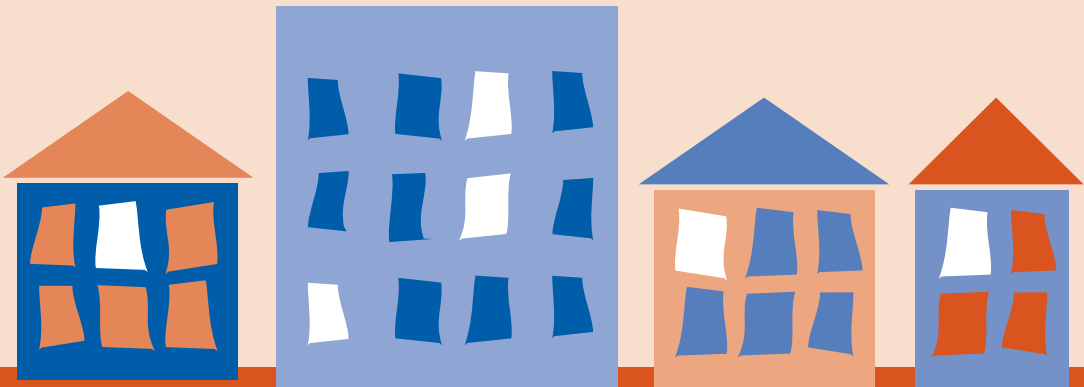
A guide for:

Benefit claimants
and adults living
with them



South Hams
District Council

How to Appeal



Housing and Council Tax benefit

December 2008

How to appeal

When we make a decision about your Housing or Council Tax Benefit we will notify you in writing. If you are unclear or unsure about how we have made our decision, the following questions and answers will help you decide what to do next.

What can I do if I do not understand the Notification?

If you do not understand anything contained in the Notification, we will be pleased to help. You can contact us by telephoning us on 01803 861234 where you will be put through to the person who deals with your claim, or by writing to us and asking us for an explanation.

What can I do if I disagree with the decision made by the Benefits Section?

If you do not agree with our decision you can ask us for a verbal or written Statement of Reasons of how we made it. You must do this right away, because if you want us to reconsider a decision or you want to appeal against it, you must usually tell us within one month of the date on the Notification Letter (although this can be extended by any time which we take to send you a Statement of Reasons).

What can I do if I am still not happy with the decision?

You can ask us to reconsider the decision and provide us with more information if you wish to do so. If we agree that the decision is wrong we will change it and we will notify you in writing about our new decision. If the original decision cannot be changed we will write to tell you why not. If you are still unhappy with the decision you can make an appeal to the Tribunals Service Tribunal.

How do I appeal to a Tribunal Hearing?

To appeal a decision made on your claim you must set out in writing the reasons you think the decision is wrong. You must do this within one month of the date the decision is made. In exceptional circumstances this can be extended but you will need to explain why your appeal is late.

If you need help with your appeal The Citizen's Advice Bureau or a solicitor can help you.

What will happen next?

If the Council does not change its decision, your appeal and an explanation for the decision will be sent to the Tribunal Service and you. The Tribunal Service will send you a form TAS1 which asks whether you want an oral or written hearing. You must complete and return this form to the Tribunals Service within 14 days of the date on which it was sent to you.

At the hearing

You will be given the opportunity to explain the reasons your disagree with the decision. The person hearing the case is referred to as a Judge and they make a decision either at the hearing or as soon as possible afterwards. You will receive a letter explaining the decision. Expenses for travelling to the hearing can be reclaimed.

What happens after the hearing?

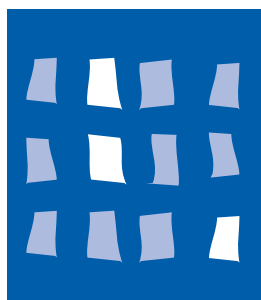
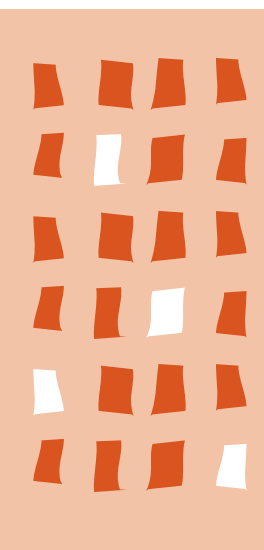
You will be given a Decision Notice explaining the Tribunal's decision as soon as possible after the hearing (this usually happens on the day of the hearing while all parties are still present in the building). You can also ask for a more detailed Statement of Reason, which will refer to the facts and the law used. You must do this within one month of the date on which you were given or sent the Decision Notice.

What if I disagree with the Tribunals decision?

If either you or the Council disagree with the Tribunal on a point of law there is a right of appeal to have your case heard by the Upper Tribunal where legal experts will consider your case. You must make such an appeal within one month of the date on which you were given or sent the Statement of Reason.

What should I do first?

Do come and talk to the Benefits staff here at Follaton House, but don't forget to make an appointment. We will try to sort out problems and if we can't help we will advise you about your rights. More detailed notes about the appeals procedure are available, please ask us if you would like a copy.



Help and advice

If you need any help or advice in making a request for backdating benefit please contact the Benefit Section at Follaton House, Plymouth Road, Totnes, TQ9 5NE, or telephone 01803 861234 and ask for the Benefits helpline and we will be pleased to help you.

You can also get help and advice from the Citizens' Advice Bureau

South Hams Citizens' Advice Bureau

The Cottage,
Follaton House,
TOTNES
Tel: 01803 862392



South Hams
District Council

To get this leaflet in another format or language,
tel. 01803 861234.