

Housing Benefit and Council Tax Benefit Appeals

The Appeals process is prescribed within The Housing Benefit and Council Tax Benefit (Decisions and Appeals) Regulations 2001.

A person affected can ask for a statement of reasons, ask for a reconsideration of a decision or appeal. An appeal must be made in writing clearly stating the decision which is being appealed and signed by the person who is making the appeal. An appeal cannot be accepted if it is sent electronically.

A person has one month following the date that they are notified of a decision in which to ask for a reconsideration or appeal. A request for a reconsideration or appeal will always be looked at by an officer who did not make the original decision and they will consider whether the decision is correct or should be changed. A decision that is changed is notified to the claimant and they then have fresh appeal rights against the new decision.

If a person appeals and the decision cannot be changed the case will be prepared for a first tier tribunal hearing. A submission of the case is prepared by a senior officer in Benefits and copies of all the relevant paperwork is sent off to the Appeals service and the appellant, the Appeals service is an independent body responsible for hearing all social security benefit appeals. The tribunal will notify both parties of the date that the case will be heard and they then have an opportunity to attend the hearing to present their case to the Tribunal Chair. After considering all of the information the Chair will decide whether the decision should be upheld or revised.

A person can make an out of time appeal up to 13 months following the date of the decision, however they must show good cause for not appealing at the right time. The Council will then prepare a short submission to the tribunal either supporting or not supporting the late request. The Tribunal will decide whether they consider that the appeal should be heard and if they allow the appeal a further full submission is provided to the tribunal by the Council.