



Leeds Benefits Service
2 Great George Street
Leeds
LS2 8BA

Tel: 0113 222 4404
Minicom: 0113 222 4410
Fax: 0113 247 7846
LCC.Benefits@leeds.gov.uk

Can I appeal?

If you think our decision is wrong, you may have the right to appeal against it. You can only appeal against certain decisions. When we make a decision, we will send you a letter that tells you if you have the right to appeal against that decision. If you cannot appeal, you can still ask us to look at the decision again.

If you can appeal, this will go to an independent tribunal. Tribunals are made up of legally qualified benefit experts. They are **not** Leeds City Council staff. The tribunal will check the Housing Benefit and Council Tax Benefit rules and make sure that we have made the correct decision. Remember that if the tribunal finds that you have been getting too much benefit, your benefit will be reduced.

How do I appeal?

You need to complete the form at the back of this leaflet and send it back to us. Our address is at the end of the form. Make sure that you fill in all the relevant parts of the form. You **must** give reasons why you think our decision is wrong. If you do not give reasons, the tribunal may refuse to take your appeal. When you are giving your reasons for the appeal, make sure you write down everything that you think is relevant. The tribunal does not have to look at anything that you do not mention. Finally, make sure that you sign the form as we cannot accept an appeal that is not signed. We will forward your appeal to The Tribunal Service who will arrange for a tribunal to hear your appeal.

How quickly do I have to appeal?

You must make sure that we get your appeal within one month of the date of our decision letter (or one month plus any time it took us to send you a written statement of reasons). If you asked us to look at our decision again, you must make sure that we get your appeal within one month of our letter telling you the outcome of that request.

What if I am late in sending in my appeal?

The Tribunal Service may not be able to accept your appeal if it is made outside the one month time limit. They can only accept a late appeal if you can show that there

were special circumstances for not making the appeal on time. These could be a death, serious illness, a postal strike or some other special circumstances.

The Tribunal Service will not accept a late appeal if the only reason is that you misunderstood the law or the law has changed since our decision was made.

If you are making a late appeal, you should include an explanation of why you could not appeal earlier. A tribunal member will look at the reasons you have given. If they agree to accept the appeal, they will set up a tribunal.

Remember that The Tribunal Service will not accept an appeal if you make it more than 13 months after the date our decision was made.

What happens next?

When we get your appeal, we will look at our decision again to make sure it is correct if we have not already done this. At this point:

- if we do not change our decision, we will send your appeal to The Tribunal Service who will set up a tribunal hearing, or
- if we change our decision and award you more benefit, the appeal will stop. However, if you still do not agree with our new decision, you will have another month to make a new appeal.
- if we change our decision and award you less benefit, your appeal will still continue against our new decision. You will also have another month to give us your comments on this new decision before we send your appeal to The Tribunal Service.

If a tribunal is to be set up, we will send you a copy of your appeal and any other relevant documents. You should read the papers carefully. If you do not understand something, you should ask us, an advice centre or a solicitor to explain it. We will also send you a form. You must complete this form and send it to The Tribunal Service within 14 days. The form confirms that you want your appeal to carry on. It also asks whether you want *an oral hearing* or *a paper hearing*. **If you do not return this form, your appeal will stop.**

What is an oral hearing?

An oral hearing is a tribunal that you, and/or any representatives, can come to. A member of staff from Leeds Benefits Service will also be there.

You will be able to ask questions and put forward any points you think are relevant to your appeal. You may also be asked questions by the tribunal members or the Leeds Benefits Service staff.

The Tribunal Service may pay some of your expenses for going to the tribunal such as bus fares. More information about this is on the form that we will send you.

What is a paper hearing?

A paper hearing is a tribunal that you do not have to go to. A member of staff from Leeds Benefits Service does not go to a paper hearing either. The tribunal will decide your appeal based on the information you have sent in. The Tribunal Service will tell you their decision about your appeal. If the tribunal thinks that a paper hearing is not

suitable, they can refuse your request for a paper hearing and insist on an oral hearing.

What happens at the tribunal?

The tribunal will only look at the evidence, the law and the circumstances at the time the decision was made. It will not look at any changes in circumstances that happened after the decision was made. If you have had a change in your circumstances that could affect your benefit, you should tell us about it straight away – do not wait for the appeal hearing. You will be given a *decision notice* explaining the tribunal's decision as soon as possible after the hearing. A copy of the decision will also be sent to Leeds Benefits Service. If your appeal is successful, we will put the decision right as soon as we get the tribunal's decision notice.

If you want more information about the decision, you can ask The Tribunal Service for a *statement of reasons*. You must ask for this within one month of the date you are given the decision notice. If you want a record of the tribunal hearing, you can ask The Tribunal Service for a copy of *the record of proceedings*. You must ask for this within six months of the date of the hearing.

Appealing against a tribunal's decision

If either you, or Leeds Benefits Service, disagree with the tribunal's decision, a further appeal may be made to the Social Security Commissioners. If Leeds Benefits Service decides to appeal to the Social Security Commissioners, the tribunal's decision may not be acted upon straight away.

Who are The Social Security Commissioners?

Social Security 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 of both the Department of Social Security and Leeds City Council. You can only appeal to the Commissioners if you think that the tribunal did not apply the law properly.

Appealing to the Social Security Commissioners

If you are considering appealing to the Commissioners, you **must** first request a statement of reasons from the tribunal. This will tell you how the tribunal reached their decision and will include the facts of the case and the law used. If you think that the tribunal did not apply the law correctly, you can then 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. Late requests for either a statement of reasons, or for leave to appeal to the Commissioners, can only be accepted if there are special circumstances or special reasons for the delay.

When you appeal to the Commissioners, you must send the statement of reasons with your appeal. If you do not, the Commissioners may not be able to look at your appeal. A legally qualified tribunal member will decide if your appeal can be sent to the Commissioners or whether another tribunal should look it at again.

Getting help to appeal

- **Advice Centres**

Advice centres, like the 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 of appeal. 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.

You can find addresses for these organisations in the business section of the phone book, the Thomson Local directory, the Yellow Pages or at a library.

- **Solicitors**

You may be able to get advice from a solicitor under the Legal Advice and Assistance Scheme. You can find out about this from a solicitor. But if you decide to use a solicitor, you cannot get any money for things like solicitor's fees from The Tribunal Service.

For details of solicitors and advice centres, contact

The Legal Aid Board
Franchise Development Group
85 Grays Inn Road
London
WC1X 8AA
UK Freephone 0500 282 3000

- **If you live abroad**

You can ask someone in Great Britain to act for you. They may be able to get help from a solicitor under the Legal Advice and Assistance Scheme. The Tribunal Service does not cover the cost of a solicitor to help you at a hearing (see above).

Printing the claim form

If you are printing this form from this Adobe Acrobat file, please try to print it double-sided. If you are not sure how to do this, or your printer will not let you do it, then please put your name, NI number, and signature on each sheet of paper.

Your appeal - Complete this form and take or send it to us

About you

| | |
|--------------------------------|---|
| Title | <input type="text" value="Mr/Mrs/Miss/Ms"/> |
| Your surname | <input type="text"/> |
| All other names | <input type="text"/> |
| Your date of birth | <input type="text" value="/ /"/> |
| National Insurance (NI) number | <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> <input type="text" value=""/> |

Get this from your NI number card, payslips, tax papers or letters from social security.

| | |
|--------------|---------------------------------------|
| Your address | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text" value="Postcode"/> |

| | |
|----------------------|---|
| Daytime phone number | <input type="text" value="Code"/> <input type="text" value="Number"/> |
|----------------------|---|

| | |
|---|--|
| Have you arranged for someone to help you with your appeal? | No <input type="checkbox"/> |
| | Yes <input type="checkbox"/> Please tell us their name and address |

| | |
|-----------------|----------------------|
| Their full name | <input type="text"/> |
|-----------------|----------------------|

| | |
|---------------|---------------------------------------|
| Their address | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text"/> |
| | <input type="text" value="Postcode"/> |

| | |
|---|----------------------|
| Sign this box to authorise this person to act for you | <input type="text"/> |
|---|----------------------|

About the decision

| | |
|---|----------------------|
| Which benefit(s) are you appealing against? | <input type="text"/> |
|---|----------------------|

| | |
|--|----------------------------------|
| What is the date of the letter telling you about the decision? | <input type="text" value="/ /"/> |
|--|----------------------------------|

Your signature

You should sign here. If someone has been officially appointed to act for you or someone has the authority to act for you, they should sign here.

| | |
|-----------|----------------------|
| Signature | <input type="text"/> |
|-----------|----------------------|

| | |
|------|----------------------------------|
| Date | <input type="text" value="/ /"/> |
|------|----------------------------------|

About your appeal

- Use the space below to say why you do not agree with the decision
- You must say **why** you think the decision is wrong. It is not enough to say 'I do not agree with the decision' or 'The money is not enough'.
- The reasons you give should be like these examples:
 - "My rent was £75 per week but you have stated it was £35 per week.", or
 - "I moved into the property on 1 November not 1 December."
- If you are appealing against more than one decision, you must say why you do not agree with each one.
- If you are appealing more than one month after the decision was made, you must say why your appeal has been delayed.
- If you need more space, use another sheet of paper. Remember to put your name and NI number on any extra sheets of paper.

Your appeal - Use this space to say why you do not agree with the decision. Use BLOCK CAPITALS

Make sure you have filled in all parts of this form and signed it. Then, take or send this form to:

Leeds Benefits Service
2 Great George Street
Leeds
LS2 8BA

Telephone: 0113 222 4404
Minicom: 0113 222 4410

Remember, you must make sure we get your appeal within one month of the date of our decision.