What to do if you think the decision about your Housing Benefit or Council Tax Support is wrong

Information and guidance

www.cornwall.gov.uk
When you apply for Housing Benefit or Council Tax Support we will give you a decision in writing about your claim. If you disagree with it you can ask us to look at it again. There are different ways in which you can do this.

The rules can be complicated and are different for Housing Benefit and Council Tax Support. We have explained the dispute and appeal rules separately for Housing Benefit and Council Tax Support. This leaflet tells you what to do if you disagree with our decision and how to get more help and advice.

**I am unhappy with the decision about my Housing Benefit**

You can contact us to:

- ask us to explain our decision
- ask us to look again at the decision we have made; or
- you can appeal against our decision

We will need to speak to the person affected by our decision to be able to discuss or review our decision.
Who is affected?

The people this will affect can include:

- you (the person making the claim);
- someone acting on your behalf (chosen by the Courts or acting with your permission);
- someone we agree can act on your behalf;
- your landlord (but only in matters relating to who we pay your Housing Benefit to);
- your landlord’s agent (but only in matters relating to who we can pay your Housing Benefit to);
- anyone we ask to pay back overpaid Housing Benefit.

This means that only you can ask us to look at our decision again about how much Housing Benefit we think you are entitled to. Only your landlord or agent can ask us to look at our decision again about whether we should pay them and whether our decision that they owe us money is correct.

Important notes

The amount of Housing Benefit we pay you is a matter between us and you. Only you can ask us to look again at how much Housing Benefit we pay. If we reduce your Housing Benefit to recover any Housing Benefit we have overpaid from a previous address, your current landlord cannot appeal against our decision to recover that overpayment.
Landlords and appeals

Your landlord only has limited rights to appeal if they don’t agree with our decision about your Housing Benefit.

• Your landlord can appeal if our decision is not to pay your Housing Benefit direct to them.
• Your landlord can appeal if we ask them to pay back any benefit we have overpaid you.
• Your landlord cannot appeal about how much benefit we give you.

Decisions you can’t appeal against

You can ask us to look again at any Housing Benefit decision you think is wrong, but there are some decisions you can’t appeal against. These include:

• Local Housing Allowance levels;
• What information and proof you need to give us;
• If we did not look again at our decision because you asked us too late;
• If we decide not to backdate your Housing Benefit because you are slow to tell us or do not tell us about a change in your circumstances;
• If we decide to pay you by cheque or how often we pay you;
• That we have a right to recover an amount we have overpaid you;
• How we recover the amount we have overpaid you; and
• If you think our decision about a discretionary housing payment is wrong.
What is Local Housing Allowance?

Local Housing Allowance (LHA) is the way of working out the maximum amount of Housing Benefit you could get. The amount that you get will still depend on the size of your household, income and any savings you have. Not everybody is affected by LHA. More information about this, along with LHA levels in your area, can be found on our website: www.cornwall.gov.uk/benefits

Statement of reasons

You can ask us to give you a statement (called a ‘statement of reasons’) in writing to explain how we made our decision about your Housing Benefit. This does not affect your right to appeal against our decision. The time we take to provide the statement will mean you have more time to ask us to look at our decision again or appeal to the Tribunal Service.

If you want more help or advice you can visit our website www.cornwall.gov.uk/benefits or contact us on 0300 1234 121.
What should I do if I want you to look at your decision again?

You must write to us within one month of the date on the decision letter telling you about your Housing Benefit. If there are special circumstances which mean you cannot write to us within one month, you must contact us to explain why as we may be able to give you more time.

What happens when we look at our decision again?

The decision will be checked by a different member of staff to the person who made the original decision.

If we can change our decision:

- we may change it from the date of our original decision; and
- we will send you a letter explaining our new decision.

If we cannot change our decision:

- we will send you a letter explaining why; and
- give you one month to appeal to the Tribunal Service.
What should I do if I want to appeal against your decision?

You must appeal by writing a letter or filling in the dispute form that came with your decision letter. You must send it to us at the address shown on our letter within one month. We will then send your appeal to the Tribunal Service.

The Tribunal Service is totally independent of the Council and will make a decision about your Housing Benefit at a tribunal hearing. You will be able to attend the tribunal hearing and explain why you think our decision is wrong. Another person can go to the tribunal hearing with you to help you present your case.

It is important that you give your reasons for appealing because the Tribunal Service do not have to look at anything you don’t mention in your appeal. The Tribunal Service can only look at the evidence, the law and your circumstances at the time the original decision was made.
I am unhappy with the decision about my Council Tax Support

You can contact us to:

- ask us to explain our decision
- ask us to look again at the decision we have made.

We will need to speak to the person affected to be able to discuss or review our decision.

Who is affected?

The people our decision will affect can include:

- you (the person making the claim);
- someone acting on your behalf (chosen by the Courts or acting with your permission);
- someone we agree can act on your behalf;

This means that only you can ask us to look at our decision again about how much Council Tax Support we think you are entitled to.
Is there a time limit within which a person must dispute our Council Tax Support decision?

No, there is no limit for asking us to look at our decision again but we would encourage you to make your dispute as quickly as possible.

If you want us to look again at our decision you must write to us or fill in the dispute form that came with your letter. You need to tell us why you think our decision is wrong.

You can only dispute our decision if you think we have worked out the wrong amount of Council Tax Support or have made a mistake in the way we have applied the rules about Council Tax Support to our decision.

You cannot dispute the Council Tax Support scheme that has been adopted by Cornwall Council. Some examples of this include:

- because you do not agree that everyone should pay at least 25% of their Council Tax; or
- because you do not agree that your claim cannot be backdated.

If you want more help or advice you can visit our website www.cornwall.gov.uk/benefits or contact us on 0300 1234 121.
What happens when we look at the decision about your Council Tax Support again?

We will have two months from the date you write to us to look again at our decision.

The decision will be checked by a different member of staff to the person who made the original decision.

If we can change our decision:
- we will change it from the date of our original decision; and
- we will send you a letter telling you about our new decision.

If we can’t change our decision:
- we will send you a letter explaining why: and
- tell you that you have two months to make a further appeal direct to the Valuation Tribunal for England.

If we don’t deal with your dispute within two months of the date we received it you can appeal to the Valuation Tribunal anyway.
What should I do if I want to appeal to the Valuation Tribunal?

Your appeal must be made direct to the Valuation Tribunal, not Cornwall Council. You can submit your appeal online through the Valuation Tribunal’s website. The website address is www.valuationtribunal.gov.uk and their website contains some guidance notes to help you make your appeal.

If you cannot make your appeal online you can ask the Valuation Tribunal to send you an appeal form. You can contact them on 0300 123 1033, email them at appeals@vts.gsi.gov.uk or write to them at CTR Team, VTS, Hepworth House, 2 Trafford Court, Doncaster, DN1 1PN.

Remember, before you appeal to the Valuation Tribunal you must write to the Council first. You must tell us why you think our decision is wrong and let us look at it again.

The Valuation Tribunal are totally independent of the Council and will make a decision about your Council Tax Support at a tribunal hearing. You will be able to attend the tribunal hearing and explain why you think our decision is wrong. Another person can go to the tribunal hearing with you to help you present your case.
Where can I get more advice?

If you want more help or advice you can visit our website www.cornwall.gov.uk/benefits or contact us on 0300 1234 121.

Independent advice

If you need independent advice, contact your local Citizens Advice Bureau, you can find their phone number and other local agencies in the phone book at your local library. Or you can visit their website www.adviceguide.org.uk

If you would like this information in another format or language please contact:
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Telephone: 0300 1234 100
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