

WHAT HAPPENS TO MY APPEAL AT 'HM COURTS AND TRIBUNALS SERVICE'?

If you have asked for a decision based on the written evidence then all the information about your appeal will be passed to the legally qualified expert who will decide the matter. In exceptional circumstances, if he or she thinks it appropriate, you will be advised to attend an oral hearing.

If you have asked for an oral hearing and it is agreed, you will be given notice of where and when the hearing will take place. At the hearing you will be given the chance to explain why you think the Council's decision is wrong. The Council's representative will be allowed to explain why he or she thinks the decision is correct. There can be up to three Tribunal members who may ask questions of you and the Council.

You can ask the Council's representative questions and they can ask you questions. You can call witnesses.

After the hearing the Tribunal will come to a decision. You can ask for reasons for the decision and for a record of the hearing. The Council must follow the Tribunal's decision. There is a right of appeal in certain circumstances to Commissioners where either you or the Council disagree with the Tribunal's decision.

SHOULD I ATTEND?

You do not have to attend, however it is strongly advised that you do attend, as it will give you the opportunity to fully explain your case and prevent any misunderstandings.

More information about 'HM Courts and Tribunals Service' procedure is sent to people when they appeal.

WHO TO CONTACT

For more information or if you have any questions, please contact your local Benefits Office.

Telephone: **0345 034 4569**

Email: svpp@bcpcouncil.gov.uk

Postal address: **Stour Valley & Poole Partnership, PO Box 722, Poole, BH15 2YE**

You may get Independent Advice from the Citizens Advice Bureau;

To speak to an assessor at Dorset Adviceline please phone **0344 245 1291** (using a landline calls are charged at 5p per minute from mobile networks this can be considerably more), this line is open Monday to Friday 10am - 4pm.

Housing Benefit and Council Tax Benefit APPEAL PROCEDURE



WHEN SHOULD I APPEAL?

You should appeal after you have asked for the **Housing Benefit and/or Council Tax Benefit decision you disagree with to be reconsidered by the Council.**

We will first look again at the decision. We will consider your views, look at your representations and decide if the original decision is correct. We will then advise you of the outcome by letter. This letter will either confirm the original decision of the Council or it will amend it.

Please read this letter very carefully as it will explain the decision. It will also explain your rights to appeal.

If you think your benefit is wrong let us know.

Council Tax Benefit was abolished by the Welfare Reform Act 2012, from 1 April 2013. Therefore if you disagree with a Council Tax Support decision please refer to the leaflet '**Council Tax Support Appeal Procedure**'.

WHAT CAN I DO IF I STILL DO NOT AGREE WITH THE HOUSING BENEFIT AND/OR COUNCIL TAX BENEFIT DECISION?

You have the right to appeal to an independent organisation called 'HM Courts and Tribunals Service'. The law states that your appeal must be made within one month of the letter telling you about the Council's decision.

Before appealing you may wish to seek further independent advice. If this takes longer than one month the appeal period may be extended.

If you wish to appeal but cannot do so within the month, tell the Council straight away and ask for the appeal period to be extended.

If a month has already passed you can ask for your late appeal to be heard. Appeal and send a letter explaining why your appeal is late. A tribunal chairperson will decide if to allow your late appeal.

WHAT IS THE ROLE OF 'HM COURTS AND TRIBUNALS SERVICE'?

HM Courts and Tribunals Service resolves disputes about Housing Benefit and Council Tax Benefit.

- It must apply the rules and regulations.
- It can only decide on those issues on which a person is appealing.

It is important therefore to make your reasons for appealing very clear.

HOW DO I APPEAL?

Your appeal must, by law, be in writing. The law requires you to state the 'grounds' for your appeal. You must therefore state why you think the decision is wrong, for example:

Date	Your name Your address Postcode
Dear Sir,	
I disagree with the Benefit Officer's decision that my earnings are £70 per week. The reason I disagree is because	
Please arrange for my appeal to be dealt with by HM Courts and Tribunals Service.	
Yours faithfully,	
Signature	

You must send your appeal to the Benefit Manager at the address on the back of this leaflet.

WHAT IS 'HM COURTS AND TRIBUNALS SERVICE'?

HM Courts and Tribunals Service is an independent body that will decide if the Council's decision is right or wrong. Legally qualified experts will consider all the issues relevant to the decision and consider why you think the decision is wrong.

The Council will prepare paperwork explaining the decision, which is sent to HM Courts and Tribunals Service together with your letter of appeal. A copy of all this paperwork will be sent to you.

You can ask to attend the hearing to state your own case, or you can ask for a decision based on the written representations. If you ask for an 'oral' hearing you can claim reasonable travelling expenses for yourself and any representative and, in some circumstances, claim for loss of earnings and subsistence.

There are some decisions that the law says you cannot appeal against. All appeals will be sent to HM Courts and Tribunals Service who will decide if the appeal can be considered. If your appeal cannot continue for any reason HM Courts and Tribunals Service will write to you. The Council will not refuse an appeal.