



If you think our decision  
is wrong



If you have applied for or are getting a benefit, you may need to know what you can do if you think we have made the wrong decision about your claim or if you don't understand our decision. This includes credits for National Insurance contributions.

Where the word 'benefit' appears in this leaflet it also applies to credits.

If you receive a decision from us in writing, it's usually because you have:

- claimed a benefit
- had a change of circumstances which affects your benefit, or
- been told to pay a benefit back.

If you think our decision is wrong, or you don't understand it, you can:

- ask us for a spoken or written explanation
- ask us to look at our decision again, or
- appeal against our decision.

For certain decisions, you may be able to appeal to an independent tribunal who can change our decision if they agree that it's wrong. You can find more information on tribunals in this leaflet.

There are time limits for asking us to look at decisions and appeals. We tell you about these in this leaflet.

# What benefits or claims decisions will you look at?

## Benefits and Social Fund

If you receive a decision in writing about your benefits or Social Fund applications and you disagree with this decision, you can ask us to look at it again. If we do not change our decision, in some cases you may be able to appeal to an independent tribunal. The letter telling you about our decision will tell you if you can appeal.

## Budgeting loans, community care grants or crisis loans

You can't appeal to an independent tribunal against decisions about budgeting loans, community care grants or crisis loans from the Social Fund. However, you can ask us to look again at a decision about these benefits. The letter telling you about the decision will tell you how to do this.

If we don't change our decision about the budgeting loan, community care grant or crisis loan, or if we do change it and you're still not happy, you can apply to the Independent Review Service for a review. You can get full details about this service in the 'Independent Social Fund reviews' leaflet which you can get from us.

### **If you're claiming on behalf of someone else**

There are special rules if you're claiming on behalf of someone who is not able to claim for themselves. You should ask Jobcentre Plus for more information.

### **If you're appealing on behalf of someone else**

You can appeal on someone else's behalf if that person has said in writing that you can. You do not have to be legally qualified to do this. You could be a family member or anyone else that person has asked to represent them.

### **If you're an appointee**

An appointee is someone the Department for Work and Pensions has chosen to act for a person who cannot act for themselves.

If you are an appointee for another person, you can ask us to look again at a decision about their benefit and you may be able to appeal for them. The letter telling you about the decision will tell you if you can appeal on their behalf.

## **Child maintenance**

The Child Support Agency (CSA) makes decisions about child maintenance. If you think the agency has made the wrong decision about a child support claim, you should contact them at the address and phone number on your decision notice. You should do this within one month of the date on the letter.

On 3 March 2003, a new scheme was introduced for new child support cases, and cases under the old scheme that were linked to new ones. The rest of the cases from the old scheme will be transferred to the new scheme at a later date.

If you want to know more about asking the CSA to look at a decision again, or appealing against a decision they have made, you should read the following leaflets.

- If you applied to the CSA **before** 3 March 2003, you should get leaflet **CSA2006(A)** 'How to appeal'.
- If you have applied to the CSA **since** 3 March 2003, you should get leaflet **CSL106** 'Child support: How to appeal'.

For more information on how changes to the child support scheme will affect you, or for a copy of these leaflets, contact the helpline on **08457 133 133**. People with hearing difficulties can call 08457 138 924. You can also contact Jobcentre Plus.

## Housing Benefit and Council Tax Benefit

Your local council makes decisions about Housing Benefit or Council Tax Benefit and how much you can get. If you think that a decision about Housing Benefit or Council Tax Benefit is wrong, contact the council office that pays your benefit.

The process for handling disputes about Housing Benefit or Council Tax Benefit is similar to the process for other benefits. So a lot of the information in this leaflet will apply to you if you want to ask your local council to look at a decision again or appeal against a decision they have made about your Housing Benefit or Council Tax Benefit. The decision notice will tell you what to do, but if you are not sure, contact your local council.

## Working Tax Credit and Child Tax Credit

HM Revenue & Customs (HMRC) makes decisions about tax credits.

If you think that a decision HMRC has made on tax credits is wrong, you should get the 'How to appeal against a tax credit decision or award' leaflet. You can get this leaflet by calling the helpline on **0845 300 3900**. People with hearing difficulties should call **0845 300 3909**.

## Child Benefit and Guardian's Allowance

HMRC makes decisions about Child Benefit and Guardian's Allowance. If you think that a decision HMRC has made about Child Benefit or Guardian's Allowance is wrong, you should get leaflet **CH24A** 'If you think our decision is wrong' from the Child Benefit office that sent you the decision letter.

## How can I get more information about a decision?

If you have received a letter about a decision on a claim you have made, and you would like more information, please contact the office that sent you the decision letter straight away.

When you contact the office that made the decision, you can ask for one or both of the following.

- A spoken explanation of the reasons for the decision.
- A written statement of the reasons explaining the decision, if you have not already received one. You will receive a copy within 14 days of asking for one.

# Will you look at a decision again?

If you have received a letter or a statement of reasons telling you about a decision, and you are not happy with it, or you have received an explanation about the decision and you still think it's wrong, you can ask us to look at the decision again.

If you want us to look at the decision again, you must let the office that sent you the decision letter know within **one month** of the date on the letter. You must also send the office any evidence to support your case.

If you asked for a written statement of reasons, we will extend the one-month time limit to contact the office by:

- 14 days from the end of that month if the office sends the statement within that one-month period, **or**
- 14 days from the date on the statement if the office sends the statement outside the one-month period.

If you asked for a written or verbal explanation first, you still only get one month from the date on the decision letter to contact the office.

- If there are special circumstances which mean you can't contact the office within one month, tell the office what the special circumstances are when you contact them. The office may still be able to change the decision.

- If you ask for your decision to be looked at again more than one month after the date on the decision letter and you do not have special circumstances, the office may still be able to change the decision. But they will usually only be able to change it from the date you contacted them.

## What happens next?

- If you ask for your decision to be looked at again, the office you contact will check whether they have made the right decision.
- A person at the office who was not involved with the original decision will usually do this.
- They will look at any evidence you send to support why you think the decision is wrong.
- If they decide that their original decision was wrong, they will change it.

## If the decision can be changed

- If you asked the office to look at the decision again within one month, or you had special circumstances which meant you could not contact the office within one month, anything you have been awarded as a result of the new decision (for example, benefits, credits and so on) will be changed from the date of the original decision.
- If you do not agree with the new decision, you can ask for it to be looked at again or you can appeal against it.

## If the decision can't be changed

- If the office decides they can't change their decision, they will send you a letter telling you this. The letter will confirm the original decision.
- The letter will tell you if you can appeal to an independent tribunal.
- If you can appeal, you have **one month** from the date on this letter to contact the office that sent you the decision. You must contact them in writing by using the form at the back of this leaflet.

## What happens when I appeal?

If the office has decided they cannot change their decision, but you still believe it's wrong, you may have the right to appeal to an independent tribunal.

You will have received a letter or a written statement of reasons explaining the decision. The letter will tell you if you have the right to appeal.

- If you can appeal, you must do so within one month of the date on the decision letter. **Fill out the form** at the back of this leaflet.

If you decide to appeal to an independent tribunal, and the tribunal finds you have been getting too much money, your benefit will be reduced.

## Late appeals

- The office may not accept your appeal if they receive it more than one month after the date on the decision letter.
- The office can only accept a late appeal if there are special circumstances. These could be a death, a serious illness, if you live abroad, a postal strike and so on.
- You should explain why you couldn't appeal within one month by filling in the form at the back of this leaflet.

Certain conditions have to be met for a late appeal to be accepted.

A lawyer at the independent tribunal will look at the reasons you give to see:

- whether there were special circumstances for the delay
- the length of time that has passed since you received the decision letter
- whether it would be fair for the tribunal to accept your late appeal, or
- whether your appeal is likely to be successful.

Only a legally qualified member of the tribunal can decide not to accept your appeal.

The tribunal will not accept your appeal if:

- you misunderstood the law, or the way the law is applied has changed since the benefit office made their decision, or
- you appeal **13 months** or more after the date on the decision letter.

## Appealing through an independent tribunal

An independent tribunal within the Tribunals Service will decide your appeal at a tribunal hearing.

The tribunal can only look at the evidence, the law, and your circumstances at the time the office made the decision you are appealing against. The tribunal can't consider any changes to your circumstances that happened after the office made the decision you are appealing against.

If the circumstances which may affect your claim to benefits change, you should report it straight away. Don't wait for the appeal hearing. Contact the office shown on your decision letter.

- An independent tribunal could have up to 3 members. Tribunal members are appointed by the Lord Chancellor and are judicial officers who act independently of the Department for Work and Pensions.
- Tribunal members are experts on the issues involved in your appeal.
- All tribunals have a legally qualified member to help apply the law to your appeal.
- Tribunals could also include someone with medical qualifications, someone with financial qualifications and someone with experience or knowledge of disability issues.

# What happens during the appeal process?

- After you tell the office dealing with your decision that you want to appeal to an independent tribunal, the office may explain the decision in more detail. If you accept the explanation, you may decide not to continue with an independent tribunal.
- If you want to continue with the appeal, the office you are dealing with will look at the decision again if they have not already done so.
- If the office agrees that their original decision is wrong and a new decision is to your advantage (for example, they give you more money), they will send you a new decision and your appeal will stop. If you don't agree with the office's new decision, you can appeal against it.
- If the office agrees that their original decision is wrong, but the new decision is **not** to your advantage (for example, they shorten the period you can receive benefits), they will send you a new decision. Your appeal will still continue. You will have another month from the date of the new decision to comment on the new decision.
- If the office don't change their decision, they will send your appeal, and an explanation of the law and facts they used to make the decision, to the Tribunals Service. They will also include any other relevant papers.
- The office will also send you and your representative (if you have one) a copy of the appeal papers.

- Read the appeal papers very carefully. If you don't understand something, ask the office that sent you the decision. You can also contact an advice centre, like Citizens Advice or a solicitor for help.
- The office will send you a form which you must fill in and return to the Tribunals Service within **14 days** from the date on the form. **If you don't send it back in time, your appeal will stop.**
- The form asks you questions about how you want your appeal to be looked at. You **must** choose between an **oral hearing** and a **paper hearing** (these are explained below). If you choose to go to an oral hearing, you can go in person, which will give you the opportunity to deal with any questions or issues that arise. People who go to their hearing usually do better than those who do not.

## Oral hearing

- This is an appeal hearing which you go to in person.
- The tribunal may ask you questions.
- You can take someone with you to represent you.
- You can call witnesses to give evidence to the tribunal.
- A representative from the Department for Work and Pensions may be at the hearing. They may ask you questions and call witnesses.
- If you choose an oral hearing but find you can't go to it, you must let the Tribunals Service know straight away. You must have a good reason why you can't go to the hearing, such as illness. You may be able to arrange another date. If you don't let the Tribunals Service know that you can't go to the hearing, the tribunal may deal with the appeal without you.

- If your appeal is about Industrial Injuries Disablement Benefit or Severe Disablement Allowance, you may be asked to have a medical examination at the hearing. This will be carried out in private by a medical professional.
- If you want an oral hearing but can't go to it because of a medical condition you have, ask the Tribunals Service if the hearing can be held in your home. This is called a domiciliary hearing. If you want a domiciliary hearing, you need to get a letter from your GP which proves that your condition means you cannot go to an oral hearing.
- Oral hearings are open to the public, but members of the public do not often go to them. The tribunal can stop members of the public from going to hearings in certain circumstances.
- If you live abroad and want an oral hearing, let the Tribunals Service know you want to go to the hearing or want to send someone to represent you.

The Tribunals Service can arrange for your appeal hearing to be:

- as near as possible to the place you arrive in Great Britain
- as near as possible to your representative if you have one, or
- delayed until you are in Great Britain.

## Costs

- The Tribunals Service may pay for some costs for going to a tribunal, for example, travel costs. If you want more information about costs, contact the Tribunals Service office handling your appeal.
- If you live abroad, you will have to pay your own fares to and from Great Britain. You may be able to get some costs paid for you while you are in Great Britain and while the appeal hearing is going on.

## Paper hearing

- Unlike the oral hearing, this is an appeal hearing which you can't go to.
- You should send any other information which you think will help your case to the Tribunals Service.
- Don't delay sending information as you won't be told when the paper hearing will take place.
- The appeal will be dealt with and the Tribunals Service will send you the decision.
- If the members of the tribunal think that they need you to go to an oral hearing, they can turn down your decision to have a paper hearing.

If you choose a paper hearing but change your mind, you can choose to have an oral hearing. Write to the Tribunals Service straight away.

## The result

If you have an oral or a paper hearing, the following will apply.

- The tribunal will give or send you a decision notice explaining their decision. They will also send a copy to the office that made the original decision as soon as possible after your appeal hearing.
- You can also ask for a statement of reasons. This explains the tribunal's decision, including the facts and the law they used to make their decision. You must ask for a statement of reasons within **one month** of the date on the decision notice.
- If you think there was a mistake in the tribunal process (for example, you didn't receive a document that was used at the hearing, or you could not go to the hearing), you can ask for your case to be dealt with again by another tribunal. You should write to the Tribunals Service, giving your reasons for wanting another tribunal within **one month** of the date on the decision notice or statement of reasons. If you are late asking for another tribunal (that is, you ask after the one-month time limit), you should explain why.
- The Tribunals Service keeps a record of the appeal proceedings for at least 6 months after the date of the hearing. You can get a copy by writing to them. If you have asked for a statement of reasons, you will be automatically sent the record of the appeal proceedings.

- If your appeal is successful, the office that deals with your benefit will usually carry out the tribunal's decision as soon as they receive their copy of it. However, if the office appeal against the tribunal's decision to the Social Security Commissioners, the office will not take action until the Commissioners have made their decision.

## What can I do if I disagree with the tribunal's decision?

- If you don't agree with the tribunal's decision, you may be able to appeal to the Social Security Commissioners. The Commissioners are experienced lawyers who specialise in benefits law.

## Who can appeal to the Commissioners?

- Appeals can be made by:
  - anyone who has already appealed to the Tribunals Service
  - the Department for Work and Pensions (if they feel the tribunal has made a mistake in dealing with your appeal)
  - in some cases, a trade union or similar organisation appealing on your behalf, and
  - people who have to repay an overpayment of benefits.

# What can I appeal to the Commissioners about?

- You can only appeal to the Commissioners if you think the tribunal has not applied the law correctly in dealing with your appeal. You can't appeal to the Commissioners about:
  - facts they have used, or
  - their medical findings or conclusions.

# How can I appeal to the Commissioners?

- Your decision letter from the Tribunals Service will tell you what to do if you are not happy with the decision. Read this carefully as it gives you important time limits for your appeal.
- You can't appeal to the Commissioners unless you first get the tribunal's statement of reasons for their decision. You should read the statement of reasons carefully. If you think the tribunal did not apply the law correctly, you can apply for leave to appeal (this means permission to appeal) to the Commissioners. You must do this within **one month from** the date on the statement of reasons. However, if there is a mistake on your decision notice that means you have to send it back for it to be corrected, or you have asked for your appeal to be dealt with again and have been turned down, the one month starts from the date on the correction or rejection letter.

- Your application for leave to appeal must be in writing and you should send it to the Tribunals Service.
- A legally qualified member of the tribunal may either allow your appeal to go forward to the Commissioners or decide that the case should be dealt with again by another tribunal.
- You can ask an advice centre such as Citizens Advice, a solicitor or another suitable person or organisation, to help you apply to appeal to the Commissioners.

If the Tribunals Service turn down your application, you can apply directly to the Commissioners. The letter from the Tribunals Service will tell you how to do this.

## Late applications

- The Tribunals Service will only accept late applications for a statement of reasons or leave to appeal to the Commissioners if there are special circumstances that caused the delay.
- You will need to show why you were not able to apply on time.

# Where can I find out more?

## **Advice centres**

Advice centres such as Citizens Advice can give you help and support. They can also help you to fill in forms or to write a letter, and may also go with you to an appeal tribunal.

## **Trade unions**

Trade unions may also give you free advice, or may speak on your behalf at an appeal tribunal.

## **Community Legal Service Direct**

For free, independent and confidential advice about benefits and tax credits (England and Wales only), or for details of solicitors in England and Wales, call the Community Legal Service Direct on **0845 345 4345**. People with speech or hearing difficulties can call **0845 609 6677**. If you are in Scotland, you can contact The Scottish Legal Aid Board on **0131 226 7061**.

## **Solicitors**

You may be able to get advice from a solicitor under the legal-help scheme.

You can find out about this from a solicitor. If you decide to use a solicitor, be aware that the legal-help scheme doesn't cover the cost of a solicitor to help you at an appeal tribunal. You cannot get any money for solicitor's fees from the Department for Work and Pensions, Jobcentre Plus or the Tribunals Service.

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 help scheme.

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

You can get general information on any of the issues raised in this leaflet, or copies of any other leaflets, from Jobcentre Plus. You can find the phone number in the business pages of your local phone book.

If you want more information on the law, go on-line to [www.opsi.gov.uk](http://www.opsi.gov.uk).

Some large libraries may also have copies of the law.

If you want more information about disputes and appeals, get leaflet **NI260DMA** 'A guide to Revision, Supersession and Appeal' on-line from the DWP website at [www.dwp.gov.uk](http://www.dwp.gov.uk). To contact DWP by e-mail, see the 'Contact Us' section of the website.

You can get the latest public-service information from [www.direct.gov.uk](http://www.direct.gov.uk).



# Your appeal

**Complete this form and take or send it to the office that sent you the decision.**

## About you

Title Mr/Mrs/Miss/Ms/Other (please state)

Surname

All other names

Date of birth  /  /

National Insurance (NI) number  |  |  |  |

Get this from your NI number card, payslips, tax papers or letters from Jobcentre Plus.

Current address   
  
  
  
  
Postcode

Daytime phone number  Code  Number

If this appeal concerns a child, please tell us

Child's name

Child's date of birth  /  /

Have you arranged for someone to represent you at your appeal?

No

Yes

Please tell us their name and address

Their full name

Their address

_____
_____
_____
_____
Postcode

Their phone number

Code	Number
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Sign this box to authorise this person to act for you

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### About the decision

Name of the benefit or benefits

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Date at the top of the letter about the decision

/	/
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### About the appeal

- Use the space at the end of this form to say why you don't agree with the decision.
- You must say **why** you think the decision is wrong. It is not enough to say 'I don't agree with this decision' or 'The money is not enough'.
- The reason you give should be like these examples:
  - 'I think you have used the wrong figures to work out my mortgage interest. The right figures are...'
  - 'You have paid me from 4 July but I think I should be paid for two weeks before that because...'
  - 'My Disability Living Allowance should be more because I need attention at least 8 times a day - not infrequently as you have said'.

- If you are appealing against more than one decision, you must say why you don't 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.

### Your signature

Your signature

Date

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

### What to do now

- Make sure you have told us on the other side of this form why you don't agree with the decision.
- Take or send this form to the office that sent you the decision.
- It will help if you write **Appeal** on the front of the envelope.
- Remember, your appeal must reach the office within **one month** of the date at the top of the letter telling you about the decision.

- Use this space to say why you don't agree with the decision
- You must say **why** you think the decision is wrong.  
Use BLOCK CAPITALS.

- If you need more space, use another sheet of paper.
- Remember to put your name and NI number on any extra sheets of paper.
- **Make sure you have filled in the other side of this form and signed it.**
- Take or send this form to the office that sent you the decision.

### For our use

 / 

Appeal form issued to customer

 / 

Appeal received

 / 

Appeal received at sector office

 / 

Invoice number

This leaflet is available in Welsh and other languages (Arabic, Bengali, Chinese, Gujarati, Punjabi, Somali, Urdu and Vietnamese), as well as in large print, in Braille and on audio cassette. Contact Jobcentre Plus for more details.

Remember that this leaflet is a guide only. It is not meant to say exactly what your legal rights are. While we have tried to make sure that the information in this leaflet is correct at the date shown on the cover, it is possible that there may be incorrect information or some items may be oversimplified. Also, please remember that the information in this leaflet is likely to become less accurate over time, for example because of changes to the law.

Go to **[www.direct.gov.uk](http://www.direct.gov.uk)** for the latest and widest range of public service information.

