

Medway Revenues and Benefits Service

Housing and council tax benefit decisions and appeals

The decision

If you receive a decision in writing from us about your housing or council tax benefit and you think that the decision is wrong, you can ask us for more information or to look at the decision again.

If you would like more information you should contact us straight away. This is important because if you decide to appeal at a later date there are time limits in which you can do so. As well as asking for the decision to be explained, you can also ask us for a written statement of the reasons for our decision. You must do this within one month of the decision letter for your request to be considered.

If there are special circumstances, which mean you are unable to contact us within one month, we may still be able to change our decision. In this case you should tell us what the special circumstances are when you contact us. Even if you do not have special circumstances we may still be able to change our decision but only from the date you wrote to us so you may lose some benefit.

When we look at a decision again (a reconsideration)

A different member of staff to the person who initially assessed your claim will look at the decision. If the decision is changed you will receive a letter telling you what the new decision is.

If we do not agree to change the decision we will send you a letter telling you this. This letter will set out your rights to appeal. If you are able to appeal, the one month time limit starts again from the date of the letter confirming our decision.

Appeal tribunals

If you still believe that our decision is wrong after we have reconsidered your claim you have a right to appeal to the Appeals Service for an independent tribunal hearing that is made up of people who are not part of the local authority. You should write to us giving your reasons for appeal. It is not sufficient to say for example 'I think the decision is wrong' or 'I should have more benefit'. You must give clear reasons for your appeal.

Your appeal should be made within one month of the date of our decision letter. The Appeals Service will not accept late appeals unless there are special circumstances.

The tribunal can only look at the evidence, the law and the circumstances at the time that we made our decision. It can not look at circumstances that have changed since that time. If there has been a change in your circumstances since that time, do not wait for the hearing, let us know straight away as this could affect your current benefit entitlement.

After you have appealed we will offer you an explanation of our decision and will look at the decision again, if we have not already taken these actions.

If we agree that the original decision was wrong and our new decision is to your advantage, we will send you a new decision. Your appeal will stop.

If we agree that the original decision was wrong but our new decision is not to your advantage, we will send you a new decision. Your appeal will continue.

If we do not change the decision, we will send your appeal and an explanation of the facts and laws used to make the decision, to the Appeals Service, yourself and your representative (if you have one).

You will also receive a form. You must complete this and send it to the Appeals Service within 14 days of the date the form is sent to you if you wish your appeal to continue. The form also asks questions about how you want your appeal to be looked at. You can choose between an oral hearing or a paper hearing.

Oral / Paper hearing

An oral hearing is one that you can go to. The Tribunal may ask you questions and you can also ask questions. You can take someone along to represent you, and you can call witnesses if you wish. One of our representatives may also be at the hearing and can ask you questions and call witnesses.

A paper hearing is one that you do not go to. You should use the form that we send you with the appeal papers to add any information you would like considered.

The result

You will be given a decision notice explaining the tribunals decision as soon as possible after the hearing.

If the appeal is successful, we will put the decision right as soon as we receive our copy of the decision.