

## Housing Benefit

### What can I do if I disagree with the decision about my Housing Benefit?

#### Introduction

If we have sent you a decision letter about your claim for Housing Benefit you may need to know what you can do if you think our decision is wrong.

If you disagree with the Council's decision about your Council Tax Reduction please go to page 3.

#### When should I contact you?

If you want to know more about our decision, or if you think it is wrong, contact us **within one month** of the date of our decision letter.

If there are special circumstances which prevent you from contacting us within one month, write to us as soon as you can and explain why you couldn't contact us earlier.

However, you must always contact us within 13 months of the date on our decision letter. We cannot change our decision after that time.

#### How can I contact you?

You can contact us. Please see page 4 for our contact details.

You can:

- ask us to explain the reasons behind our decision and get more information on what you can do next (**see option 1**);
- ask us to look at our decision again (**see option 2**); or
- appeal against our decision -this must be in writing (**see option 3**)

What we will do in these circumstances is explained below.

#### Option 1- explanation

We will explain the reasons behind our decision and send you a 'written statement of reasons' (if you ask for one). This statement will give you more information to help you decide what to do next.

If you are not happy with our explanation you can ask for us to look at the decision again (**see option 2**) or you can appeal (**see option 3**).

#### Option 2 - look at decision again

If you want us to look at the decision again, you should ask us in writing.

After considering the information you provide in your letter, we will look again at our decision to see if it was, and still is, correct.

If our decision can be changed, we will change it and send you a new decision letter.

If our decision cannot be changed, we will write to you explaining why. Our letter will tell you that if you still disagree with our decision; you have a further month to appeal against it (**see option 3**).

### Option 3 – appeal

If you want to appeal against our decision you must do so in writing. Your letter should explain the reasons why you are appealing.

After you have appealed, we will first look at our decision again (if we have not already done so).

If we agree that the original decision was wrong, we will send you a new decision letter and your appeal will stop. If you do not agree with the new decision, you can appeal against that decision. You will then have a further month to provide any extra information in connection with your appeal. We will consider that extra information before we send your appeal to an independent tribunal.

If we do not change our decision, we will send your appeal, and an explanation of the law and facts we used to make our decision, to the Tribunal Service.

We will also include any other relevant papers.

### What you can expect to receive?

A copy of the appeal papers will be sent to you (and your representative if you have one). Read the appeal papers very carefully. If you do not understand something, ask us, an advice centre or a solicitor to explain it.

The Tribunal Service will send you a pre hearing form (TAS1) asking you if you wish to proceed with the appeal which you must fill in and return to the Tribunal Service within **14 days. If you do not, your appeal will end.**

The form also asks you questions about how you want your appeal to be looked at. You can choose between an **'oral hearing'** and a **'paper hearing'**. If you choose an oral hearing, you (or your representative) will be able to deal with any questions or issues that arise. People who go to their hearing usually do better than those who do not, so we recommend you choose this option. More information on oral hearings is given below.

#### Note

If you have any additional evidence/information in support of your appeal, you should provide it to us at the earliest opportunity so that we may look at the decision again before the Tribunal hearing is held. This will save all parties time; furthermore it will improve the quality of decision-making and the effectiveness of the tribunal.

### What happens at an oral hearing?

Your appeal will be heard by a tribunal. The hearing normally takes place at a tribunal venue near to your home. Tribunals are independent of the local authority. Normally in the case of an appeal concerning Housing Benefit the tribunal consists of one person, a judge who is legally qualified.

The following people will be at the hearing.

- The tribunal judge
- The clerk to the tribunal
- An officer from the Council presenting the Council's case
- You or your representative (if you have one), or both of you.

### **What happens at the hearing?**

You will be given the opportunity to present your case to the tribunal and ask our presenting officer any questions. You will also be allowed to bring witnesses. We will have the same opportunities. The order of the hearing will be decided by the tribunal judge.

### **How soon will I know about the decision?**

The tribunal judge may give the decision at the hearing, but in any case the Tribunal Service aims to issue a copy of the decision to you, your representative (if you have one) within two days of the tribunal hearing.

The Council will then act on the decision of the tribunal. If the tribunal disagrees with the decision of the Council the original decision will be revised accordingly.

### **Can I withdraw my appeal?**

Yes, you can withdraw your appeal at any time before the oral hearing. If you want to end your appeal, you must confirm this in writing.

### **What can I do if I disagree with the Council Tax reduction?**

The procedure for appealing is similar to Housing Benefit.

If you are not satisfied with the Council's decision, you can write to us within one month of the date of our decision letter. After considering the information you provide in your letter, we will look again at our decision again and let you know if we have changed our decision.

If you are dissatisfied with the Council's response or it does not respond to you within two months, you will be able to appeal directly to the Valuation Tribunal.

**Note-**The Valuation Tribunal is a public body which also deals with appeals about Council Tax and non-domestic (business) rates.

For more information on Council tax reduction appeals visit the Valuation Tribunal website at <http://www.valuation-tribunals-wales.org.uk/en/council-tax-reduction-appeals/>

### **Where can I get more advice?**

#### **Advice Centres**

Advice centres such as the Citizens' Advice Bureau can represent you and help you understand the reasons for decisions about Housing Benefit and Council Tax Benefit/Reduction. They can also help you fill in forms and/or prepare your case.

#### **Tribunal Service**

For more information visit the Tribunal Service website at [www.justice.gov.uk](http://www.justice.gov.uk)

## Our Contact details

If you need more help, please contact us.

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| <b>TORFAEN RESIDENTS</b><br>should contact<br><b>TELEPHONE:01495 766430 or 01495 766570</b><br><b>E-MAIL: <a href="mailto:benefits@torfaen.gov.uk">benefits@torfaen.gov.uk</a></b><br><br><b>Minicom</b> for those who are deaf or hard of hearing. The number is <b>01495 767871</b> |  | <b>MONMOUTHSHIRE RESIDENTS</b><br>should contact<br><b>TELEPHONE:01633 644650 or 01633 644655</b><br><b>E-MAIL: <a href="mailto:benefits@monmouthshire.gov.uk">benefits@monmouthshire.gov.uk</a></b> |  |
| <b>OUR ADDRESS-</b> Shared Benefit Service Level 3, Civic Centre Pontypool Torfaen NP4 6YB<br><b>IN PERSON</b> at any of our <b>One Stop shops, Community Hubs in Monmouthshire or Customer Centres in Torfaen.</b>   |  |  |  |
| <b>ABERGAVENNY</b><br>Abergavenny Market -Cross St,<br>Abergavenny NP7 5HD  |  | <b>CHEPSTOW</b><br>Chepstow Library- Manor Way,<br>Chepstow, NP16 5HZ  |  |
| <b>MONMOUTH</b><br>Monmouth Library, Rolls Hall, Monmouth,<br>NP25 3BY  |  | <b>USK</b><br>Usk Library - 35 Maryport St,<br>NP15 1AE  |  |
| <b>PONTYPOOL</b><br>Level One Civic Centre,<br>Pontypool NP4 6YB  |  | <b>CWMBRAN</b><br>Cwmbran Library, Gwent<br>House, Gwent Square,<br>Cwmbran, NP44 1XQ  |  |
|   |  | <b>BLAENAVON</b><br>Blaenavon World Heritage<br>Centre Church Road Blaenavon<br>NP4 9AS  |  |

**WELSH TRANSLATION** - If you require a copy of this document in Welsh please contact us on the telephone numbers above.

## Online services (This service is currently only available for Torfaen residents)

You are now able to access a full range of online services via the Council's website [www.torfaen.gov.uk](http://www.torfaen.gov.uk) under online services. Using a secure registration process you can now access the following services:

- Housing Benefit and/or Council Tax Reduction claim data for your claim
- Council Tax or Business Rate information for your account including the account balance, payment and instalment details.

The service also allows you to claim a discount or exemption or make a payment towards your account. Sign up securely and quickly at [www.torfaen.gov.uk/en/CouncilTaxandBenefits](http://www.torfaen.gov.uk/en/CouncilTaxandBenefits)

### Download app.

You are now able to report a change in circumstances on the council's website or smartphone app. You can download the app for free from your phone's app store or visit [www.torfaen.gov.uk](http://www.torfaen.gov.uk). You'll also get access to a range of other useful services and information.

Monmouthshire residents can also use this service to report a change in their circumstances.