

If you think our **decision**  
is **wrong**



What to do if you think our decision on a social security benefit is wrong

- **asking for an explanation**
- **disputing a decision about your benefit**
- **appealing against a decision about your benefit**

# If you think our decision is wrong

If you have applied for or are getting a social security benefit, you may need to know what you can do if you think a decision is wrong.

If you think our decision is wrong or you just do not understand it, you can ask us to explain it either verbally or in writing. If you are not satisfied with the explanation, you can ask us to look at it again.

For certain decisions, you may also be able to appeal to an independent tribunal who can change the decision if they agree that it is wrong.

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

We want to make sure you and your family get the right help, at the right time, in the right way.

## Other formats

This leaflet is also available in large print, braille, on audio cassette and in the following languages:

- Arabic
- Bengali
- Chinese
- Gujarati
- Punjabi
- Somali
- Urdu
- Vietnamese.

You can also get these from your social security office.

# Check what to do

- 1 If you want to know more about the different kinds of decision:  
**check The decision**  
▶ see page 4.
- 2 It may help if you ask us to explain our decision:  
**check Do you want more information about our decision?**  
▶ see page 6.
- 3 If you want us to look at our decision again:  
**check Do you want us to look at our decision again?**  
▶ see page 7.
- 4 If you want to appeal against our decision:  
**check Do you want to appeal against our decision?**  
▶ see page 8.
- 5 If you want to know what happens after you make an appeal:  
**check After you appeal**  
▶ see page 10.
- 6 If you want to know what to do if you think the result of an appeal is wrong:  
**check If you disagree with the tribunal's decision**  
▶ see page 13.
- 7 If you need help with your appeal:  
**check Other organisations that can help**  
▶ see page 15.

# The decision

There are different kinds of social security decisions. The kind of decision makes a difference to what you can do if you think the decision is wrong.

## Benefit and Social Fund decisions

If you get a decision in writing about your social security benefit or Social Fund applications, you can ask us to look at it again. If we do not change the decision, in some cases you may be able to appeal to an independent tribunal. The letter telling you about the decision will tell you if you can appeal.

You cannot appeal against decisions about Budgeting Loans, Community Care Grants or Crisis Loans from the Social Fund. You can ask a reviewing officer to review the decision. The letter telling you about the decision will tell you how to do this.

If the reviewing officer does not revise the Budgeting Loan, Community Care Grant or Crisis Loan decision or, if revised, you are still not happy, you can apply to the Independent Review Service for a review. Full details are available in leaflet **IRS1** *Independent Social Fund reviews* available from your local Jobcentre Plus office.

- If you receive a decision in writing it is usually because you have:
  - claimed a social security benefit

- had a change of circumstances which affects your benefit
- been told you have to pay back benefit.

- You can ask us to explain a decision, look at it again or, where applicable, appeal against it. There are special rules if you are not claiming the benefit yourself. You should ask your local benefit office about these.
- 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.

*An appointee is someone appointed by the Department for Work and Pensions or Jobcentre Plus to act for a person who cannot act for themselves.*

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

## Child maintenance decisions

The Child Support Agency makes decisions about child support. If you think a child support decision is wrong, you should get in touch with the Child Support Agency at the address and phone number on the decision notice.

You should do this within one month of the date of the letter. You can ask for an explanation, ask the decision-maker to look again at the decision or you can appeal the decision.

A new child support scheme was introduced, for new cases initially, on 3 March 2003. Generally, existing cases will be transferred to the new scheme at a later date. If you wish to know more about disputing or appealing a decision you should read the following leaflets:

- If you were a client of the Child Support Agency **before** 3 March 2003, you should get leaflet **CSA2006(A) *How to appeal***
- If you have become a client of the Child Support Agency **since** 3 March 2003, you should get leaflet **CSL106 *Child support: How to appeal***.

For more information on how the changes to the child support scheme will affect you, contact your Jobcentre Plus office or call the Child Support Agency's National Enquiry Line on 08457 133 133.

## Housing Benefit and Council Tax Benefit decisions

Your local council decides if you can get Housing Benefit or Council Tax Benefit and how much you should get.

- If you think that a decision about Housing Benefit or Council Tax Benefit is wrong, contact the council office that pays the benefit.

- You should note that the process for handling disputes about Housing Benefit or Council Tax Benefit is similar to that for all social security benefits. Therefore, much of what is in this leaflet will apply if you wish to dispute or appeal a Housing Benefit or Council Tax Benefit decision. The decision notification will tell you what to do, but if you have any doubts, you should contact your local council.

## Working Tax Credit and Child Tax Credit decisions

The Inland Revenue makes decisions about tax credits.

- If you think that a decision on tax credits is wrong, you should get leaflet **WTC/AP *How to appeal against a tax credit decision or award*** available from any Inland Revenue Office or by calling the helpline on 0845 300 3900. People with hearing difficulties should call 0845 300 3909.

## Child Benefit and Guardian's Allowance

The Inland Revenue make decisions about Child Benefit and Guardian's Allowance.

If you think that a decision 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.

# Do you want more information about our decision?

- You have received a letter telling you our decision

## Do you:

- ✓ Want more information about our decision?

## If YES, contact the office that sent the decision letter straight away.

- You must do this straight away because if you want us to look at our decision again or if you want to appeal against it, you must do so within **one month** of the date on the decision letter, not the date you contact the office.
- You can phone, write or visit the office.
- You can ask for one or both of the following:
  - a verbal explanation of the reasons for the decision.
  - a written *statement of reasons* for the decision to help you decide what to do, if we have not already sent you one. You must do this within **one month** of the date on the decision letter. We will send the *statement of reasons* within 14 days.
- If you are still not satisfied you can:
  - ask us to look at the decision again. ▶ see page 7
  - appeal against our decision. ▶ see page 8.
- Note, if you ask for a written statement of reasons and you receive it within one month of our decision, the one month for asking us to look at the decision again or appealing will be extended by 14 days; if you receive it outside the one month you will be given an extra 14 days from the date we sent you the explanation.

# Do you want us to look at our decision again?

- You have received a letter telling you our decision or a written *statement of reasons* for our decision
- Or we have explained the decision and you still think it is wrong

## Do you:

- ✓ Want us to look at our decision again?

## If YES, we will look at the decision again.

- Let the office that sent you the decision letter know within **one month** of the date of the letter. If you asked for an explanation first, the one month is still counted from the date of the decision letter. If you asked for a written statement of reasons, you will have the one month plus 14 days. If the statement arrived after the one month you will have a further 14 days from the date on the statement.  
▶ see page 6.
- If there are special circumstances which mean you cannot contact us within one month, we may still be able to change the decision. Tell us what the special circumstances are when you contact us.
- If you ask us to look at a decision again more than one month after the date of the decision letter and you do not have special circumstances, we may still be able to change the decision. But this will usually only be from the date you wrote to us.

## What happens next?

- When you ask us to look at a decision again, we will check whether the decision is correct
- A different decision maker will usually do this
- If the decision is wrong we will change it

## If the decision can be changed

- If you asked us to look at our decision again within one month, or had special circumstances which meant you could not, we will change the decision from the date of the original decision.
- If you do not agree with the new decision, you can ask us to look at it again.
- If you asked us to look at our decision again after one month and did not have special circumstances, the decision will usually be changed from the date you wrote to us.

## If the decision cannot be changed

- If the decision cannot be changed, we will send you a letter telling you that we cannot change it. The letter will confirm the original decision.
- The letter will tell you if you can appeal against the original decision.
- If you can appeal, the **one month** time limit starts again from the date that the letter confirming the decision is issued.

# Do you want to appeal against our decision?

- You have received a letter telling you our decision or a written *statement of reasons* for our decision.
- Or we have explained the decision and you still think it is wrong.
- Or we have looked at our decision again and not changed it.
- The letter telling you about the decision tells you if you have the right to appeal against it.
- Send the form back to the office shown on your decision letter within **one month** of the date on the decision letter.
- If you **cannot** appeal against the decision you can still ask us to look at it again. See *Do you want us to look at our decision again?* on page 7.
- Remember, if the appeal tribunal finds that you have been getting **too much** money, your benefit will be **reduced**.

## Do you:

- ✓ Have the right to appeal against the decision?
- ✓ Believe the decision is wrong?
- ✓ Want to appeal to an independent tribunal?

## If YES to all, use the form at the back of this leaflet to appeal.

*An independent tribunal within the Appeals Service will decide your appeal at a tribunal hearing. The tribunal is made up of people who are not from the Department for Work and Pensions or Jobcentre Plus.*

- Complete all relevant boxes on the form. You can get help from an advice centre or a solicitor.
- Write down the reasons for your appeal. This is important because the tribunal does not have to look at anything you do not mention. Make sure you sign the form.

## What the tribunal looks at

- The tribunal can only look at the evidence, the law and the circumstances at the time we made the decision you are appealing against.
- The tribunal cannot look at changes of circumstances that happened after we made the decision.
- **If a change of circumstances could affect your benefit or mean you could claim again, you should report it straight away.** Do not wait for the appeal hearing. Contact the office shown on your decision letter.

## Late appeals

- Your appeal may not be accepted if it is received more than one month after the date on the decision letter.
- A late appeal can only be accepted if there are special circumstances that caused the delay. These could be a death, a serious illness, absence abroad, a postal strike or some other special circumstance.
- You should include an explanation of why you could not appeal within one month on the form at the back of this leaflet.
- Certain conditions have to be satisfied for a late appeal to be accepted. The reasons you give will be looked at to see:
  - whether there were special circumstances for the delay
  - the length of time that has passed since you received the decision
  - whether it is in the interests of justice that your appeal is accepted, or
  - whether your appeal is reasonably likely to succeed.Only a legally qualified tribunal member can decide that your appeal will **not** be accepted.
- A late appeal cannot be accepted if the only reason is that you misunderstood the law, or interpretation of the law has changed since the decision was made.
- Your appeal cannot be accepted if you appeal **13 months** or more after the date on the decision letter.

## Appeal tribunals

- An appeal tribunal may 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 will be experts on the issues involved in your appeal.
- All tribunals have a legally qualified member to help apply the law to your appeal.
- Tribunals may also include someone with medical qualifications, someone with financial qualifications and someone with experience or knowledge of disability issues.
- If you want to know more about tribunals, get leaflet **NI260DMA** *A guide to Dispute, Supersession and Appeal*. You can get this from your social security office or Jobcentre.

## After you appeal

- After you have appealed we may offer you an explanation of our decision.
- We will look at the decision again if we have not already done this.
- If we agree that the original decision is wrong and the new decision is to your advantage, we will send you a new decision and your appeal will stop. If you do not agree with the new decision, you can appeal against it.
- If we agree that the original decision is wrong but the new decision is **not** to your advantage, we will send you a new decision. Your appeal will continue against the new decision. You will have another month to comment on the new decision.
- If we do not change the decision, we will send your appeal, and an explanation of the law and facts used to make the decision, to the Appeals Service. We will also include any other relevant papers.
- 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 the office that sent you the decision, an advice centre or solicitor to explain.
- You will be sent a form which you must complete and send to the Appeals Service within **14 days** of the date it is sent to you. **If you do not, 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**. If you choose to go to an oral hearing you 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.

### Oral hearing

- This is an appeal hearing which you can go to.
- 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 or Jobcentre Plus may be at the hearing. They may ask you questions and call witnesses.

- If you choose an oral hearing but find you cannot go, you must let the Appeals Service know straight away. You must have a good reason why you cannot go, such as illness. You may be able to arrange another date. If you do not let the Appeals Service know you cannot go to the hearing, the tribunal may hear the appeal without you.
- If your appeal concerns Industrial Injuries Disablement Benefit or Severe Disablement Allowance you may be asked to undergo a medical examination at the hearing.
- If you want an oral hearing but cannot attend a tribunal venue because of a medical condition, you should ask the Appeals Service if the hearing could be held in your home. This is called a domiciliary hearing and any request for one must be supported by a letter from your GP.
- Oral hearings are open to the public, but rarely does anyone not involved in the appeal attend. The tribunal can exclude members of the public from the hearing in certain circumstances.
- If you live abroad and want an oral hearing, let the Appeals Service know you want to go to the hearing or want to send someone to represent you. The Appeals 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
  - delayed until you are in Great Britain.

### **Expenses**

- The Appeals Service may pay for some expenses for going to a tribunal, for example travel costs. If you want more information about expenses, contact the Appeals 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 expenses while you are in Great Britain and the appeal hearing is going on.

*Continued on the next page*

## Paper hearing

- This is an appeal hearing which you do not go to. If you go to an oral hearing, you will be able to deal with any questions or issues that arise.
- You should send any further information which you think will help your case to the Appeals Service.
- Do not delay sending information as you will not be told the date of a paper hearing.
- The appeal will be heard and the Appeals Service will send you the decision.
- If the tribunal think they need you to go to an oral hearing they can refuse your request for a paper hearing.

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

## The result

Whether you have an oral or paper hearing

- You will be given a *decision notice* briefly explaining the tribunal's decision as soon as possible after the appeal hearing. A copy will be sent to the office that made the original decision.
- You can also ask for a *statement of reasons*. This gives an explanation of the tribunal's decision including the facts and the law used. You must ask for a *statement of reasons* within **one month** of the date you are given or sent the decision notice. You must have a copy of the *statement of reasons* if you appeal to the Social Security Commissioners. See *If you disagree with the tribunal's decision* on page 13.
- If you want a record of the appeal hearing, you can get a copy of the *record of the proceedings* up to 6 months from the date of the hearing.
- 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. But if they appeal the tribunal decision to the Social Security Commissioners they will take no action until the Commissioners have made their decision.

# If you disagree with the tribunal's decision

## Appeals to the Social Security Commissioners

- If you do not agree with the appeal tribunal's decision you may be able to appeal to the Social Security Commissioners.
- The Commissioners are independent lawyers who are not from the Department for Work and Pensions or Jobcentre Plus.

## Who can appeal to the Commissioners

- Appeals can be made by:
  - anyone who has already appealed to the Appeals Service
  - the Department for Work and Pensions
  - in some cases, a trade union or similar organisation
  - people who have to repay an overpayment.

## What you can appeal to the Commissioners about

- You can only appeal to the Commissioners on a point of law. You cannot normally appeal to the Commissioners about:
  - questions of facts
  - a tribunal's medical findings or conclusions.

## How to appeal

- Your decision letter from the Appeals Service will tell you what to do if you are unhappy with the decision. Read this carefully. It tells you important time limits for your appeal.
- You cannot appeal unless you first get the *statement of reasons* for the tribunal's decision. See *The result* ► see page 12.
- 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 to the Commissioners. You must do this within **one month** of the date the *statement of reasons* was sent to you.
- Applications for leave to appeal must be in writing and should be sent to the Appeals Service.
- If you appeal to the Commissioners, you must send the *statement of reasons* with your application. If you do not, your application may not be looked at.
- A legally qualified tribunal member will decide if your appeal can be sent to the Commissioners or if the appeal should be looked at again by a different tribunal.
- You can ask an advice centre, solicitor or another suitable person or organisation to help with your application.

*Continued on the next page*

## Late applications

- Late applications for a *statement of reasons* or for leave to appeal to the Commissioners can only be accepted if there are special circumstances or special reasons that caused the delay.
- You will need to show why you were not able to make your request on time.

If you want to know more about appealing to the Social Security Commissioners, get leaflet **NI260DMA** *A guide to Disputes, Supersession and Appeal*. You can get this from your social security office or Jobcentre.

# Other organisations that can help

## Advice centres

Advice centres, like the Citizens Advice Bureau and law centres, can represent you and help you understand the reasons for decisions about social security benefits. They can also help you to fill in forms or to write a letter. They will sometimes go with you to the tribunal that hears your appeal.

It will help the advice centre if you show them any letters you have about the decision that you think is wrong. Trade unions may also offer free advice to their members. They may also be able to speak for you at the tribunal that hears your appeal.

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

## 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. But if you decide to use a solicitor, the scheme does not cover the cost of a solicitor to help you at a hearing. You cannot get any money for solicitor's fees from the Department for Work and Pensions, Jobcentre Plus or the Appeals Service.

For details of legal services in England and Wales, phone the Community Legal Service Directory Line on **0845 608 1122**. People with speech or hearing difficulties can dial **0845 609 6677**. In Scotland contact The Scottish Legal Aid Board on **0131 226 7061**.

## 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. See above.

# 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

Your surname

All other names

Your date of birth

 /  / 

National Insurance (NI) number

  

*Get this from your NI number card, payslips, tax papers or letters from social security.*

Your address

  
  
  
 Postcode

Daytime phone number

Code                      Number

Have you arranged for No   
someone to represent you at your appeal? Yes

Please tell us their name and address.

Their full name

Their address

  
  
  
 Postcode

Sign this box to authorise this person to act for you.

## About the decision

Name of the benefit or benefits

Date at the top of the letter about the decision

## About your appeal

- Use the space on the other side of this form to say why you do not agree with the decision.
- You must say **why** you think the decision is wrong. It is not enough to say 'I do not agree with the decision' or 'The money is not enough'.
- The reasons 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 do not 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 do not 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.

Please turn over ►

# Your appeal

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

A large, empty rectangular box with a thin blue border, intended for the user to write their appeal. The box is currently blank.

- 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

## Where to get help and advice

To get more information or leaflets, get in touch with your social security office. For your nearest social security office look for the **Jobcentre Plus, social security or Jobcentre** display advert in the business numbers section of the phone book.

If you want to read the law itself, ask at any social security office. They will let you see copies of the Acts of Parliament, social security regulations and other things that affect social security decisions. Some large libraries also have copies.

If you want more information about disputes and appeals, get leaflet **NI260DMA** *A guide to Dispute, Supersession and Appeal*. You can get this from your social security office or Jobcentre.

You can get more information from the DWP website. The address is: **<http://www.dwp.gov.uk>**

To contact us by email see the *Contact Us* section of the website.

Remember that this leaflet is only a general guide to benefits and is not a full and authoritative statement of the law. We have made every effort to ensure that the information in this leaflet is correct at the date shown on the cover. However, changes in the law may make the leaflet become gradually less accurate.

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