

### The Result of the Appeal

As soon as possible after the tribunal hearing you will be issued with a copy of the summary decision of the tribunal. A copy will also be issued to LPS.

You can also apply for a statement of reasons, which gives an explanation of the tribunal's decision including the facts and law used. You must apply for the statement of reasons within one month of the issue of the summary tribunal decision. You must have a statement of reasons if you appeal to the Social Security Commissioners.

If you want a record of the appeal hearing you can get a copy of the record of proceedings up to six months from the date of the hearing.

If your appeal is successful, the office that deals with your benefit will usually put the decision right as soon as they receive their copy of the tribunal's decision. They will not do this if LPS 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 lawyers who are not from LPS or The Appeals service.

You can only appeal to the Commissioners on a point of law. You cannot appeal about questions of fact.

The notes accompanying the decision of the tribunal will tell you what to do if you are unhappy with the decision.

### Land & Property Services Complaints Procedure

A separate LPS complaints procedure exists if you are not happy with the standard of service you received in relation to the Housing Benefit or Rate Relief Scheme.

Should you have any complaints please see our **Corporate Complaints Procedure** ([www.lpsni.gov.uk/complaint](http://www.lpsni.gov.uk/complaint)) or contact our Central Complaints and Correspondence Unit:

### Land & Property Services

Central Complaints and Correspondence Unit  
2nd Floor, Lincoln Building  
27–45 Great Victoria Street  
Malone Lower  
Belfast  
BT2 7SL

Tel: 028 9025 1853

Fax: 028 9025 1566

Email: [customerservices@lpsni.gov.uk](mailto:customerservices@lpsni.gov.uk)

Your complaint will be fully investigated and a response issued within 10 working days.

## HOW TO CONTACT US

You can contact us as follows:

- Freephone 0800 5877 477
- Tel: 101
- Minicom: 18001101
- If you cannot access the 101 number or are calling from outside Northern Ireland you can call on 028 9151 3101
- Email: [housingbenefit.rating@lpsni.gov.uk](mailto:housingbenefit.rating@lpsni.gov.uk)
- Fax on 028 9025 2639.

Or write to:

### Land & Property Services

Housing Benefit Central Unit  
2nd Floor, Londonderry House  
21–27 Chichester Street  
Town Parks  
Belfast  
BT1 4JB

# LPS HOUSING BENEFIT CENTRAL UNIT WHAT TO DO IF YOU THINK THE DECISION ON YOUR HOUSING BENEFIT OR RATE RELIEF CLAIM IS WRONG



HBA1 June 2010

### If you think that the decision made is wrong, you can:

- Ask for an explanation
- Ask Land & Property Services (LPS) to look at the decision again
- Appeal against the decision

**Please note:** the information in this booklet is for guidance only, it is not a statement of law.

### What to do if you think the decision on your application is wrong

If you have applied for, or are receiving Housing Benefit and/or Rate Relief and you think the decision is wrong, you can ask us to explain the decision and to review same.

For some decisions you may also be able to appeal to an independent tribunal. The tribunal can change the our decision if they agree it is wrong.

There are time limits for asking us to look at decisions again and for appealing. These are indicated below:

#### Step 1: Ask for an explanation

- You can contact LPS for more information regarding your decision letter.
- The reasons for the decision will be explained to you or given in writing.
- Following a verbal explanation, you can request a written statement **within one month of the date of the decision letter**. This will be sent to you within 14 days of receipt of your request.

#### Step 2: Ask LPS to look at the decision again

If you are not satisfied with the reasons given you can ask LPS to review the decision.

- You must make the request **within one month of the date of the decision letter**.
- If you have asked for a written statement of reasons we will extend the time limit by the number of days it takes us to issue this to you.

- When you ask us to look at a decision again, we call this a 'reconsideration'. A different member of staff will carry out the reconsideration.

If we agree the decision should be changed, the change will usually be effective from the date of the original decision.

If the original decision is wrong we will change it and send you a new decision letter. You can also question the new decision using the same process.

You can appeal to an independent tribunal (see Step 3).

#### Step 3: Appeal against the decision

To appeal against our decision you can complete and return an appeal form. You can download an appeal form via [www.nidirect.gov.uk/rates](http://www.nidirect.gov.uk/rates) or request an Appeal Form from the Housing Benefit Central Team. (See page 4 for contact details).

When you write to us, please make sure that the following information is included:

- your full name and full postal address
- your claim number
- your National Insurance Number
- your ratepayer and property number
- a daytime telephone number
- the date of the notification letter of the decision you wish to appeal against
- you **must** sign and date the letter

- you must clearly state the reason why you think our decision is wrong, it is not enough to say, "I do not agree with the decision".
- you should also state if you have arranged for someone to help you with your appeal and whether you wish correspondence regarding your appeal to be sent to you or them.

This letter must be sent to us within one month of the date of the decision letter. If not you must tell us the reason for delay.

### What you can do if you were unable to contact us within one month

If there are special circumstances that meant you could not contact us within one month, it may still be possible to change the decision but it is likely that this will be from the date you asked us to look at the decision again. You should contact us immediately and you must detail the special circumstances when you contact us.

### Late Appeals

If your appeal is received more than one month after the date of the decision you must state the reasons for the delay

A legally qualified tribunal member will look at the reasons you have given for not appealing in time and will decide if your appeal can be accepted

The legal member will look at:

- whether there were special circumstances for the delay
- the length of time since you received notification of the decision
- whether it is in the interests of justice that your appeal is accepted
- whether your appeal is likely to succeed

Special circumstances could be a death, a serious illness, absence abroad, a postal strike or other circumstances considered exceptional

A legal member cannot accept a late appeal 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 it is received 13 months or more after the date the decision was made.

### Appeal Process

Upon receipt of your appeal we will:

- offer you an explanation of our decision
- look at our decision again (if we have not already done so)

If we agree that our original decision was wrong and the new decision is to your advantage, we will send you notification of our new decision and your appeal will stop. If you do not agree with our new decision you can then appeal against it.

If we agree that our original decision is wrong but the new decision is not to your advantage we will send you notification of our new decision. Your appeal will continue against the new decision. You will have one month to comment on the new decision.

If we do not change our decision, we will send your appeal and an explanation of the law and facts used to make the decision to The Appeals Service along with any other important papers.

The Appeals Service will send one copy of all the papers to you, or to the person you have nominated to help you with your appeal.

You must indicate on the Appeal form if you want to have an oral or a paper hearing. These are discussed in more detail in this leaflet.

### Appeal Tribunals

An independent tribunal is made up of people who are not from Land & Property Services. The tribunal will be made up of either:

- a legally qualified member sitting alone, **or**
- a legally qualified member sitting with a financially qualified member if the issue involves difficult financial matters.

The tribunal can only look at the evidence, the law and the circumstances at the time the decision you are appealing against was made.

They can not look at changes of circumstances that happened after the decision was made.

If a change of circumstance could affect your benefit you should report it to us in writing immediately. Do not wait for the appeal hearing. Contact us at the address on the notification letter.

### Oral Hearing

- This is an appeal hearing, which you can go to.
- You will be given 14 days notice of the date, time and place of the hearing.
- The tribunal may ask you questions.
- You can ask questions.
- You can take someone with you to represent you.
- You can call witnesses to give evidence to the tribunal.
- A representative of LPS will usually be at the hearing.
- If you choose an oral hearing but find you are unable to attend, you must let the tribunal know straight away. If you do not let the tribunal know that you cannot go to the hearing the tribunal may decide the appeal in your absence.
- You can request a postponement of your hearing to another date. You must have a good reason why you cannot attend, such as illness. The request must be made in writing to the clerk to the tribunal. The clerk or the legal member of the tribunal will decide whether or not to grant the request.
- Oral hearings are usually open to the public, but anyone who goes to the hearing will usually be involved in the appeal. You can ask to have your appeal held in private.
- You should bear in mind that persons who attend the hearing of their appeal are more likely to be successful than those who do not.

### Paper Hearing

- A paper determination is where the tribunal sits in private and decides the appeal. They will only have the papers provided by Land & Property Services (LPS) and any papers or written submission you or your representative forward to The Appeals Service.
- You are not required to attend and LPS is not represented.
- When you receive the appeal papers and decide that you want a paper determination you should send The Appeals Service any additional information you want the tribunal to take into account. This will also be copied to LPS.
- You should return the enquiry form and any additional information to The Appeals Service within 14 days.
- The Appeals Service will arrange the hearing and neither you nor LPS will be informed of the date.
- The tribunal will consider the appeal and you will be notified of their decision.

You should note that even if you request a paper determination an oral hearing will take place if:

- LPS requests an oral hearing, **or**
- the tribunal directs that an oral hearing is necessary to reach a decision

If you choose a paper determination but later change your mind, you can choose to have an oral hearing. If this happens write to The Appeals Service straight away. If the appeal has not already been decided, The Appeals Service will write and tell you if an oral hearing has been granted.