

## Where will the hearing be held?

HMCTS Housing Benefit hearings are held at Bennetts House, Hanley, Stoke On Trent.



## What is Her Majesty's Courts and Tribunals Service (HMCTS)?

HMCTS is an agency of the Ministry of Justice (MoJ). It is responsible for hearing appeals on all Social Security matters through independent tribunals at local venues.

## What is the Valuation Tribunals Service (VTS)?

VTS is an independent agency that hears appeals against Councils' decisions on the amount of Council Tax payable. VTS hears appeals locally.

## Can I make a late appeal?

For **Housing Benefit** an appeal should usually be made within one month of the date of the decision, however the maximum period for accepting a late appeal is 13 months after the date of the original decision. A late Housing Benefit appeal may be accepted if there are special circumstances why you could not submit your appeal within one month or the absolute time limit of 13 months.

If you submit a late appeal you should include an explanation why you could not appeal within one month or 13 months.

A legally qualified panel member from HMCTS will decide whether your appeal can be accepted, but HMCTS will not accept a late appeal if the only reason is that you misunderstood the law.

A late **Council Tax Reduction** appeal can be made directly to the VTS, and the Tribunal President will decide whether it can be accepted.

## What happens at the tribunal?

Housing Benefit appeals are heard by a legally qualified Judge of the First-tier Tribunal, and may include another person with financial qualifications. If you request an oral hearing, you will be asked to attend the hearing and may be asked questions. You will also be able to ask questions yourself. If you prefer, you can take someone with you to represent you.

Council Tax Support appeals are heard by a Valuation Tribunal, a three-person panel assisted by a clerk. A representative from the Council may also be present.

If you cannot attend your hearing, you must inform the Tribunals Service straight away. If you do not, your appeal may be heard in your absence. If you have asked for a paper hearing, you will not have to attend.

Tribunals look at the law that applies to your case and cannot deal with complaints against the Council.

## How do I find out the outcome?

Whether you have an oral or paper hearing you will be sent a decision notice explaining the Tribunal's decision. A copy will also be sent to the Council.

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

For **Housing Benefit**, you may be able to appeal to the Upper Tribunal, but only on a point of law. For Local Council Tax Reduction, further appeals are by judicial review in the High Court. Your decision letter from the Tribunal will tell you what to do if you are unhappy with the decision.



Working together

# Housing and Local Council Tax Reduction Dispute and Appeals Procedure



## When your claim has been dealt with a decision letter, advising you of your entitlement and how it has been calculated will be issued.



From 1 April 2013 the rules for appealing the decision are different for Housing Benefit and Local Council Tax Reduction.

If you do not understand, or want more details about the decision you can ask for an explanation or written statement of reasons. You must do this within one month of the date of the decision.

If you disagree with the decision you can ask us to look at it again.

There are special rules for people in receipt of Pension Credit as you may need to make an appeal direct to The Pension Service.

### Who can appeal?

The Claimant, or any person affected by a relevant decision, e.g. Landlord.

### How do I appeal against the decision?

The rules for Housing Benefit and Local Council Tax Reduction appeals are different.

### For Housing Benefit and Local Council Tax Reduction

use the online appeals form which can be found on our website [www.staffordbc.gov.uk](http://www.staffordbc.gov.uk). If you do not have access to the internet you can use the internet at our self service area in the main reception area at Stafford Borough Council or telephone us on **01785 619478** and one of our Customer Advisors will complete the form for you. You must tell us which decision you want to appeal and why you think the decision is wrong.

For **Housing Benefit** the time limit is one month from the date on the decision letter. For Local **Council Tax Reduction** there is no time limit.

If you ask for an explanation first, the one month time limit is still counted from the date of the original decision letter. If you ask for a statement of reasons you will have one month from the date of the decision plus the time we take to send you the written statement of reasons.

When you ask us to look at the decision again, a different officer will check that the decision is correct. If the original decision is wrong we will change it. Your original appeal will end and the revised decision will carry a new right of appeal.

### What happens if the decision cannot be changed?

We will send you a letter explaining why we cannot change the decision. You then need to decide whether to appeal to a Tribunal.

If you appeal, for **Housing Benefit** the one month time limit will start from the date of the letter confirming the decision. For **Local Council Tax Reduction** you will need to contact the Valuation Tribunal within two months of the date of the council's reconsideration.

### What happens next?

For **Housing Benefit** if we are unable to change the original decision and you still disagree with our decision you will need to write to us within one month of the date of the decision and request that the matter is passed to HM courts and Tribunal Service stating your reasons why you disagree with the decision. Your appeal and the Councils submission will be sent to the Tribunal Service within 28 days or as soon as is reasonably practicable thereafter. The Tribunal Service will contact you with further instructions and a hearing date.



The address to write to us at is:

**The Benefits Service  
Stafford Borough Council  
Civic Centre  
Riverside  
Stafford  
ST16 3AT**

Website: [www.staffordbc.gov.uk](http://www.staffordbc.gov.uk)  
Email: [benefits@staffordbc.gov.uk](mailto:benefits@staffordbc.gov.uk)

For **Council Tax Reduction** you will need to contact the VTS directly within 2 months of the date of the Councils reconsideration to make your appeal

These must be sent to the regional office of the Valuation Tribunal, not the Council

**Council Tax Reduction Team  
Valuation Tribunals Service  
Hepworth House  
2 Trafford Court  
Doncaster DN1 1PN**

Email: [appeals@vts.gsi.gov.uk](mailto:appeals@vts.gsi.gov.uk)  
Phone: **0300 123 1033**

