

APPEALING AGAINST A BENEFITS DECISION



(Note: This fact sheet does not apply to Tax Credits, which has its own system)

HOW CAN I CHALLENGE A DECISION ABOUT BENEFITS?

You can challenge a decision made by a 'Benefits authority' in three ways.

1. If you think their decision was wrong you can ask them to look at it again. This is called a "revision".
2. If you feel that your entitlement has changed since their last decision you can ask them to change their decision based on the new circumstances. This is called a "supersession". An example of this would be where your care needs for Attendance Allowance have increased since the last time they checked.
3. You can *appeal* against the decision. You can also appeal against a revision/supersession decision.

TIME LIMIT

You must request a revision within 1 month of the date on the decision letter (**not** the date that the letter was received).

You must lodge an appeal within 1 month of the date on the letter informing you of the revision/supersession decision.

You can request a supersession at any time if you feel your circumstances have changed.

HOW DO I DO THIS?

- * Write or telephone asking the Social Security Office/Local Authority Benefit office to reconsider your claim.
- * Use form **GL24** to appeal against your decision (Local Authorities have their own version of this Appeal form)
- * If you need help, or want to know if there are any risks attached to revision or appeal (see below), do seek advice from your local Citizens Advice or other advice agency.

For details of local advice agencies visit the 'For the public' section of our website: www.wwras.org.uk

RISK TO EXISTING BENEFITS

If you are considering requesting reconsideration or appealing against a Disability Living Allowance decision and you already get some of this benefit, seek advice before you act. The

Social Security Office or the tribunal can look again at your existing level of benefit, and it could be decreased, or removed.

Do not let this put you off if you feel you may have a case, but do seek advice, as an adviser will be able to help you to weigh up the risks, and also word your letter/form in the best possible way.

For more advice on this particular issue, see our leaflet: "A Risky Business!" (Pb29)

OTHER POINTS TO NOTE

- ◆ If you request reconsideration and this is refused and you are still not happy, you must then appeal, using the form GL24. The appeal process does not follow automatically. You would always be advised to seek assistance with your appeal, as there may be complex legal issues to consider.
- ◆ Go to your local Citizens Advice Bureau or other advice agency, who may deal with your appeal themselves, or refer you to Warwickshire Welfare Rights Advice Service.
- ◆ When you get your appeal papers (usually quite a thick bundle), don't panic! Most of the paperwork is made up of copies of the forms you filled in, and bits that aren't relevant to you.

If you have got a representative, s/he will also be sent the same bundle.

Please note that getting the bundle means that the hearing date will follow in the next couple of weeks – if you haven't already had advice, or got a representative, you should do so now.

NB: At April 2011 – hearings are taking longer to be listed, so it may be longer than a few weeks.

With the bundle you will also get an Enquiry Form (form TTS1) which you must return to The Tribunal Service in 14 days. Get help with this.

NB: You should always ask for an oral hearing at this stage, even if you are unsure you want to attend – you can always change your mind later.

Hearings based purely on the tribunal looking at the paperwork –'paper hearings'– rarely succeed. Your adviser will give you further help on what an appeal tribunal is like.

Remember, it is often the first time you will have had the opportunity to put your case in person. It is not meant to be a frightening place, it is meant to be there for your benefit.

The information in this factsheet is correct as of April 2011

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