



S O C I A L
S E C U R I T Y
A G E N C Y

If you think our decision is wrong

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

- **Ask for an explanation**
- **Dispute a decision about your benefit**
- **Appeal against a decision about your benefit**

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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, you can ask us to explain it. If you still think it is wrong after we have explained, we will 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.

If you are not satisfied with the service we have given you, get the leaflet '*Making a comment or complaint*' from your Social Security or Jobs & Benefits office. For your nearest Social Security or Jobs & Benefits office, look for the **Social Security Agency** display advert in the business numbers section of the phone book, or you can visit our website at **www.nidirect.gov.uk**

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 decisions

If you get a decision in writing about your social security benefit, you can ask us to look at it again and you may be able to appeal. The letter telling you about the decision will tell you if you can appeal.

- 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; or
 - been told you have to pay back benefit.
- You may also be able to ask us to look again at a decision that affects you or appeal against it, even if you are not claiming the benefit yourself.
- 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 Social Development to act for a person who cannot act for themselves).
- You can ask a representative to act on your behalf in making the appeal. If you want to do this, you must give them **written authority**.

If an unauthorised person makes an appeal, or if the representative does not have written authority from you, the appeal may be treated as not duly made. This means that the appeal may not be accepted.

Social Fund decisions

If you are not happy with a decision about an application for a Budgeting Loan, a Crisis Loan or a Community Care Grant, you can ask for a review of the decision from the Social Security or Jobs & Benefits office that dealt with your Social Fund application.

They will consider your application again and give you a new decision. If you are still not happy with the new decision, you can ask for it to be reviewed by a Social Fund Inspector. Social Fund Inspectors are independent of the Department for Social Development and are appointed by the Social Fund Commissioner.

A Social Fund Inspector has the power to confirm the original decision, replace it with their own decision or refer the matter back to the Department for Social Development to be considered further. If the case is referred back to the Department for further consideration, a new decision will be sent to you in writing. If you are not happy with this decision, you have a right to a further review by the Social Fund Inspector.

Child Maintenance decisions

The Child Maintenance and Enforcement Division makes decisions about child maintenance.

If you think a decision about child maintenance is wrong, you should get in touch with the Child Maintenance and Enforcement Division 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 or ask the person who made the decision to look at the decision again, or you can appeal against the decision.

A new child maintenance scheme was introduced (for new cases) on 3rd March 2003. Generally, existing cases will be transferred to the new scheme at a later date. If you want to know more about appealing a decision, you should read the following leaflets.

- If you were a client of the Child Maintenance and Enforcement Division **before** 3rd March 2003, you should get leaflet *'How to appeal'*.
- If you became a client of the Child Maintenance and Enforcement Division **after** 3rd March 2003, you should get leaflet *'How can I appeal against a child maintenance decision'*.

For more information, call the Child Maintenance and Enforcement Division on 08456 080022.

Housing Benefit decisions

Housing Benefit is dealt with by the

Northern Ireland Housing Executive (NIHE) if you are a tenant, and by the Land and Property Service if you are a homeowner. If you think that a decision about Housing Benefit is wrong, your NIHE district office or your local Land and Property Service office (whichever is appropriate) can tell you what to do.

War Pension decisions

These are decisions about whether or not you are entitled to a War Pension and, if you are entitled, how much you are entitled to. If you think that a decision about a War Pension is wrong, see **WPA leaflet 4** *'Note's about Rejected Claims for War Disablement and War Widows or Widowers Pensions Living in the United Kingdom'*. You can get this from:

The Veterans Welfare Service
Kentigern House
65 Brown Street
Glasgow
G2 8EX
Telephone number: 0141 2242709

Working Tax Credit and Child Tax Credit decisions

The HM Revenue & Customs 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'*. You can get this from any HM Revenue & Customs office or by calling the helpline on 0845 300 3900. If you have hearing difficulties, you should call 0845 300 3909.

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 you do, contact the office that sent the decision letter straight away.

- You must do this immediately 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 to or visit the office.

When you contact us

- You have received a letter telling you our decision.

You have a choice.

- You can ask us to verbally explain the reasons for the decision. If you are not satisfied with our explanation, you can:
 - ask us to look at the decision again (see page 7); or
 - appeal against our decision (see page 8).

If you want more information to help you decide what to do, ask us to send you a written *statement of reasons* for the decision if we have not already sent you one. You must do this within **one month** of the date on the decision letter, not the date of the explanation. We will send the *statement of reasons* within 14 days. If you do this, the one month you have to ask us to look at the decision again or to appeal against it will be extended by **14 days**. If the *statement of reasons* is not issued within the one-month appeal period, the time limit for appealing will be extended by 14 days from the date the *statement of reasons* is issued.

- Instead of asking us to verbally explain the decision, you can ask us for a written *statement of reasons* straight away. When you have received the *statement of reasons*, you can:
 - ask us to look at the decision again (see page 7); or
 - appeal against our decision (see page 8).

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 you do, 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 ask for an explanation first, the **one month** is still counted from the date of the decision letter. If you ask for a written *statement of reasons*, you will have **one month** from the date of the letter, plus 14 days. If the *statement of reasons* is not issued within the one-month appeal period, the time limit for appealing will be extended by 14 days from the date the *statement of reasons* is issued (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 member of staff 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.
- We will send you a letter telling you what our new decision is.

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 of the letter confirming the decision.

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.
- The letter telling you about the decision tells you if you have the right to appeal against it.

Do you:

- ✓ have the right to appeal against the decision?
- ✓ believe the decision is wrong?
- ✓ want to appeal to an independent tribunal?

If you have answered '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 Social Development.

- Fill in 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.
- 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**.

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

- If the office receives your appeal more than **one month** after the date on the decision letter, they can only accept it if there are special circumstances that caused the delay. This could be a death, a serious illness, absence abroad, a postal strike or some other special circumstances.
- You should include an explanation of why you could not appeal within **one month** on the form at the back of this leaflet.

- We will look at the reasons you have given for not appealing in time and will decide if the time for appealing may be extended. We will look at:
 - whether there were special circumstances for the delay;
 - the length of time since you received the decision; and
 - whether it is in the interests of justice that the time for appealing is extended.
- If we do not extend the time for appealing, we will send your appeal and the reasons for the delay to a legally qualified member of the appeal tribunal. The legal member will decide again whether or not to extend the time for appealing. He or she will consider the issues mentioned above and also whether or not your appeal is likely to succeed.
- We cannot accept a late appeal if the only reason is that you misunderstand 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

- Tribunals have up to three members who are not from the Department for Social Development.
- 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.

After you have made an appeal

- After you have appealed we will 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 important papers.
- The Appeals Service will send you one copy of all the papers.
- Read the appeal papers very carefully. If you do not understand something, ask the office that sent you the decision, an advice centre or a solicitor to explain.
- You will also receive a form. You must fill in this form and send it to the Appeals Service within **14 days**. If you do not, your appeal may be cancelled and will not continue further.
- 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**.

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 Social Development will usually 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. If you do not let The Appeals Service know, you cannot go to the hearing the tribunal may decide the appeal in your absence. You can ask for your hearing to be postponed to another date. You must have a good reason why you cannot go, such as illness. You must make the request in writing to The Appeals Service. The Appeals Service, or the legal member of the tribunal, will decide whether or not to grant the request.

- Oral hearings are open to the public, – however, the public rarely attend, – anyone who goes to the hearing will usually be involved in the appeal. The legal member of the tribunal may decide to hold the hearing in private, for example, to protect your privacy.
- You should bear in mind that people who go to the hearing of their appeal are more likely to be successful than those who do not.
- If you live abroad and want an oral hearing, you should let The Appeals Service know that you want to go to the hearing or want to send someone to represent you.

The Appeals Service will, where possible, arrange for your appeal hearing to be:

- as near as possible to where you arrive in Northern Ireland,
- as near as possible to where your representative lives, if you have one; or
- delayed until you are in Northern Ireland.

Expenses

- You will be able to claim your costs for getting to and from an oral hearing.
- You may also be able to get:
 - money to cover any earnings you lose because you go to the tribunal;
 - money to cover the cost of things like meals if you are away from home or work for more than five hours;
 - help with the cost of childminding if you have to pay someone to look

after your child while you go to the tribunal;

- help to pay for someone to look after a relative who is old or ill while you go to the tribunal; and
- costs for a friend or witness who you need to come to the tribunal with you.
- Ask the tribunal clerk to tell you more about expenses.
- If you live abroad, you will have to pay your own fares to and from Northern Ireland. You may be able to get expenses while you are in Northern Ireland but only for attendance at the appeal hearing.

Paper hearing

- This is an appeal hearing you do not go to and therefore you will not have the opportunity to deal with any questions or issues that arise at the hearing.
- You should use the form The Appeals Service will send you with the appeal papers to add any more information which you think will help your case.
- Do not delay sending information as you will not be told the date of a paper hearing.
- The Appeals Service will send you the tribunal decision.
- If the tribunal thinks 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 and want to have an oral hearing, write to the Appeals Service straight away.

The result

- You will be given a *summary decision* letter explaining the tribunal's decision as soon as possible after the appeal hearing. A copy will also be sent to the office that made the original decision. Your decision will also tell you what to do if you are not happy with their decision. Read this carefully as it tells you important time limits for your appeal.
- After you receive your summary decision you can apply for a *statement of reasons*. This gives an explanation of the tribunal's decision and the law used. You must apply for a *statement of reasons* within **one month** of the date the summary decision is issued to you. 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 request a copy of the *record of the 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 may not do this if the Department appeals to the Social Security Commissioners.

If you disagree with the tribunal's decision

Your decision letter from the appeal tribunal will tell you what to do if you are not happy with their decision. Read this carefully. It tells you important time limits for your appeal.

You have **one month** from the date of the tribunal's decision letter to apply for a *statement of reasons*. This gives an explanation of the tribunal's decision including the facts and the law used.

You should read the *statement of reasons* carefully. If you still do not agree with the reasons for the decision, you can apply to the tribunal for permission to appeal to the Commissioners.

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 the Department for Social Development or the appeal tribunal.

Who can apply

- Appeals can be made by:
 - anyone who has already appealed to the appeal tribunal;
 - anyone who has to repay an overpayment;

- the Department for Social Development; and
- in some cases, a trade union or similar organisation.

What you can appeal to the Commissioners about

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

How to apply

If you wish to appeal to the Social Security Commissioners you must send your written request to The Appeal Service within **one month** of the date the *statement of reasons* was sent to you.

If you appeal to the Commissioners, you must send the *statement of reasons* with your application. If you do not, they may not look at your appeal.

A legally qualified tribunal member will decide if you can send your appeal to the Commissioners.

You can ask an advice centre or a solicitor to help with your application.

Continued on the next page.

Late applications

- The tribunal can accept late applications for a *statement of reasons* or for permission to appeal to the Commissioners 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.

Other organisations that can help

It is our policy to provide you with all of the information, advice and help to fill in any social security benefit claim form. Please feel free to contact your nearest Social Security or Jobs & Benefits office, Community Benefit Office or the Benefit Shop, Royal Avenue, Belfast.

If you would like more information about disability benefits, you can also phone the Benefit Enquiry Line on 0800 220 674.

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 numbers section of the phone book.

Solicitors

You may be able to get advice from a solicitor under the Legal Advice and Assistance 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 things like solicitors' fees from the Department for Social Development or from the tribunal.

If you live abroad

You can ask someone in Northern Ireland to act for you. You may be able to get help from a solicitor under the Legal Advice and Assistance Scheme. The scheme does not cover the cost of a solicitor to help you at a hearing. For details of solicitors and advice centres, contact:

The Law Society of Northern Ireland
96 Victoria Street
Belfast
BT1 3GN.

Your appeal

About you

Your last name

Your title (Mr, Mrs, Miss, Ms)

All other names

Your date of birth

 /

National Insurance (NI)
number

<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>
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(Get this from your NI number card, payslips, tax papers or letters from Social Security.)

Your address and
postcode

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

Daytime phone number

Have you arranged for someone to help with your appeal?

No

Yes

Please tell us their name and address

Their full name

Their address and
postcode

<input type="text"/>
<input type="text"/>
<input type="text"/>
<input type="text"/>

We will send one copy of the appeal papers. Who do you want us to send them to?

Me

My representatives

About the decision

Name of the benefit

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 reason 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 eight 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.

Late appeals

If you are appealing more than **one month** after the decision was sent to you, 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.

Continue on a separate sheet.

- 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.

- If your appeal is late, use this space to apply to have the time for appealing extended, giving your reasons for the delay.

Continue on a separate sheet.

For our use

Date the appeal form was issued to the customer

Date the appeal form was received in the Benefit Office

Date the appeal form was received in the Appeals Section

Where to get help and advice

To get more information or leaflets, get in touch with your Social Security or Jobs & Benefits office. For your nearest Social Security or Jobs & Benefits office, look for the **Social Security Agency** display advert in the business numbers section of the phone book.

If you want to read the law itself, ask at any Social Security or Jobs & Benefits 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.

You can get more information from the SSA website at **www.nidirect.gov.uk**

Remember that this leaflet is only a general guide to benefits and is not a full statement of the law. We have made every effort to make sure 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.

Leaflet GL24 from October 2010.
Replaces leaflet GL24 from April 2009.

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