

My benefits have been stopped/reduced and I don't know why.

Challenging a benefit or tax credit decision

If you are dissatisfied with a benefit, tax credit or national insurance decision there are several steps you can take. You can:-

- try to get more information.
- ask for the decision to be looked at again. This may lead to the decision being changed
- you can also appeal against the decision, either straight away or after the decision has been reconsidered.

Get more information about a decision

Benefit, tax credit and national insurance decisions are sent to you by letter. Once you get the decision letter, you can ask the office for further explanation over the phone or if you visit the office in person. The letter will tell you what you can do. To get someone to explain the letter, you should contact the office that sent it.

If your first language isn't English, the office should provide adequate interpretation facilities to explain their decision - see under When you should complain, Interpretation facilities. Also, if you have a disability, the explanation must be provided in a way that is accessible to you

Get the decision looked at again

If you disagree with a benefit or tax credit decision, you can try to get it changed. You can do this whether or not you have asked the office to explain it. You can:-

- ask for the decision to be looked at again, or
- you can appeal. Not all decisions have the right of appeal, but the decision letter will tell you if you have this right. For more information on what appealing involves, see the heading Appeal against the decision.

For benefits you have one month from the date you receive the decision letter to ask the office to look at it again, or to appeal against it. If you contact the office about disputing a decision after one month, they may still be able to change it. Also, if there were particular reasons why you could not contact the office within one month of your letter - for example, you were in hospital, it may be possible for the one month time limit to be extended.

For tax credits, you can ask the office to look at the decision again at any time during the period of your award, or, if they have made a mistake, within five years of the end of the tax year concerned. However, if the problem is the result of a change in circumstances that has increased your award, you may not get all of the increase unless you get in touch with HM Revenue and Customs within three months.

When you ask for a decision to be looked at again, it will be reconsidered, usually by a different member of staff. The office may ask you for more information. If they do, you should provide it as soon as possible.

If the decision can be changed, the office will send you a new decision. If it cannot be changed, they will send you a letter to tell you. If you get a revised decision and you still think it is wrong, you can ask for it to be looked at a third time, but unless you have new information it is unlikely to be changed at this stage.

If a benefit or tax credit decision has the right of appeal, you can consider appealing against it. If the decision has been looked at again but you are not happy with the result, you may be able to appeal at this point. The letter you have received with your decision will tell you if you have a right of appeal.

If you are thinking of asking for a decision to be looked at again or of appealing against it, you should get expert advice. This is because there might be a risk that your benefits or tax credits could be reduced or even stopped. Your local Citizens Advice Bureau should be able to help. To search for details of your nearest CAB, including those that can give advice by email, click on [nearest CAB](#).

Appeal against the decision

An appeal means that your benefit or tax credit decision will be looked at by an independent tribunal, called the First-Tier Tribunal. This is a panel of up to three people who are experts on benefits. It always includes someone who is legally qualified. The tribunal members are completely separate from the offices which make benefit, tax credit and national insurance decisions. The tribunal cannot change the law and it cannot consider changes of circumstances which took place since the decision.

If you have the right to appeal against a decision, you will be told this in the decision letter. If you cannot appeal against a decision you may still be able to ask for it to be looked at again (see under heading Get the decision looked at again). You have one month from the date you were sent the decision letter in which to appeal a benefit decision and 30 days to appeal a tax credit decision. You can get this time limit extended by 14 days if you ask for a written statement of the reasons for the decision. Also, if there are special circumstances which meant you could not appeal within one month - for example, you were in hospital or there was a postal strike, it may be possible for a late appeal to be accepted. You should explain the reasons for your late appeal on the appeal form. A late appeal can only be accepted within 13 months of the receipt of the decision letter. For a late tax credit appeal, it is a year and 30 days from the date you received the decision.

How to appeal

Preparing for an appeal is very difficult and going to a tribunal can be daunting. If you want help with making an appeal or going to a tribunal you should contact an experienced adviser, for example, at a Citizens Advice Bureau. To search for details of your nearest CAB, including those that can give advice by email, click on [nearest CAB](#).

You must make your appeal in writing. You should try to appeal on the form provided by the agency which made the decision, if there is one. This will help you give all the information that is needed. You can find the forms as follows:-

- for benefits (except Housing Benefit and Council Tax Benefit) use leaflet GL24 'If you think our decision is wrong'. You can get this from the benefits office, Jobcentre Plus office or the Pensions Service, HM Revenue and Customs offices or from the website www.dwp.gov.uk
- for tax credits, use leaflet WFTC/AP 'How to appeal against a tax credit decision or award'. You can get this from the Tax Credit Office or from the website www.hmrc.gov.uk

- for national insurance, use leaflet CA 82, 'If you think our decision is wrong'. You can get this from HM Revenue and Customs National Insurance Contributions Office or from the website www.hmrc.gov.uk
- for Housing Benefit and Council Tax Benefit, the local authority may have a form that you can use, or it may accept appeals in any written form that includes all the necessary information. You should contact your local authority benefits department to find out how to make an appeal in your area.

When you appeal, the office which made the decision will look at the decision again in case it can be changed straight away. If this happens they will let you know. For benefits, your appeal may stop at this point, or, if the new decision is not in your favour, the appeal may carry on against the new decision. For tax credits, an offer can be made to settle the appeal by agreeing to a revised decision, but you do not have to accept this.

If the decision is not changed, the appeal is passed on to the Tribunals Service. This is the agency that organizes appeals. You will be sent a form so that you can provide more information and evidence to support your appeal. You must complete this form within fourteen days or your appeal will not continue.

You will be asked if you want your appeal dealt with as an oral or paper hearing.

An oral hearing means that the tribunal will meet in public and you can attend. You can also bring a representative or your representative can attend without you. The tribunal can ask you questions, you can call witnesses and all the evidence will be considered. You can get help with the costs of attending an oral hearing - for example, travel costs, childminding or loss of earnings. If you're disabled, the hearing should be held in a place that is accessible to you.

A paper hearing means that the tribunal will consider all the evidence in private and you do not attend. If you choose a paper hearing you should send as much information and evidence as possible. You will not be told the date of the paper hearing. The Tribunals Service will send you the result in writing.

What happens after an appeal

After the appeal has been heard, you will be sent a letter that explains the tribunal's decision. If you want more details about the reasons for the decision and the tribunal's findings, you can ask for this by contacting the Tribunals Service within one month.

If you disagree with the decision of the First-Tier Tribunal, you may be able to make a further appeal to the Upper Tribunal. They are independent lawyers expert in benefit law. You can only appeal to the Upper Tribunal if you disagree with the First-Tier Tribunal's interpretation of the law. You cannot appeal if you think that the First-Tier Tribunal's conclusions about the facts of your case are wrong.

Appealing to the Upper Tribunal is only possible if it involves the interpretation of the law.

Further help

Citizens Advice Bureaux give free, confidential, impartial and independent advice to help you solve problems. Contact **Citizens Advice Islington** for further help on **0844 856 3537**