

Challenging decisions on most benefits

You can challenge the decision on most benefits, including Social Fund funeral, maternity and winter fuel payments. It includes Housing and Council Tax Benefit, which came under the same system in July 2001.

This self help advice will guide you through the process

There are different rules for:

- **Challenging the discretionary part of the Social Fund**
- **Challenging War Pensions**
- **Challenging Tax Credits.**
- **Appeals tribunals**
- **Appeals and extended time limits**
- **Tax Credit overpayments**

Revisions and supersessions

If a person is unhappy with a decision they can request a revision or submit an appeal, usually within one month. If there is a change of circumstances, they have to request a supersession within a month of the change. There are ways of getting arrears outside these 1-month limits (see [backdating](#))

An appeal can be made against revision and supersession decisions or an original decision. More details:

Revisions

If a person is unhappy with a decision maker's decision s/he can seek a revision. There are two types of revision: -

1. 'Any grounds revisions'

A person only needs to write saying s/he simply disagrees with the decision. This revision must be done within one month of the date of the decision.

The one-month time limit can be extended in the following ways:

14-day extension:

If written reasons for the decision are requested and received within the month, then the time limit is extended by another 14 days, or

If written reasons are requested within the month but they arrive after the month, a person has 14 days to request the revision from whenever the written reasons are sent.

Late revision:

A late 'any ground revision' can be made up to 13 months from the date of the decision if there are 'special reasons' (see also [backdating](#)).

2. 'Any time revisions'

These do not have a time limit but specific grounds have to be shown for this type of revision (e.g. the decision maker made an 'official error')

Supersessions

If a person's circumstances have changed since a decision was made s/he can ask for a supersession. There are also other grounds for supersession. Supersession can be requested even if the decision was made a long time ago.

Backdating

If a decision is changed in your favour, you may also get arrears of benefit (see also [backdating](#)).

Appeals

An appeal can be made against a decision maker's decision on a new claim, a revision or supersession.

A person has only one month (from the date of decision) to submit a written appeal to the address on the decision letter. An independent appeal tribunal then deals this with. [This time limit can be extended](#).

The appeal must:

- Usually be on an appeal form: found in leaflet GL24. These leaflets are available from DWP offices or on the [DWP Benefits](#) website.
- Give the date of the decision being appealed
- State the appeal grounds

Be sent to the office that made the decision, to reach them within one month of the date of the decision.

If this is not done, the appeal may not be accepted.

Appeals can be struck out for various reasons. For example, if the claimant has failed to provide information requested by the Tribunal. This can include failing to return the TAS 1 form (see below) within the time limit. (However, a person is given a chance to argue their case).

An appeal can be made against an original, a revised or a superseded decision.

When the DWP receive an appeal, they may change (revise) their decision. If not, it goes to the nearest tribunal. For Blackpool and the surrounding area it is:

The Appeals Service 36 Dale Street, Liverpool, L2 5UQ

A person is sent a TAS1 enquiry form, which must be filled in and returned within 14 days.

Extended time limits

The one-month time limit in which to submit an appeal can be extended in the following ways:

- 14 day extension:
- If written reasons for the decision are requested and received within the month, then the month time limit is extended by another 14 days, or
- If written reasons are requested within the month but they arrive after the month, then a person has 14 days to submit the appeal from whenever the written reasons are sent.

Late appeal:

A late appeal can be made up to 13 months from the date of the decision if there are 'special reasons' (see also [backdating](#)).

Further appeals

An appeal against a tribunal decision can be made in specific circumstances. ([Seek advice](#)).

Appeal Tribunals

Appeal tribunals are independent of the DWP. They can consist of one, two or three members depending on the type of appeal.

They need not consider issues not set out in the appeal letter so full details must be given in the appeal letter.

They cannot consider changes, which occur between the relevant decision being made, and the appeal being heard, so a new claim may be necessary if circumstances change in that time. For example, where a person appeals against a refusal of Attendance Allowance and then later develops a new condition, s/he must make a fresh claim.

A person is given the choice of either attending an appeal hearing in person (called an 'oral' hearing) or s/he can agree to the tribunal deciding the appeal in his/her absence (called a 'paper' hearing). A person who attends an oral hearing is more likely to win.

Notice of the tribunal's decision is given in writing. It is usually brief but a full decision will be provided if requested. This must be done in writing within one month of the decision being made.

If an appeal is successful, benefit should be backdated.

If an appeal is not successful, it is possible to appeal to a Social Security Commissioner but only on specific legal grounds. [Seek advice](#).

[More details on appeal procedures from the Appeals Service.](#)

Challenging discretionary Social Fund decisions

To challenge a community care grant, crisis loan or budgeting loan decision a review must be requested. This must be done in writing to the Social Fund Officer at the local DWP office within 28 days of date of the decision. This is an internal review.

If a person is unhappy with the first review decision, a further (2nd tier) review can be requested. This must be done in writing within 28 days of the first review decision. It can be sent to the local DWP office that will forward it to the Social Fund Inspectors

[Independent Review Service website](#)

Late requests for review can be accepted if there are 'special reasons'. These are not defined but can include reasons such as ill health or a domestic crisis.

Challenging Tax Credit decisions

The system is similar to challenging decisions for most benefits with some differences outlined below.

Revisions

Tax credit decisions can usually be revised depending on what decision is being revised and when it is possible to revise that decision. Supersessions do not apply to Tax Credits.

Decisions can be revised if:

A change of circumstances that changes entitlement to Tax Credits is notified to Revenue and Customs.

Revenue and Customs have grounds for believing the amount of Tax Credits is wrong.

At the reconciliation stage, the claimant has responded to the final decision within a certain time limit.

Revenue and Customs thinks a final decision was wrong due to fraud or neglect. These are called decisions on discovery.

Appeals

A decision does not have to be revised first before going to appeal. Appeals can be made against most decisions, including a penalty decision for failing to provide information.

An appeal must be made within 30 days of the date of the decision.

Late appeals are possible if there are 'special reasons'.

Payments of Tax Credits may be suspended when an appeal decision is pending.

An appeal must be in writing. It should specify the grounds of appeal because the appeal tribunal will normally only consider these grounds. But other grounds can be considered if they are considered relevant and the failure to mention them was not wilful or unreasonable. Appeals can be 'settled' by agreement before a hearing takes place.

Appeals are currently heard by the same tribunals that hear most benefit appeals but they may eventually be transferred to the Tax Commissioners that hear tax allowance appeals. If someone disagrees with a tribunal decision they can appeal to a social security commissioner but they have to prove the tribunal made an error in law.

Tax Credit overpayments

An appeal cannot be made against a decision to recover a Tax Credit overpayment but the overpaid amount can be challenged. Whether to recover an overpayment is discretionary and is based on HMRC guidance.

Challenging War Pension and Armed Forces Compensation Scheme (AFCS) decisions

There are two ways in which a War Pension or AFCS decision can be challenged, either by review/reconsideration or by an appeal. A request for either should be in writing.

Reviews/reconsiderations

A review or reconsideration can be carried out on most decisions. For example, a review of an existing award when a person's condition deteriorates or if a claim is refused. There is no time limit for a review of a War Pension decision so it can be made at any time. For AFCS awards a reconsideration can be requested within 3 months.

Appeals

For both War Pensions and the AFCS an appeal can be requested instead of a review/reconsideration or after it if the review/reconsideration is unsuccessful. There is a 6-month time limit for making an appeal. If the appeal is against an interim decision the time limit is 3 months.

Late appeals can only be accepted if there are 'special reasons'.

Appeals are heard by a Pension Appeal Tribunal.

Requests for reviews and appeals should be made to:

Service Personnel and Veterans Agency
Norcross
Blackpool
Lancashire
FY5 3WP
Tel. 0800 169 2277

Textphone: 0800 169 3458

[Service Personnel and Veteran Agency website](#)