



Factsheet

What to do if you disagree with a benefits decision

If you're not happy with a benefits decision or you think it's wrong, you may want to challenge it. This factsheet explains what you need to do and how you can get support.



Call free on 0800 319 6789
Visit independentage.org

About Independent Age

At Independent Age, we want more people in the UK to live a happy, connected and purposeful later life. That's why we support people aged over 65 to get involved in things they enjoy. We also campaign and give advice on the issues that matter most: health and care, money and housing.

For information or advice – we can arrange a free, impartial chat with an adviser – call us on freephone **0800 319 6789** (Monday to Friday, 8.30am to 5.30pm) or email us at advice@independentage.org.

You can also support this work by volunteering with us, joining our campaigns to improve life for older people experiencing hardship, donating to us or remembering us in your will.

For more information, visit independentage.org or call us on **0800 319 6789**.

In this factsheet, you'll find reference to our other free publications. You can order them by calling **0800 319 6789** or by visiting independentage.org/publications.

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1. What to do first if you're unhappy with a benefits decision

After you apply for a benefit, you'll get a decision letter from the Department for Work and Pensions (DWP). If the benefit office has refused your claim, they should explain the reasons for this in the letter. If you disagree with the decision, you may be able to:

- ask for more information
- ask for the decision to be looked at again – this is called a mandatory reconsideration
- appeal to a tribunal.

This may seem daunting, but you can get support. See [chapter 7](#) for useful contacts. Or call our Helpline to arrange to speak to an adviser ([0800 319 6789](tel:08003196789)).

If you've been turned down for a benefit, it may be worth asking for the decision to be looked at again. Success rates for benefits appeals are quite good.



Good to know

You can also challenge a decision in other situations – for example, if your claim is successful, but the award is for a lower rate than you expected, or it isn't for long enough. You should get advice before you do this, as you could end up with less or lose your benefit.

Ask for reasons

If your decision letter doesn't include the reasons for the decision or you want more information, contact the benefits office that handled your claim. You could ask for a copy of all the evidence they used to make their decision.

For benefits including Attendance Allowance, Personal Independence Payment, Disability Living Allowance, Pension Credit or Carer's Allowance, you'll need to contact the DWP. The contact details of the benefit office should be on the decision letter.

You can do this by phone, but it's a good idea to ask them to send you an explanation in writing – this is known as a statement of reasons. They should do this within 14 days. If you contact them by phone, remember to make a note of the date and time of the call and the name of the adviser.

Can I appeal?

If you're not satisfied with the explanation, you can't usually appeal straightaway. First, you must ask the relevant benefits office to review their decision. To do this, you need to ask for a mandatory reconsideration – see [chapter 2](#).

You can ask for a mandatory reconsideration if, for example:

- you think the office dealing with your claim has made a mistake or missed something important
- you disagree with the reasons for the decision
- you want to have the decision looked at again.



Good to know

In some cases, you may get a decision letter on your benefit that says that you can appeal straightaway. The letter will explain why you don't need a mandatory reconsideration. If this is the case, see [chapter 4](#).

2. Ask for the decision to be reconsidered

If you disagree with a decision about benefits, you can ask the benefits office to look at it again. This is called a mandatory reconsideration.

You'll need to ask the DWP for a mandatory reconsideration for benefits including:

- Attendance Allowance
- Carer's Allowance
- Pension Credit
- Personal Independence Payment and Disability Living Allowance
- Funeral Expenses Payment
- Winter Fuel Payment.

If you disagree with a decision about Housing Benefit or Council Tax Support, you need to contact your local council to ask them to review it – see [chapter 3](#).

If you live in Scotland and you want a decision about a Funeral Support Payment to be looked at again, you need to contact Social Security Scotland ([0800 182 2222](tel:0800182222), mygov.scot/if-you-do-not-agree-with-a-benefit-decision).

When should I do this?

You should ask for a mandatory reconsideration as soon as possible. You'll need to do this within one month of receiving the original decision letter. If you've asked for a written explanation of the decision, you have an extra 14 days.

Occasionally, you may be able to apply later, but only if there are special circumstances – for example, if you were very ill and couldn't ask at the time. You should explain why your request is late when you apply.

What do I need to do?

You can apply for a mandatory reconsideration by phone, letter or with a CRMR1 form, which you can download from the government website ([03300 160051, gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp](https://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp)).

You should:

- explain why you think the decision is wrong – for example, you underestimated the care you need, or you think the DWP hasn't considered all your care needs
- include any new evidence you have to support what you're saying, such as a statement from your doctor. Only include evidence you haven't already sent.

The government website has some guidance notes to help you complete the form, with examples of the type of evidence you can include (see the link above to the government website).

If they ask you for more information, you should send it as soon as possible.



To do

If you need support, contact your local Citizens Advice:

- England – **0800 144 8848**
- Scotland – **0800 028 1456**
- Wales – **0800 702 2020**
- citizensadvice.org.uk.

Our Helpline can help with challenging a benefit decision - call **0800 319 6789** to arrange to speak to an adviser.

What happens next?

Your case will be considered again, usually by a different person. The DWP will then send you a mandatory reconsideration notice. This will tell you the outcome of the reconsideration. The mandatory reconsideration notice must say if you have the right to appeal.

Don't be put off if they don't change their decision. More decisions are changed at the appeal stage – see [chapter 4](#).

3. Decisions about Housing Benefit and Council Tax

Housing Benefit

If you want to challenge a decision about Housing Benefit, you will need to contact your local council to find out the reasons for the decision and ask them to review it. You'll need to do this within one month of getting your decision letter.

You can find their contact details on any letters they have sent you. You can also search for your council at:

- England and Wales – [gov.uk/appeal-housing-benefit-decision](https://www.gov.uk/appeal-housing-benefit-decision)
- Scotland – mygov.scot/find-your-local-council.

You have the right to ask the council to review its decision (called a revision) on almost anything to do with Housing Benefit, including if you've been asked to repay an overpayment.

How to appeal

If you're still not satisfied, you can ask an independent appeal tribunal to hear your case (see [chapter 5](#)). Ask your council how to do this. You might have to write to your council. Some councils have a special form for you to fill in.

The council will send your appeal to the tribunal along with their response and any other documents. They should also send you copies.



To do

If you need help with your appeal, contact your local Citizens Advice:

- England – **0800 144 8848**
- Scotland – **0800 028 1456**
- Wales – **0800 702 2020**
- **citizensadvice.org.uk**

or Age UK:

- England – **0800 169 6565**
- Scotland – **0800 124 4222**
- Wales – **0300 303 4498**
- **ageuk.org.uk**.

Our Helpline advisers can also support you with your appeal (**0800 319 6789**).

Council Tax

You have the right to appeal decisions about:

- whether you should be paying Council Tax
- whether your property should be exempt
- how much you should pay
- whether you should be getting any discounts or Council Tax Support (sometimes called Council Tax Reduction).

First, write to the council stating why you disagree with their decision. They should respond within two months. The council may ask you to send in additional information.

What can I do if I'm not happy with the response?

If you still disagree with the council's decision, or you do not hear back from the council within two months, you can appeal to:

- the Valuation Tribunal for England (**0303 445 8100**, [valuationtribunal.gov.uk](https://www.valuationtribunal.gov.uk)). You must contact the Valuation Tribunal within two months of the council's decision. You can find more information about the appeals process at [valuationtribunal.gov.uk/council-tax](https://www.valuationtribunal.gov.uk/council-tax)
- in Scotland, you should apply to the Council Tax Reduction Review Panel for a review (**0141 302 5840**, [counciltaxreductionreview.scot](https://www.counciltaxreductionreview.scot))
- in Wales, contact the Valuation Tribunal for Wales (**01633 255003**, [valuationtribunal.wales/council-tax-reduction.html](https://www.valuationtribunal.wales/council-tax-reduction.html)).

You must appeal to a tribunal within four months of when you first write to the council.



Good to know

If you get Housing Benefit and you disagree with a decision about Council Tax Support, it's usually a good idea to write to your council within one month of the decision, because this can affect your Housing Benefit.

4. Appeal to a tribunal

If you disagree with the mandatory reconsideration notice (see [chapter 2](#)), you can appeal to a tribunal. This is independent and separate from the benefits office or your local council.

You have one month from the date shown on the mandatory reconsideration letter to send in an appeal.

If your original decision letter said you could appeal straightaway, you have one month from the date on that letter. It is possible to challenge a decision later than this, but it can be difficult – ask for advice if you're planning to do so.

How to appeal

You must make your appeal in writing. You can do this online or by post.

Appeals by post

To make an appeal by post, contact HM Courts and Tribunals Service to get an SSCS1 form.

You can get the form by calling the benefit appeals helpline:

- England or Wales – **0300 123 1142**
- Scotland – **0300 790 6234**
- Welsh speaking – **0300 303 5170**.

Or you can download the form at [gov.uk/government/publications/appeal-a-social-security-benefits-decision-form-sscs1](https://www.gov.uk/government/publications/appeal-a-social-security-benefits-decision-form-sscs1).



There are separate forms to fill in if your appeal is about:

- Child Maintenance
- HMRC
- Vaccine Damage Payment.

For more information, see gov.uk/appeal-benefit-decision/submit-appeal.

When you fill in the form, you might want to get help from an advice organisation – see [page 11](#) for more information.

You'll need to give reasons for your appeal. You should include any supporting evidence you have – for example, from your doctor. If you did this when you asked for your mandatory reconsideration, you can use the same examples and evidence.

Return the completed form to HM Courts and Tribunals Service. You must do this within one month from the date on the mandatory reconsideration notice. Send the form with a copy of the notice.

If the original decision on your benefit letter says you can appeal straightaway, you should send this letter. Attach any supporting evidence.

You should send your appeal by post to:

- England and Wales – HMCTS Benefit Appeals, PO Box 12626, Harlow CM20 9QF
- Scotland – HMCTS SSCS Appeals Centre, PO Box 13150, Harlow CM20 9TT.



Good to know

You can ask for proof of posting at the Post Office whenever you post any documents, so you can prove that you've sent them within the specified deadline. Proof of posting is free.



To do

If you have to send in your original decision letter and any supporting evidence, remember to make copies for yourself.

Online appeals

To appeal online, go to gov.uk/appeal-benefit-decision/submit-appeal. You'll need:

- your National Insurance number
- the details of your representative if you have one (see [Arranging your appeal](#) below)
- your mandatory reconsideration notice.

If you need help submitting an appeal, you can contact our Helpline (**0800 319 6789**) or the benefit appeals helplines (see [page 13](#)).

What happens next?

You should get an acknowledgement letter within 10 working days. The court will send you a form about the arrangements for your appeal. You must return this within 14 days.

You'll receive another letter later, which will tell you the date of your tribunal hearing – it can take up to six months for an appeal to be heard by the tribunal. The hearing will decide on your appeal.

Arranging your appeal

You don't have to go to the hearing, but you have a better chance of success if you attend. You'll be able to tell the tribunal about your situation in person. It might sound daunting, but you can ask for a representative to go with you.

A representative could be:

- a friend, relative or carer
- someone from an advice service such as Citizens Advice.

Make sure you put their details on the SSCS1 form.

You could choose to have a hearing without you being present (a paper hearing), but it's best to go if you can.

5. Attending a tribunal

What happens at the hearing?

A tribunal judge and one or two experts will consider your appeal. The judge or the experts will ask you – or your representative if you have one – about your situation or your health condition. You'll get a chance to explain why you are making an appeal.

Someone from the benefits office or your council may also be at the hearing. They may ask questions, but they're not part of the tribunal. The judges and experts will decide the result of the appeal.



Remember

You can get support during the hearing – for example, an interpreter, a hearing loop or an accessible room. You need to ask for this support when you make your appeal (see [chapter 4](#)). You can't use your own interpreter at the hearing.

The government website has more information about what you can expect at the hearing ([gov.uk/guidance/what-to-expect-coming-to-a-court-or-tribunal#the-day-of-your-hearing](https://www.gov.uk/guidance/what-to-expect-coming-to-a-court-or-tribunal#the-day-of-your-hearing)).



Good to know

You may be able to claim expenses for going to the tribunal – for example, for travel and meals. The tribunal clerk can help you fill in a claim form. You'll need to include proof, so make sure you keep any receipts.

Hearings by phone or video call

Some hearings happen by phone or video call. If this is the case, you'll need to prepare in the same way as you would for a face-to-face hearing. You can ask the court in advance if you can have someone to support you during the hearing – for example, a friend or family member or someone from an advice service.

Make sure you have all the documents you need before the call and try to find somewhere quiet where you won't be interrupted.

The court will usually call you if the hearing is over the phone. If you have to call them, the call will be free.

During the hearing, there are certain rules that you must follow – for example, you must:

- only drink water
- not eat
- not smoke or use e-cigarettes
- be alone unless you have permission to have someone with you.

You can find out more about what to expect on the government website at [gov.uk/guidance/what-to-expect-when-joining-a-telephone-or-video-hearing](https://www.gov.uk/guidance/what-to-expect-when-joining-a-telephone-or-video-hearing).



Good to know

It's against the law to record a hearing, so make sure you're not recording the call.

Citizens Advice has more information to help you prepare at [citizensadvice.org.uk/law-and-courts/legal-system/if-you-have-a-court-hearing-by-phone-or-video-call](https://www.citizensadvice.org.uk/law-and-courts/legal-system/if-you-have-a-court-hearing-by-phone-or-video-call).

What happens next?

The tribunal will usually tell you their decision on the day of the hearing. If you don't attend in person or they need longer to decide, you'll hear by post or email.

If you don't agree with the decision, you may be able to:

- get the decision set aside (cancelled)
- appeal to an Upper Tribunal.

The decision letter will have more information.

If you continue to disagree with the decision, call our Helpline to arrange to speak to an adviser (**0800 319 6789**).

6. Checklist of things to do

Use this checklist to help you keep track of the different things you need to do if you want to challenge a decision.

Ask for reasons for the decision if your letter didn't include this – see [chapter 1](#).

Call the Independent Age Helpline to arrange to speak to an adviser if you need advice – [0800 319 6789](tel:08003196789).

Ask the benefits office to reconsider their decision – see [chapter 2](#).

Gather evidence if you need to make an appeal – for example, ask for written evidence from your GP or care professional.

Keep a record – write down details of all conversations you have about your benefit (names, dates and so on) and keep any letters.

If you need to send original letters, keep copies.

Ask our Helpline or an advice service for help completing forms – see [chapter 7](#).

Tell the tribunal in advance if you need support at your appeal hearing or someone to go with you – see [chapter 4](#).

7. Useful contacts

Independent Age

Call us for information or to arrange to speak to an adviser.

Helpline – **0800 319 6789**

independentage.org

Benefit appeals helplines

For help making an appeal to a tribunal.

England and Wales – **0300 123 1142**

contactsscs@justice.gov.uk

Scotland – **0300 790 6234**

SSCSA-Glasgow@justice.gov.uk

Welsh speaking – **0300 303 5170**

Disability Service Centre

Advice and information from the government about a claim you've made for a disability benefit.

Attendance Allowance helpline – **0800 731 0122**

Personal Independence Payment – **0800 121 4433**

Disability Living Allowance

- if you were born after 8 April 1948 – **0800 121 4600**
- if you were born on or before 8 April 1948 – **0800 731 0122**

gov.uk/disability-benefits-helpline

HM Courts and Tribunal Service

0300 123 1142

To find contact details for a tribunal and information such as opening times and disabled access.

England and Wales, and some non-devolved tribunals in Scotland – [gov.uk/find-court-tribunal](https://www.gov.uk/find-court-tribunal)

Some devolved tribunals in Scotland – **0141 302 5858**

[scotcourts.gov.uk](https://www.scotcourts.gov.uk)

For more information about appealing to a tribunal in Scotland, visit mygov.scot/appeal-to-a-tribunal-about-a-benefit-decision.

Social Security Scotland

To challenge a decision about a Funeral Support Payment.

0800 182 2222

mygov.scot/browse/benefits

Age UK

Benefits advice and support with completing forms.

England – **0800 169 6565**

Wales – **0300 303 4498**

Scotland – **0800 124 4222**

ageuk.org.uk

Citizens Advice

Information and advice about challenging a benefits decision. May help you find a representative to support you at an appeal.

England – **0800 144 8848**

Scotland – **0800 028 1456**

Wales – **0800 702 2020**

citizensadvice.org.uk

Mental Health and Money Advice

Online advice service, with sample letters for requesting evidence.

mentalhealthandmoneyadvice.org/en/welfare-benefits/how-can-i-appeal-a-decision-about-my-benefits/sample-letters-for-requesting-evidence

Shelter

Advice about housing issues. You can also find template letters on the website.

England and Scotland – **0808 800 4444** (for urgent advice)

Wales – **08000 495495**

shelter.org.uk

Turn2us

Helpline and advice finder tool for local benefits advice services.

0800 802 2000

advicefinder.turn2us.org.uk

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The sources used to create this publication are available on request. Contact us using the details below.

Thank you

Independent Age would like to thank those who shared their experiences as this information was being developed, and those who reviewed the information for us.

How did we do?

To tell us what you think of our information, contact us using the details below. We will use your feedback to help us plan future changes to our publications.

If you would like to be involved in helping us to develop our information products, you can join our Readers' Panel. For more information visit independentage.org/readers-panel or call us.

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Contact us

Call **0800 319 6789**

Email advice@independentage.org

Visit independentage.org