

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

No one should face financial hardship in later life.

Independent Age is a national charity providing support for older people facing financial hardship. We offer free impartial advice and information on what matters most: money, housing and care.

We financially support local community organisations across the UK through our grants programme. We campaign for change for older people struggling with their finances.

You can call us on freephone **0800 319 6789** (Monday to Friday, 8.30am to 5.30pm) or email helpline@independentage.org to arrange to speak to one of our advisers.

To donate or help support our work, please visit independentage.org/support-us.

In this factsheet, you'll find references 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 should hear back from the Department for Work and Pensions (DWP), or Social Security Scotland. They may send you a letter, email or text message. 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 for DWP benefits, or a redetermination for Social Security Scotland benefits
- appeal to a tribunal.

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



Good to know

If you've been turned down for a benefit, it may be worth asking for the decision to be looked at again.

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 entirely.

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. You should do this within one month of the date on the letter.

The contact details of the benefit office should be on the decision letter.

You can ask for the reasons for the decision by phone, but it's a good idea to ask them to send you an explanation in writing – this is known as a written 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 you speak to.

Can I appeal?

If you're not satisfied with the explanation, you can't usually appeal straightaway. Depending on the type of benefit, you might have to ask the relevant benefits office to review their decision. To do this you need to ask for a mandatory reconsideration or redetermination – see [chapter 2](#).

You can ask for a mandatory reconsideration or redetermination 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 that says that you can appeal straightaway. The letter will explain why you don't need a mandatory reconsideration or redetermination. 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 for benefits administered by the Department for Work and Pensions (DWP), and a redetermination for benefits from Social Security Scotland.

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 certain benefits to be looked at again, you need to contact Social Security Scotland ([0800 182 2222](tel:0800182222), mygov.scot/disagree-decision). These benefits include:

- a Funeral Support Payment
- Adult Disability Payment
- Carer Support Payment.

When should I do this?

You should ask for a mandatory reconsideration or redetermination as soon as possible. You'll need to do this within one month of the date on 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 in 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.

A late request might not be accepted, but it may be worth doing. Often it means that you can appeal the decision with an independent tribunal – see [chapter 4](#).

What do I need to do?

If the benefit you've applied for is administered by the DWP, 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](tel:03300160051), 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. You can find this on the same webpage as the CRMR1 form above.

If the benefit you've applied for is administered by Social Security Scotland, you can request a redetermination by calling them on [0800 182 2222](tel:0800182222). Social Security Scotland can also help you to fill in the form. Visit mygov.scot/disagree-decision/request-redetermination-or-appeal for more information.



To do

If you are over State Pension age, contact our Helpline on **0800 319 6789** to arrange to speak with an adviser. They can help you challenge your benefit decision.

If you need support but are under State Pension age, contact your local Citizens Advice:

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

What happens next?

Your case will be considered again, usually by a different person. They may ask you to send more information. You should send them what they ask for within one month.

The DWP will then send you a mandatory reconsideration notice. If your benefit is administered by Social Security Scotland, this will be called a redetermination notice. This will tell you the outcome of the reconsideration. The notice must say if you have the right to appeal. There is no specific time limit for the DWP or Social Security Scotland to send this, but they have to reply in a reasonable amount of time. Otherwise you can make a complaint. If your complaint is about the DWP, you can find more information at gov.uk/government/organisations/department-for-work-pensions/about/complaints-procedure. If it is about Social Security Scotland, you can find more information at mygov.scot/complain-social-security-scotland.

Don't be put off if they don't change their decision. You might be able to change the decision 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 the date the council made their decision.

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 HM Courts and Tribunals Service to hear your case (see [chapter 4](#)). Ask your council how to do this. You must write to your council. Some councils have a special form for you to fill in. Generally, you should ask for an appeal within one month of the council making their decision.

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 are over State Pension age and need help with you appeal, contact our Helpline on **0800 319 6789** to arrange to speak with an adviser.

If you need support but are under State Pension age, contact your local Citizens Advice:

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

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 Reduction (sometimes called Council Tax Support).

First, write to the council stating why you disagree with their decision. Depending on where you live, they will have to reply within a certain time. You can check their policy online. The council may ask you to send in extra 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 if you live in 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)
- the Local Taxation Chamber if you live in Scotland (**01698 390012**, [localtaxationchamber.scot](https://www.localtaxationchamber.scot))
- the Valuation Tribunal for Wales, if you live in Wales (**01633 255003**, [valuationtribunal.wales](https://www.valuationtribunal.wales)).

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

4. Appeal to a tribunal

If you disagree with the mandatory reconsideration or redetermination notice (see [chapter 2](#)), you can usually 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 or redetermination 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 either as a letter or a form, and submit it online or by post. If you write a letter, make sure you include all the necessary information.

Appeals by post

If you are appealing about a benefit administered by the DWP and want 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).

If you want to make an appeal by post about a benefit administered by Social Security Scotland, call Social Security Scotland on **0800 182 2222**.

When you fill in the form, you might want to get help from an advice organisation – see [page 10](#) for more information.



Good to know

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

- Child Maintenance
- HMRC
- benefits administered by Social Security Scotland
- Vaccine Damage Payment.

For more information, see

gov.uk/appeal-benefit-decision/submit-appeal.

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 or redetermination, you can use the same examples and evidence.

You must return your completed form within one month from the date on the mandatory reconsideration or redetermination 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 too. Attach any supporting evidence.



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 to keep.

Online appeals

If you want to appeal about a DWP benefit online, go to gov.uk/appeal-benefit-decision. To make an appeal online for a Social Security Scotland benefit, go to mygov.scot/disagree-decision/request-redetermination-or-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 or redetermination notice.

If you need help submitting an appeal, you can contact our Helpline ([0800 319 6789](tel:08003196789)) or the benefit appeals helplines (see [page 12](#)).

What happens next?

You should get an acknowledgement letter. 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 may 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 appeal 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 a 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.



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.

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) and appeal again
- 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 support – [0800 319 6789](tel:08003196789).

Gather evidence – for example, ask for written evidence from your GP or care professional.

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

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.

If you need to take things further and make an appeal to a tribunal ([chapter 4](#)), 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

Disability Service Centre

Advice and information from the government about a claim you've made for one of the following disability benefits:

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

Social Security Scotland

To challenge decisions about a Funeral Support Payment, Adult Disability Payment and Carer Support Payment.

0800 182 2222

mygov.scot/browse/benefits

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

Tribunal appeals helplines

For help making an appeal to a tribunal for benefits administered by the DWP.

England and Wales – **0300 123 1142**

contactsscs@justice.gov.uk

Scotland – **0300 790 6234**

SSCSA-Glasgow@justice.gov.uk

Welsh speaking – **0300 303 5170**

HM Courts and Tribunal Service

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 – **0300 123 1142**, **[gov.uk/find-court-tribunal](https://www.gov.uk/find-court-tribunal)**

Some devolved tribunals in Scotland – **0141 3025 858**, **[scotcourts.gov.uk](https://www.scotcourts.gov.uk)**

Citizens Advice

Information and advice about challenging a benefits decision if you're under State Pension age. They 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](https://www.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

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?

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Contact us

Call **0800 319 6789**

Email advice@independentage.org

Visit independentage.org