

Local Housing Allowance: reviews and appeals



What is Local Housing Allowance?

Local Housing Allowance is a new way of working out new claims for Housing Benefit for tenants renting accommodation from a private landlord.

It also affects tenants already getting Housing Benefit who move into accommodation rented from a private landlord.

Local Housing Allowance is being introduced on 7 April, 2008. If you live in Council accommodation or rent from the Orkney Housing Association, Local Housing Allowance will not affect you.

With Local Housing Allowance, your benefit is not usually based on the property you live in. It is usually based on:

- who lives with you;
- which area you live in;
- how much money you have coming in;
- what savings you have.

In some cases the amount of benefit you are entitled to will be affected by other things. These can include:

- how much your rent is;
- whether anyone living with you is expected to contribute to your rent.

For more details about this, please see our leaflet **HB(LHA)1** *Local Housing Allowance: an introduction*. You can get this from us at the address below.

What can I do if I disagree with your decision?

If you disagree with a decision we have made in the assessment of your claim you can challenge our decision in a number of ways. You can:

- ask us to explain the decision;
- ask us to look at the decision again – this is known as a review;
- submit an appeal in writing giving the reasons you disagree with the decision.

How do I ask for a review?

You can ask us to review our decision about your claim for Housing Benefit including the Local Housing Allowance rate we have applied to you. Your request for a review must be in writing. You must include details of why you think our decision is wrong.

We must get your request for a review within one month of the date of the decision notification letter. If we do not get it within one month, we may not be able to look again at your claim.

You cannot ask for a review of the Local Housing Allowance rates for the area you want to live in.

Details of how to get in touch with us are at the end of this leaflet.

How do I ask for an appeal?

You can ask the Appeals Service to look at our decision. Your request for an appeal must be in writing. Details of how to appeal will be included in your notification letter. The Appeals Service must get your request for an appeal within one month of the date of the decision notification letter. If they do not get it within one month, they may not be able to look again at your claim.

If you have asked us to review our decision and have received a reply from us, you can ask the Appeals Service to look at our review decision. The Appeals Service must get your request for an appeal within one month of the date of the decision notification letter. If they do not get it within one month, they may not be able to look again at your claim.

The Appeals Service may be able to consider an appeal outside this time limit if there are special circumstances. They cannot consider an appeal if it is made more than 13 months from the date of the original decision notification letter. To find out more about this, get in touch with the Appeals Service (www.appeals-service.gov.uk).

Who can make an appeal?

Someone who is affected by the decision may appeal, including:

- the person making the claim;
- someone who is appointed by the courts to act on behalf of the person making the claim;
- someone who the council agrees is appointed to act on behalf of the person making the claim;
- a landlord – but only about who benefit may be paid to;
- an agent – but only about who benefit may be paid to;

- any person from whom an overpayment is to be recovered.

Further information

If you want more information:

- phone the Council's Housing Benefit Section on (01856) 873535 Ext 2116, or Direct Dial (01856) 886312
- visit, or write to, the Council's Housing Benefit Section at Orkney Islands Council, Council Offices, Kirkwall, Orkney, KW15 1NY
- look on our website on www.orkney.gov.uk
- email us at benefits@orkney.gov.uk
- visit www.direct.gov.uk

You may find it helpful to talk to a welfare rights organisation, such as the Orkney Citizens Advice Bureau, Anchor Buildings, Bridge Street, Kirkwall, Orkney, KW15 1HR. Tel: 01856 875841

Alternatively visit the Appeals Service website at www.appeals-service.gov.uk

Remember that this leaflet is a guide only. It is not meant to say exactly what your legal rights are. While we have tried to make sure that the information in this leaflet is correct at the date shown on the cover, it is possible that there may be incorrect information or some ideas may be oversimplified. Also, please remember that the information in this leaflet is likely to become less accurate over time because of changes to the law.

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