

Challenging benefit decisions



Who we are

Age Scotland is the national charity for older people. We work to improve the lives of everyone over the age of 50 and promote their rights and interests.

Our vision is a Scotland which is the best place in the world to grow older.

Our mission is to inspire, involve and empower older people in Scotland, and influence others, so that people enjoy better later lives.

We have three strategic aims:



We help older people to be as well as they can be



We promote a positive view of ageing and later life



We tackle loneliness and isolation

How we can help

We know that growing older doesn't come with a manual. Later life can bring changes and opportunities to your life and you may need to know about rights, organisations and services which are unfamiliar to you.

That's why we provide free information and advice to help you on a range of topics including benefits and entitlements, social care, legal issues such as Power of Attorney, housing and much more. All of our guides are available to download for free from our website, or you can contact our helpline team to have copies posted to you for free.

Our **helpline** is a free, confidential phone service for older people, their carers and families in Scotland looking for information and advice.

Later life can bring times when you just need someone to talk to. Our **friendship line** is part of our wider helpline and older people can call us for a chat. We're here to listen, provide friendship and offer support.



Call us free on: 0800 12 44 222
(Monday – Friday, 9am – 5pm)



Visit agescotland.org.uk
to find out more.



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Introduction

If you disagree with a benefit decision, it is often possible to challenge it. For many benefits, before you can make an appeal you have to request a review of the decision. This may also be called a redetermination or mandatory reconsideration. The process and the terminology will depend on which benefit it is, which organisation administers the benefit and how long ago the decision was made. This guide will take you through the process in detail.





Who pays my benefit?

There are a number of different organisations that deal with benefits, and the first step is to check who is responsible for the decision you want to challenge.

Social Security Scotland is the agency that deals with **devolved benefits** - the benefits that the Scottish Government has responsibility for. These include Carer's Allowance Supplement, Funeral Support Payment and Adult Disability Payment. More devolved Scottish benefits will be launched soon.

See page 6 for information about challenging Social Security Scotland decisions.

The **Department for Work and Pensions** (DWP) is the agency that deals with **reserved benefits** - those that the UK Government is responsible for. These include Pension Credit, Universal Credit and Attendance Allowance.

See page 11 for information about challenging DWP decisions.

HM Revenue and Customs (HMRC) are responsible for the Child Tax Credit and Working Tax Credit payments made to people who have a low income or are responsible for paying for childcare. You cannot make a new application for Tax Credits as they have been replaced with Universal Credit. However, if you still receive Tax Credits, you may need to challenge a decision about a change in your payments or an overpayment.

See page 11 for information about challenging HMRC decisions.

Your **local council** deals with applications for Housing Benefit, Discretionary Housing Payments, Council Tax Reduction and the Scottish Welfare Fund.

See page 16 for information about challenging local council decisions.

Challenging a decision

There are a number of reasons you may want to challenge a benefit decision, such as:

- you were not awarded the benefit
- you were awarded the benefit, but you are unhappy with the length of time the award will be paid for
- you were awarded the benefit, but you are unhappy with the rate of the award.

The rate (amount) of the award relates to benefits that can be paid at different amounts. This might be because:

- they can be awarded at either a standard or higher rate
- the award has several components that can be awarded either together or separately, or
- the amount of the award is discretionary, for example a payment from the Scottish Welfare Fund.

Most benefits have a two-stage process for challenging a decision: a decision review stage (different organisations use different terms for this) and an appeal stage. This guide will explain the process for each organisation.

When you challenge a benefit decision, it is important to be aware that the new decision replaces the original decision completely, and you cannot choose to go back to the original decision. Following a review or appeal, your benefit award could increase, stay the same, reduce or stop altogether.

The different terms used by different organisations can be confusing. Even if you use the wrong terminology to make your request, it should be accepted if it is clear you are asking for the decision to be looked at again.



Late requests for reviews and appeals

When you receive a decision about a benefit, there are time limits if you want to challenge it. For example, for benefits paid by the Department for Work and Pensions, you must request a mandatory reconsideration within one month of the original decision. If you then want to appeal the mandatory reconsideration decision, you must do this within one month of it being made.

The timescales vary depending on which organisation deals with the benefit. This is detailed in the relevant sections of this guide.

Late requests (outside the usual time limits) can be accepted if you have a good reason. For example:

- you were in hospital
- you had a bereavement, or
- you needed help to complete the form or write your appeal and were unable to access this within the timescale.

You may need to provide evidence of your reason.

Deadline for late requests

Late review requests and appeals must be made within:

- 13 months of the date of the decision, for Department for Work and Pensions benefits and Housing Benefit
- 1 year of the date of the decision, for Social Security Scotland benefits.

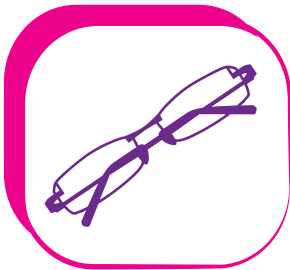
If you make a late review request and it is not accepted by the organisation that deals with the benefit, you may still be able to appeal against the decision. The letter you receive from the benefits organisation will give you details of your appeal rights.

Getting a full explanation of the decision

Before challenging a decision, it can be useful to get an explanation of the decision. You can call the number on your decision letter and ask specific questions. You can also ask for a full written explanation of how the decision was made, and what was taken into account. This is known as a **statement of reasons**.

Adult Disability Payment and Personal Independence Payment decision letters usually include a full statement of reasons already, so you will not need to request one for these benefits.

If you do request a statement of reasons, you may be allowed a little extra time to submit your review request. Depending on the benefit, this could be 14 days from the date of the statement of reasons, or it may be the original 30 days plus the time it took to send the statement of reasons. The letter you receive should give details of any additional time allowed.





Social Security Scotland

The charity Voiceability provides free advocacy support for people living with a disability who want to challenge a Social Security Scotland decision. You can contact them via their website www.voiceability.org, by calling **0300 303 1660** or through Social Security Scotland on **0800 182 2222**.

Redetermination

For benefits dealt with by Social Security Scotland, the first stage of a benefit challenge is to request a redetermination.

The timescales allowed for this vary, for example you have 42 days to request a redetermination of an Adult Disability Payment decision, and 31 days to request a redetermination of a Funeral Support Payment decision.

A redetermination request form is sent out with every decision. You can call **Social Security Scotland** on **0800 182 2222** to make your request by phone, or to request a new form if you need one.

What happens next?

When your redetermination request is received, someone from the Social Security Scotland Customer Experience Team who was not involved in making the original decision will look at your application. They will make a new decision based on the information in your original application. However, if you think there is additional information you should have included, you can add it at this point.

From the date they receive your request, Social Security Scotland has 56 working days to make a redetermination for some benefits, including Adult Disability Payment, and 16 working days for other benefits, including Funeral Support Payment.

If they have not carried out the redetermination within these timescales, you have the right to go straight to appeal stage. Social Security Scotland should write and tell you this and send you an appeal form. If you don't receive this, or need another copy, contact them on **0800 182 2222**.

Sometimes a redetermination might be delayed because Social Security Scotland is waiting on further information they have requested from, for example, a medical professional. If this is the case, you can choose to wait for them to complete it rather than go straight to an appeal. However, you can change your mind later and submit an appeal if you feel you have been waiting for too long.

Appeal

You can appeal:

- a redetermination decision, or
- a process decision.

You have 31 days from the date of a redetermination notice to submit an appeal of the redetermination decision. A redetermination decision is about whether or not you are entitled to a benefit, and which rate you are awarded.

A process decision is about whether your application or request is valid. For example, a request for a redetermination might be judged to be invalid if it was sent late and the reason for it being late is not accepted. See page 4 for more information about late requests for reviews and appeals.



Appealing a redetermination

To make an appeal, you need to complete the appeal form within 31 days of receiving your redetermination notice and send it to:

Social Security Scotland
PO Box 10303
Dundee DD1 9FY

You should receive an appeal form with the notice of redetermination, but if you need another copy, contact **Social Security Scotland** on **0800 182 2222**.

If you would like help to complete the appeal form, you can contact Social Security Scotland and speak to a Client Support Adviser. They can arrange an appointment for you to have face to face advice, either at a local venue or in your home. They can also complete the form over the phone with you. They can't advise you what to write, but they can help you to understand the questions and fill in your responses.

Appeals of benefit decisions made by Social Security Scotland are dealt with by the **First-tier Tribunal for Scotland Social Security Chamber**. This is an independent panel who will review all the facts and evidence, and will make a new decision about your benefit application. Your benefit award may increase, decrease, stop or stay the same as a result of the appeal.

What happens at the appeal hearing

The appeal form asks whether you would like to attend an in-person hearing (you can sometimes attend by video link) or if you would prefer the panel to make their decision without you attending a hearing.

Attending a hearing gives you the opportunity to answer any questions that the tribunal panel have and may increase the chances of a successful outcome.

A tribunal hearing is not a formal court hearing. There will be a panel of one to three people (depending on the benefit) who will ask you questions and make the decision. There will also be a tribunal clerk, and sometimes, a representative from Social Security Scotland.

You can represent yourself at the tribunal, with optional support from an advocacy worker, or someone else can represent you. Tribunals have been designed to enable people to represent themselves without needing legal expertise, so don't be put off if you don't have someone to represent you. If you wish, you can bring a family member or friend with you for moral support.

There is a section on the appeal form to request any adjustments you need or special requirements you have in order to attend the hearing, such as an interpreter or space for a guide dog.

If there is anything you don't understand during the tribunal, you can ask the panel to repeat or explain it. When the panel have finished asking questions, you can let them know if you think anything has been missed, and they will usually give you the opportunity to tell them. The tribunal only takes into account your circumstances at the time you applied for the benefit. If your circumstances have changed since your application, you may need to apply for a **supersession** (see page 25 for information about supersessions).



The tribunal panel will discuss your appeal privately after the hearing has ended. You will usually be asked to go back into the appeal room a short time later, so they can give you the decision. Rarely, and only in circumstances where the appeal is particularly complex, the decision may take longer. In these cases, you will either receive the decision by letter after the hearing, or the panel will arrange a new hearing date to give them time to get more evidence.

Appealing a process decision

Process decisions are technical decisions about whether an application or redetermination request is valid. For example, a redetermination request may be turned down if you submitted it after the deadline, and your reason for doing so was not accepted.

There is a separate form for appealing process decisions, available on the First-tier Tribunal website at **www.socialsecuritychamber.scot/home/your-appeal/a-process-appeal**. You can send the form by email to **sscadmin@scotcourtribunals.gov.uk** or by post to:

Scottish Courts and Tribunals Service
Glasgow Tribunals Centre
20 York Street
Glasgow G2 8GT

Short-term Assistance

If you were receiving a benefit from Social Security Scotland that has been reduced or stopped following a review, you can ask for Short-term Assistance while you go through the redetermination and appeal process. There is a section on the redetermination and appeal form to request this.

Short-term Assistance makes up the difference between your old and new payments, until the redetermination and appeal are completed. If you don't win your appeal, you do not need to repay this. If you do win, the Short-term Assistance amount you have received will be deducted from any backdated benefit amount you are due.

DWP and HMRC

For benefits dealt with by the Department for Work and Pensions (DWP) and Her Majesty's Revenue and Customs (HMRC) you can ask for a mandatory reconsideration if you disagree with a decision.

For DWP benefits:

You can request a mandatory reconsideration within **one month** of the date on your decision letter. If you would like help understanding how your decision was made before deciding whether to request a mandatory reconsideration, call the number on your decision letter to speak to someone.

You can also ask for a written explanation of your decision to be sent to you, called a **statement of reasons**. You will have **14 days** from the date on the statement of reasons to request a mandatory reconsideration if you still disagree with the decision. Personal Independent Payment decision letters already come with a written statement, so there is no need to ask for one.

There are several ways to request a mandatory reconsideration:

- By phone
- By letter
- By completing and returning a mandatory reconsideration form
- Using your online journal (for Universal Credit only) – select 'Add a journal entry'

The phone number and address to use should be on your decision letter. You can download the mandatory reconsideration form for **DWP benefits** at www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp.



For Working Tax Credits and Child Tax Credits:

The first step is to call HMRC and ask them to check your award. They may be able to correct it over the phone if it is wrong without you needing to request a mandatory reconsideration. If you forgot to add any information to the form, or want to explain something in more detail, you can do so during this conversation. This may lead to a change of decision (they will usually advise you of this during the call) or they may confirm the original decision.

If they confirm the original decision during the phone call and you are still not happy with it, you can then request a mandatory reconsideration. You must do this within **30 days** of getting your award notice. You will need to fill in and return a WTC/AP mandatory reconsideration form, either by post or online.

The mandatory reconsideration form for **Tax Credits** can be found by searching WTC/AP at **www.gov.uk**. This will take you to **www.gov.uk/government/publications/child-tax-credit-and-working-tax-credit-appeal-form**. To fill in an online version of the form you will need a Government Gateway account.

If you are not online and you need a mandatory reconsideration form, you can call the **Age Scotland helpline** on **0800 12 44 222** and ask for one to be posted to you.

What happens next?

When you make a mandatory reconsideration request, someone who was not involved in the original decision will review your application. They may call you to ask for further information or evidence, or they may make a decision based on the information you have already submitted.

The new decision maker may decide they agree with the original decision, or they may decide to change it. If they change the decision, the level of benefit you receive, or the period you will receive it for, may go up or down.

You will receive a letter with the outcome of the mandatory reconsideration. There is no set time frame for how long this could take. Some mandatory reconsiderations happen very quickly, but some can take several months. The decision will be backdated, so you will receive any money that you have lost out on in the meantime.

Appeal

If you are unhappy with the outcome of a mandatory reconsideration, you have **31 days** from the date of the mandatory reconsideration notice to submit an appeal.

Appeals about DWP and HMRC decisions are dealt with by the **First-tier Tribunal (Social Security and Child Support)**. An independent panel will review all the facts and evidence, and will make a new decision about your benefit application. Your benefit award may increase, decrease, stop or stay the same as a result of the appeal.

You can make your appeal online, at **www.gov.uk/appeal-benefit-decision/submit-appeal**. If you have difficulty with the online appeal system, or you don't have access to a computer or smartphone, you can contact the DWP Digital Support helpline on **03300 160051**. You can also appeal by post by downloading and printing the appropriate appeal form at the same webpage. For appeals relating to DWP benefit decisions you will need an SSCS1 form. For appeals relating to Tax Credits you will need an SSCS5 form.

Both forms should be sent, along with your Mandatory Reconsideration Notice, to:

HMCTS SSCS Appeals Centre
PO Box 13150
Harlow CM20 9TT

If you don't have access to a computer or smartphone, or you have difficulty with the online appeal system, you can get support by calling **03300 160 051**. For questions about appealing a benefit decision, contact the **general enquiries line (Scotland)** for the First-tier Tribunal (Social Security and Child Support) on **0300 790 6234**.



Citizens Advice or other local services may be able to provide help with an appeal or finding someone to represent you at the appeal hearing. Find your nearest **Citizens Advice Bureau** by calling **0800 028 1456** or at **www.cas.org.uk**. Advicelocal allows you to search other local services at **www.advicelocal.uk**.

What happens at the appeal hearing

The appeal form asks whether you would like to attend an in-person hearing (you can sometimes attend by video link) or if you would prefer the panel to make their decision without you attending a hearing.

Attending a hearing gives you the opportunity to answer any questions that the tribunal panel have and may increase the likelihood of a successful outcome.

A tribunal hearing is not a formal court hearing. There will be a panel of one to three people (depending on the benefit) who will ask you questions and make the decision. There will also be a tribunal clerk, and sometimes a representative from the Department for Work and Pensions.

You can represent yourself at the tribunal or someone else can represent you. For example, a friend, a benefit adviser, or you may be able to get support from an independent advocacy worker. You can search for one in your area that might be suitable at **www.siaa.org.uk/find-an-advocate**.

Tribunals have been designed to enable people to represent themselves without needing legal expertise, so don't be put off if you don't have someone to represent you. If you wish, you can bring a family member or friend with you for moral support.

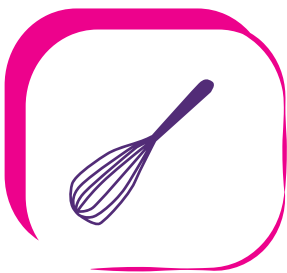
There is a section on the appeal form to request any adjustments you need or special requirements you have in order to attend the hearing, such as an interpreter or space for a guide dog.

If there is anything you don't understand during the tribunal, you can ask the panel to repeat or explain it. When the panel have finished asking questions, you will usually get the chance to tell them anything you think has been missed.

The tribunal only takes into account your circumstances at the time you applied for the benefit. If your circumstances have changed since your application, you may need to apply for a **supersession** (see page 25 for information about supersessions).

The tribunal panel will discuss your appeal privately after the hearing has ended. You will usually be asked to go back into the appeal room a short time later, so they can give you the decision. They will also give you a letter confirming the decision, and how you can appeal against the panel's decision if you wish. Occasionally, if the appeal is very complex, they will write to you with a decision after the hearing, or arrange a new hearing date to give them time to get more evidence.

You can only appeal the tribunal's decision if you think they have either made an error of law or made some other type of error that has affected the decision.





Council

Housing Benefit

If you think your council has made the wrong decision about your Housing Benefit application, you can request a **revision** (sometimes known as a review) and an **appeal**. You can ask for both of these in the same letter, or go through the process step by step.

Revision

If you think a Housing Benefit decision is wrong, you can ask for a revision within a month of the decision.

If you need details of how the council made their decision, you can ask for a **written statement of reasons**. If you do this, you must ask for the revision within one month of the statement being sent to you.

When you request a revision, include any relevant evidence, for example:

- payslips if you think they have miscalculated your income, or
- a letter from your landlord confirming you are the only tenant if they have included other people in their calculations.

Appeal

If you are unhappy with the outcome of a revision, you can challenge it by **appealing**. How you submit your appeal will depend on your council, so check their website or call and ask them first.

If you have asked for an appeal and a revision in the same letter and the revision process doesn't change the council's decision, the council should automatically send your request to the First-tier Tribunal who deal with Housing Benefit appeals.

Otherwise, your request for an appeal must be made to the council within a month of the date of the revision, although you can make a late appeal within **13 months** of the date of the decision if you had a good reason for not appealing in time.

Good reason may include illness or bereavement. You may need to provide evidence of your reason.

When you submit your appeal, make sure you include:

- your Housing Benefit reference number or account number
- your name, address and National Insurance number, and
- full details of why you think the decision is wrong, including any evidence.

The council will send the appeal to the First-tier Tribunal. The Tribunal Service will send you a letter to say they have received your appeal, and a form asking if you want to attend the hearing in person. You don't need to do this, but it can be useful as you will be able to answer questions and explain anything that isn't clear. Whether you want to attend in person or not, you must return the form to the tribunal service within **14 days**.

The tribunal hearing is not a formal court hearing. There will be a tribunal judge, a clerk, sometimes other specialist panel members, and a representative for the council.



The panel may ask you some questions, so make sure you take any paperwork that is relevant to the appeal with you. They will also give you an opportunity to tell them anything you forgot to add to your application. However, they can't take into account changes of circumstances that have happened since your application. If your circumstances have changed since you applied, you should request a **supersession** if you are already receiving the benefit, or make a new application if you are not (see page 25 for information about supersessions).

The tribunal panel will discuss your appeal privately after the hearing has ended. You will usually be asked to go back into the appeal room a short time later so they can give you the decision. They will also give you a letter confirming the decision, and how you can appeal against the panel's decision if you wish. Occasionally, if the appeal is very complex, they will write to you with a decision after the hearing, or arrange a new hearing date to give them time to get more evidence.

You can only appeal the tribunal's decision if you think they have either made an error of law or made some other type of error that has affected the decision.

Council Tax Reduction

If you disagree with a decision about a Council Tax Reduction application, you can ask the council to look at the decision again. You have **two months** from the date of the decision to do this. You should write to them explaining what you think they have got wrong, and a council employee who was not involved in the original decision will review it. You should get a letter when the review has been completed, telling you whether the decision has changed.

If you are still unhappy with the decision, you can ask the **Council Tax Reduction Review Panel** for an independent review. You must do this within six weeks of the council's review decision.

If you haven't had a reply to your review request within two months, you can go straight to the independent review stage.

If you have good reason for not requesting a review within these timescales, you may be able to apply late. The Council Tax Reduction Review Panel will decide whether to accept a late review request.

You can find information about the Council Tax Reduction Review Panel and apply for a review on their website at

www.counciltaxreductionreview.scot/home/apply. If you have any questions about the Panel, or are unable to use the online application, you can contact them by telephone on **01698 390 012**.



Upper Tribunal appeals

In most cases, the decision of the First-tier Tribunal will be the final step. However, if you believe the First-tier Tribunal has made an error of law, you may be able to appeal to the **Upper Tribunal for Scotland** (for decisions made by Social Security Scotland) or the **Upper Tribunal Administrative Appeals Chamber** (for decisions made by the Department for Work and Pensions).

Errors of law may include not providing good enough reasons or evidence for a decision, not applying the appropriate laws correctly and not providing a requested interpreter.

You will need to ask the First-tier Tribunal for a statement of reasons, which is a detailed explanation of the decision and how it was made. You only have **one month** to do this from the date of the decision. The First-tier Tribunal will also need to grant permission for the appeal, although if they will not do so, you can ask the Upper Tribunal to grant permission instead.

This is a complex area, and you may want to consider getting legal advice or specialist representation if you want to appeal to the Upper Tribunal. Legal Aid may be available in some circumstances – you can find solicitors who accept Legal Aid clients on the **Scottish Legal Aid Board** website www.slab.org.uk.

Backdating and other benefit entitlements

If your benefit decision is changed as a result of a review or an appeal, the change is backdated to the date of the original decision, or the last date the rate of your benefit was agreed.

Sometimes, a decision about one benefit can affect the amount you receive of another benefit.

For example:

- If you live alone, are awarded Attendance Allowance and nobody provides unpaid care for you, a Severe Disability Premium can be added into the calculation of any means-tested benefit, such as Pension Credit. This may increase the amount of Pension Credit you receive, or give you an entitlement you wouldn't otherwise have.
- If you are an unpaid carer who receives Pension Credit, and the person you provide care for starts receiving Attendance Allowance, you may be entitled to a Carer Addition in your Pension Credit.

If your entitlement to a benefit increases as a result of another benefit being awarded (to you or a family member), ask for the increase to be backdated, particularly if the new benefit decision has been delayed by going through the appeal process.

You can call the **Age Scotland helpline** for a free benefit check, and more advice about benefits, on **0800 12 44 222**.

Mobility vehicles

If you lose your higher or enhanced mobility component of Adult Disability Payment, Personal Independence Payment or Disability Living Allowance due to a review or reassessment, you will no longer be eligible to lease a mobility vehicle through the Motability Scheme.

Your higher or enhanced mobility payment will continue to be paid for four weeks after the decision. You will receive a letter giving you information about your options, including any transitional payment you are entitled to, and details of how you can purchase your existing vehicle from them.

They will also send you a guide with details of alternative transport options, including information about buying and owning a new or used car.

If you joined the Motability scheme **since 2014**, you will need to return your car to the dealer. After you have returned your car:

- you might be eligible for a pro-rata good condition payment, if you have returned your car in good condition, **and**
- you will receive a refund of any Advance Payment on a pro-rata basis.

If you joined the scheme **during 2013**, you can:

- keep your car for a further 8 weeks, and receive a payment of £1,000 if you return it to the dealer in good condition by the end of this period, **or**
- keep the car for a further 26 weeks and receive a payment of £250 if you return it to the dealer in good condition by the end of this period.

If you joined the scheme **before 2013**, you can:

- keep your car for a further 8 weeks, and receive a payment of £2,000 if you return it to the dealer in good condition by the end of this period, **or**
- keep the car for a further 26 weeks and receive a payment of £500 if you return it to the dealer in good condition by the end of this period.

You can also choose to purchase the vehicle from the scheme (this should be at a fair market price) or there may be financial support available to fit the same adaptations to another vehicle.

If your higher or enhanced rate of mobility component is restored following a successful mandatory reconsideration, redetermination or appeal, you can re-join the Motability Scheme. However, if you have received a transitional payment, you may need to repay some of this if you re-join the scheme within 6 months.

You can call the **Motability Customer Services** team on **0300 456 4566** if you have questions about your individual situation and to discuss your options.



Other requests for changes

In addition to reviews and appeals, there are other ways that you can ask for the amount of benefit you receive to be changed. An **any time revision** is an option in certain circumstances if you feel there was an official error, or the law has since changed. A **supersession** is an option if your circumstances have changed since the original decision, and you think the amount of benefit you receive should be changed.

Any time revisions

As the name says, you can ask for an any time revision at any time after the original decision has been made, but only in certain circumstances:

- a decision maker made an official error when making the original decision and you did not contribute to the error
- you appealed against a decision and a decision maker decides a new decision is justified (this might be because you have produced new or additional evidence in connection with an appeal)
- the results of an appeal on an earlier, related decision have come in and the decision maker agrees a new decision about your benefit is now justified
- you or a family member are awarded a ‘qualifying benefit’, which may have a backdated effect on your entitlement to another benefit (see p 21 for more about backdating and other entitlements)
- you have been paid too much benefit because you made a mistake, or did not know relevant facts when the application was made.

There is no time limit for requesting an any time revision. If your request for an any time revision is refused, you are not able to appeal this. However, if a request is accepted and results in a new decision that you disagree with, you can appeal.

If a new decision is made as a result of an any time revision, it is backdated to the date of the original decision.

Supersession

A supersession is when a new decision is made about a benefit you are receiving.

You would usually make a supersession request because your circumstances have changed, and you feel you should be receiving a different amount of a benefit. For example, you receive Attendance Allowance at the lower rate for daytime care, but you start to need care both day and night and should qualify for the higher rate.

Other examples of when it may be appropriate to ask for a supersession are:

- you have been paid too little benefit because you made a mistake, or did not know, about relevant facts when benefit application was made
- a point of law has been clarified due to a court case, and it is relevant to a decision that was made about your benefit.

Following a supersession request, your benefit can increase, reduce, stop or continue at the same amount.

Changes to your benefit made as a result of a supersession usually take effect from the date you made the request.

You do not usually receive backdated benefit payments when your benefit increases because of a supersession. Exceptions are sometimes made if you are reporting a change that happened more than a month ago, and you couldn't report it at the time because, for example, you were in hospital.

If your claim for a benefit has been refused, you must ask for a mandatory reconsideration; you cannot ask for a supersession instead.



You should receive a written decision notice about your supersession request, telling you whether or not your benefit award has been changed. As with the original decision, if you are unhappy with the outcome, you can ask for an explanation and/or a review of the decision.

If you are then unhappy with the outcome of the review, you can appeal the review decision. For information about the review and appeal process, see page 6 for Social Security Scotland benefits, or page 11 for Department for Work and Pensions benefits.

Benefit challenge unsuccessful – what next?

If your claim for a benefit is turned down, you can **reapply** in the future if your circumstances or conditions change and you think you will now meet the criteria. You don't have to wait for a set amount of time to do this.

Social care help if you have care needs

If you have care or support needs, you can ask the council for a **Care needs assessment**, to see if there is any help they can provide. Social care is separate to the benefit system and the rules are different.

For more information, see our guides **Care and support at home: assessment and funding**, and **Care and support at home: practical help**.





Benefits and money management

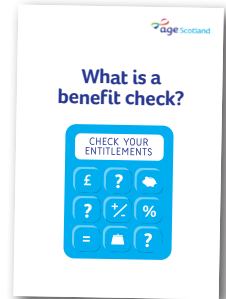
If you haven't had a full benefit check recently, you should have one now, to find out if there are any other benefits you may be entitled to. Contact the **Age Scotland helpline** on **0800 12 44 222** for a free check.

Our guide **What is a benefit check?** provides information about what is involved.

Our online benefits calculator can give you an estimate of the benefits you should be getting. Visit **www.age.scot/benefitscalculator**.

If you are finding that you have more money going out each month than coming in, it can be useful to speak to a **money adviser**. They can look at your overall financial situation and give you advice on things like budgeting, saving money and managing debt. Whatever your situation, they will have seen it before, and will make sure you know your rights and options without judging you.

You can find a money adviser by contacting the **MoneyHelper** service on **0800 011 3797**, or by visiting **www.moneyhelper.org.uk**.





This information guide has been prepared by Age Scotland and contains general advice only. It should not be relied upon as a basis for any decision or action, nor used as a substitute for professional advice. Neither Age Scotland nor any of its subsidiary companies or charities accepts any liability arising from its use and it is the reader's sole responsibility to ensure any information is up to date and accurate.

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How you can help

Our vision is a Scotland which is the best place in the world to grow older.

All the information we provide is free and impartial. It helps older people access their rights and entitlements and can be life changing.

We are also a lifeline for older people who are feeling lonely and isolated. You can help us to support older people who need us most.

Together, we can make a difference.



Make a donation

No matter how small or large, donations make a massive difference and help us continue our important work.

- ▶ Call **03330 15 14 60**
- ▶ Visit **age.scot/donate**
- ▶ Text **AGESCOTGIVE** to **70085** to donate £5*
- ▶ Complete the **donation form** and return by Freepost



Fundraise

Whether it's having a bake sale or running a marathon, there are so many ways to raise vital funds to support our work. To find out more, call **0333 323 2400** or visit **age.scot/fundraise**.



Leave us a gift in your Will

By choosing to leave us a gift in your Will, you can help us to continue being there for older people in the years to come. To find out more, call **0333 323 2400** or visit **age.scot/legacy**.

*Texts cost £5 plus one standard rate message

Please donate today



Complete the form and return to RSBS-KEHC-GBBC, Age Scotland, Edinburgh, EH9 1PR

Your details

Title:	Forename:	Surname:
Address:		
	City:	
Postcode:	Date of birth:	

By providing us with your telephone number and email address you are consenting to us contacting you via phone, text and email.

Email:	
Home tel:	Mobile tel:

I WOULD LIKE TO DONATE

£75 £50 £25 Other (£)

I wish to pay by (please tick):

MasterCard Visa CAF

CharityCard Cheque (payable to Age Scotland)

Signature

Name on Card

Card No.

Expiry date Security code

Date

I prefer not to receive a thank you acknowledgement for this donation

I would like information about leaving a gift in my Will

I WOULD LIKE TO MAKE MY DONATION WORTH 25% MORE

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I want Age Scotland** and its partner charities to treat all donations I have made for the four years prior to this year, and all donations I make from the date of this declaration until I notify you otherwise, as Gift Aid donations.

I am a UK tax payer and understand that if I pay less income tax and/or capital gains tax than the amount of Gift Aid claimed on all my donations in that tax year it is my responsibility to pay any difference.

Yes, I want Age Scotland to claim Gift Aid on my donations**

I do not wish you to claim Gift Aid on my donations

Date

Keeping in touch

We will stay in contact by post unless you ask us not to. We will never sell your data and we promise to keep your details safe and secure. You can change your mind at any time by emailing us on contact@agescotland.org.uk or calling us on 0333 323 2400.

You can read Age Scotland's privacy policy at [age.scot/privacypolicy](https://www.agescotland.org.uk/age.scot/privacypolicy).

**Age Scotland, part of the Age Network, is an independent charity dedicated to improving the later lives of everyone on the ageing journey, within a charitable company limited by guarantee and registered in Scotland.

Registration Number: 153343. Charity Number: SC010100. Registered Office: Causewayside House, 160 Causewayside, Edinburgh EH9 1PR.

Age Scotland is the national charity for older people. We work to improve the lives of everyone over the age of 50 so that they can love later life.

Our vision is a Scotland which is the best place in the world to grow older.

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Let's keep in touch

Contact us:

Head office

0333 323 2400

Age Scotland helpline

0800 12 44 222

Email

info@agescotland.org.uk

Visit our website

www.agescotland.org.uk



Sign up to our newsletter

Our regular newsletters by email contain details of our campaigns, services and how you can support our work.

Sign up today at [agescot/roundup](https://www.agescotland.org.uk/agescot/roundup)



Follow us on social media

Our social media channels are a great way to keep up to date with our work and issues that affect older people.



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