

# 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 so that they can love later life.**

**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 can make the most of later life.

**Our three strategic aims** are to:



**Help older people to be as well as they can be**



**Promote a positive view of ageing and later life**



**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.

The Age Scotland **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.

## For information, advice and friendship



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



**Visit [agescotland.org.uk](https://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 what?

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 decisions made by Social Security Scotland

The **Department for Work and Pensions** 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 decisions made by the Department for Work and Pensions.

**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 decisions made by HM Revenue and Customs.

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 decisions made by your local council.

# 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 the award
- you were awarded the benefit, but you are unhappy with the rate of the award.

The rate (amount) of the award refers to benefits that have standard and higher rates, several different components that make up the overall award or an amount of payment that is discretionary, such as 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 be increased, stay the same, be reduced or stop altogether.

Although the different terms used by different organisations can be confusing, a benefit challenge should not be refused because you use the wrong terminology to request it. If it is clear that you are asking for the decision to be looked at again, the request should be accepted.

## 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 Department for Work and Pensions benefits you must request a mandatory reconsideration within one month of the original decision, then appeal within one month of the mandatory reconsideration decision. The timescales vary depending on which organisation deals with the benefit, and are covered 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 for 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.

Late review and appeal requests 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 application for a review 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 a full written explanation of how the decision maker made it, and what they took 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 don't need to do this.

If you request a statement of reasons, you will usually be allowed a little extra time to submit your request for the decision to be looked at again. 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

If you need advocacy support to challenge a Social Security Scotland decision because you are living with a disability you can receive free help from the charity Voiceability. You can contact them via their website **[www.voiceability.org](http://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 or Carer's Allowance Supplement decision.

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

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 your circumstances at the time you applied for the benefit, so changes to your condition after this date are not relevant. However, if there is something about your condition that you forgot to add to the application, or evidence you think you should have included, you can include it at this point.

From the date they receive your request, Social Security Scotland have 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 and Carer's Allowance Supplement.

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

If Social Security Scotland has not completed the redetermination within their agreed timescale because they have requested further information (for example, from a medical professional) and this has not arrived yet, 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

If you are unhappy with the outcome of a redetermination, you have 31 days from the date of the redetermination notice to submit an appeal. You should receive an appeal form with the notice, but if you need another copy, contact **Social Security Scotland** on **0800 182 2222**. You can appeal:

- a determination or redetermination decision, or
- a process decision

A determination or redetermination decision is about whether or not you are entitled to a benefit, and the rate you are awarded.

A process decision is about whether your application or request is valid, for example, if your request for a redetermination is declined because it was received late, and they don't accept your reason. See page 4 for more information about late requests for reviews and appeals.



## Appealing a determination or redetermination

To make the appeal, you need to complete the appeal form and send it to:

**Social Security Scotland**  
**PO Box 10309**  
**Dundee DD1 9GF**

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

When you complete your appeal form, you will be asked whether you want to attend the appeal in person (or sometimes by video link), or would prefer a paper hearing, where the panel make their decision using just the paper evidence provided.

Attending the hearing in person 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 have a representative at the tribunal, or you can represent yourself and you can be supported by an advocacy worker. 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 take a family member or friend with you for moral support.

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

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, and you will usually be asked to go back into the appeal room a short time later, so they can give you the decision. Rarely, in circumstances where the appeal is particularly complex, the decision may take longer and 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.

## Appealing a process decision

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

There is a separate form appealing process decisions, available on the First Tier Tribunal website at **[www.socialsecuritychamber.scot/home/your-appeal/a-process-appeal](http://www.socialsecuritychamber.scot/home/your-appeal/a-process-appeal)**. You can send the form by email to **[sscadmin@scotcourtribunals.gov.uk](mailto: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 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), the process of challenging a decision is broadly the same.

## Mandatory reconsideration

The first step is to request a **mandatory reconsideration**, which is a review of the decision. You can ask for a mandatory reconsideration by telephone or in writing. The address and telephone number to use should be on your decision letter. You can use the official mandatory reconsideration form if you want to, but you can write your own letter if you prefer.

The mandatory reconsideration form for **DWP benefits** is available at **[www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp](http://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp)**.

If you want to challenge a **Universal Credit** decision, you can use your online journal to ask for a mandatory reconsideration. Log into your Universal Credit account in the usual way, then on your dashboard, select the journal and click 'Add a journal entry'.

If you are unable to use the online journal, you can request the mandatory reconsideration by completing the mandatory reconsideration form, by writing to them at the address on your decision letter or by calling them on **0800 328 5644**.

For **Working Tax Credits and Child Tax Credits**, the form is called an SSCS5 form, and is available at **[www.gov.uk/government/publications/child-tax-credit-and-working-tax-credit-appeal-form](http://www.gov.uk/government/publications/child-tax-credit-and-working-tax-credit-appeal-form)**.

If you have a Government Gateway account, you can request a mandatory reconsideration for Tax Credits online. See **[www.gov.uk/tax-credits-appeals-complaints/disagree-with-a-tax-credits-decision](http://www.gov.uk/tax-credits-appeals-complaints/disagree-with-a-tax-credits-decision)** for more information and to make a request.



If you are not online, our **helpline** can print out a mandatory reconsideration form and post it to you. Call them on **0800 12 44 222**.

If you contact the DWP or HMRC by telephone to request a mandatory reconsideration, they may discuss the decision with you, or offer to explain it. If you forgot to add any information to the form, or want to explain something in more detail, you can do so now. This conversation may lead to a change of decision (they will usually advise you of this during the call) or they may confirm the original decision. However, this is **not** the same as a mandatory reconsideration, and they should not try to persuade you not to request one. **You still have the right to ask for a mandatory reconsideration after having this conversation.**

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 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, however there is no deadline for it to be carried out. 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)**. 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.

You can make your appeal online, at **[www.gov.uk/appeal-benefit-decision/submit-appeal](https://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**. Alternatively, you can print off an SSCS1 appeal form at **[www.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)**, and send it to:

**HMCTS SSCS Appeals Centre**  
**PO Box 13150**  
**Harlow**  
**CM20 9TT**

If you have any questions about appealing a benefit decision, you can contact the **DWP Benefit appeals helpline (Scotland)**, on **0300 790 6234**.

You may be able to get help with an appeal, or find someone to represent you at the appeal hearing, by contacting Citizens Advice Scotland or other local advice services. You can find your nearest Citizens Advice Bureau by telephone on **0800 028 1456** or online at **[www.cas.org.uk](https://www.cas.org.uk)**. You can find local advice services by visiting the **AdviceLocal** website at **<https://advicelocal.uk>**.



## What happens at the appeal hearing

When you complete your appeal form, you will be asked whether you want to attend the appeal in person (or sometimes by video link), or would prefer a paper hearing, where the panel make their decision using just the paper evidence provided.

Attending the hearing in person 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 have a representative at the tribunal, or you can represent yourself. 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 take a family member or friend with you for moral support.

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

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, and you will usually be asked to go back into the appeal room a short time later, so they can give you the decision. Rarely, in circumstances where the appeal is particularly complex, the decision may take longer and 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.





# 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 review 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.

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

## Appeal

If you are unhappy with the outcome of the revision, you can challenge it by **appealing**. How you submit your appeal varies between councils, so check their website or call and ask them first.

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 and 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 and a clerk, and 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 usually tell you what they have decided at the hearing, and will also give you a letter confirming the decision, and how you can appeal against the panel's decision. 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 got the law wrong 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 Panel and apply for a review on their website at

**[www.counciltaxreductionreview.scot/home/apply](http://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 **0141 302 5840**.



## 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 for a statement of reasons, a detailed explanation of the decision and how it was made, from the First-tier Tribunal. You only have a 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.slac.org.uk](http://www.slac.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 when the rate of your benefit was agreed.

Sometimes, a decision about one benefit can affect the amount of another benefit that is received.

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 benefits 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, even if you are appealing the decision.

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, *Staying Mobile after the Motability Scheme* (which you can read online: **[www.motability.co.uk/Staying\\_Mobile\\_Guide\\_Car.pdf](http://www.motability.co.uk/Staying_Mobile_Guide_Car.pdf)**) with information about buying and owning a new or used car, and other transport options.

If you joined the Motability scheme **since 2014**, you can:

- keep your car for a further 8 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 **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 £1,000 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.



## Other types of benefit decisions

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)
- an appeal on an earlier, related decision has been decided and the decision maker decides a new decision 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 page 21 for more about backdating and other benefit entitlements)
- you have been paid too much benefit because of a mistake about, or not knowing about, relevant facts.

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

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, however, 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), you may be able to have any increase in your benefit amount backdated.

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

A supersession may be possible if, for example:

- you made a mistake about, or did not know, a relevant fact when the original benefit decision was made and have been paid too little
- 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.



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 unhappy with the outcome of the review, you can appeal the 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.

### Help from your council 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 information about care needs assessments, 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.

To find out what is involved see our guide **What is a benefit check?**

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 their website **[www.moneyhelper.org.uk](http://www.moneyhelper.org.uk)**.





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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 and advice we provide is free and completely impartial and in helping people access their rights and entitlements, it can be life changing.

We are an ageing population and more people than ever are coming to us for support. You can help us be there for those that need us most.



### 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](https://age.scot/donate)**
- Text **LATERLIFE** to **70085** to donate £5.\*



### Fundraise

Whether it is having a bake sale, running a marathon or knitting small hats for the Big Knit, 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](https://age.scot/fundraise)**.



### Leave us a gift in your Will

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

# Let's keep in touch



## 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 by visiting **[age.scot/roundup](https://age.scot/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.



**[/agescotland](https://www.facebook.com/agescotland)**



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**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.**

**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

**Follow us on social media:**



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