

HOUSING BENEFIT AND COUNCIL TAX BENEFIT

Can you backdate my Housing Benefit and Council Tax Benefit?



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This leaflet explains about backdating benefit.

The rules are the same whichever area you live in. If you don't know which council covers the area you live in, you can find this information on your Council Tax bill.

I am a pensioner. When will my benefit start?

If you, or your partner, are of State Pension age and qualify for Housing Benefit and Council Tax Benefit (or both), we can backdate your benefit up to 3 months before the date you made your claim (as long as you were entitled to benefit for that period). If you are of State Pension age and you are entitled to benefit from a date before you claimed, we will give you your benefit automatically. We do not need to know why you did not claim sooner to backdate your benefit.

For us to work out how much benefit you will be entitled to, you will need to give us proof of your income, savings and rent for the period you want to claim. Please contact us if you think your claim should start from an earlier date.

The rest of this leaflet explains about backdating for people who have not reached State Pension age.

When will my benefit start?

If you qualify for Housing Benefit or Council Tax Benefit (or both), we will normally pay your benefit on the Monday after you asked us for an application form (as long as you return the application form within one calendar month of contacting us).

When you make a claim for Housing Benefit or Council Tax Benefit (or both) over the phone through Jobcentre Plus, we will treat the date of your claim as the same date you contacted Jobcentre Plus.

If you get Income Support or Jobseeker's Allowance (income based), Incapacity Benefit or Jobseeker's Allowance (contribution based), all the benefits will have the same claim date.

Sometimes we can pay benefit for a period before the date you claimed. This is called backdating. The law says we can backdate your benefit for up to 6 months. However, you must have a good reason why your claim is late. This is known as 'good cause'.

What is considered to be 'good cause'?

We will look at each case individually. 'Good cause' is a reason that prevented you from claiming benefit earlier. Good causes may include the following, depending on the circumstances.

- You were ill and no-one else could claim for you.
- You were waiting for a decision about another benefit.

- You were given the wrong advice by an official organisation who said you were not entitled to Housing Benefit or Council Tax Benefit (or both).
- You did not understand that you could claim, perhaps because:
 - of your age;
 - you did not know how benefits work;
 - you have language difficulties;
 - you have difficulty understanding technical documents; or
 - some other reason.
- You did not claim immediately after leaving hospital, prison or long-term care.
- You were not able to manage your own affairs and had no-one to help you.
- A close relative died.

These examples are only a guide to help you. They are not a full list of all possible reasons. If you forgot to claim, or did not know you could claim, this would not be a good reason on its own. To qualify for backdated benefit, you must be able to prove you had 'good cause' and why you did not claim earlier.

Here are some examples

You were ill from January to March and only claimed benefit in March when you were better. You did not claim before because you had no-one to help you. In this case, we may backdate your benefit to January.

However, if you were ill from January to March and had no-one to help you make a claim, but you did not claim until May, we would not backdate benefit to January because you were not ill from January until May.

How do I claim backdated benefit?

If you think you have good cause for making a late claim, you should tell us in writing straight away. You can contact us for a form or just write to us. You must tell us the period you want to backdate your benefit for and tell us why your claim is late. We will need to see proof of your income, savings and rent payments for the period you want to backdate your benefit for and any proof to support your reasons (for example, medical certificates or hospital letters).

If you would like some help, please ask us. You can also get help from an advice agency, such as a citizens advice bureau. You can find their phone number and other advice agencies in the phone book and at your local library, or by contacting us.

What happens then?

We will decide if we can backdate your benefit based on the information you give us. We will write to you and tell you our decision. If we decide not to backdate your benefit, we will tell you why.

What if I do not agree with your decision?

We may decide that your reasons are not good enough for us to backdate your benefit. If you do not agree with our decision, you should write and ask us to look at the decision again. You must contact us within one month of the decision letter. You can also phone us, write to us or visit us to ask us to explain our decision. You can also ask for a written statement of our reasons for our decision which will give you more information.

If you are still not satisfied, you can appeal to us in writing. The Tribunals Service will then decide on your appeal at a tribunal hearing (see the leaflet **'What to do if you think the decision about your Housing Benefit or Council Tax Benefit is wrong'** for more information).

Where can I get more advice?

Contact us if you want more help or advice.
(You can find our contact details on your Council Tax bill.)

Independent advice

If you need independent advice, contact your local citizens advice bureau.

You can find their phone number and other local advice agencies in the phone book and at your local library, or by contacting us.

Other formats

You can get the information in this booklet in large print, in Braille and in other languages.

There is also an audio version on-line.

Visit our website

**www.benefit-leaflets.org
for more information.**

