

# Unite Bedroom Tax Appeal TOOLKIT

Resources and information to help  
you challenge the Bedroom Tax



[www.unitetheunion.org/community](http://www.unitetheunion.org/community)

# Unite Bedroom Tax Appeal ToolKit

## Contents

Introduction..... 2

The Bedroom Tax..... 3

Recent legal developments.....4

Appealing against  
the Bedroom Tax..... 6

Appendix –  
Sample Appeal Letters..... 7

## Introduction – how to use this toolkit

On 1 April 2013 the Government introduced a ‘Bedroom Tax’ on people viewed by Government as having one or more spare bedrooms.

Around 660,000 families will be hit, thousands will lose their homes – some of the worst affected will be carers, people with disabilities and army families.

This short guide offers resources and information to help you appeal against this unfair tax.

Up and down the country Unite Community groups are standing together against the Bedroom Tax.

A substantial number of those affected by the Bedroom Tax are the least able to defend themselves. If you need help appealing against the Bedroom Tax Unite Community can help you to find community groups and campaigns that can support you and others affected.

Contact Unite community by emailing:  
**community@unitetheunion.org** or call Community membership information line - 0333 240 9798  
(calls chargeable at normal landline rates)



## The Bedroom Tax

### What is the Bedroom Tax?

On 1 April 2013 the Government introduced a 'Bedroom Tax' on people claiming housing benefit viewed by Government as having one or more spare bedrooms.

Around 660,000 families will be hit, thousands will lose their homes – some of the worst affected will be carers, people with disabilities and army families.

### Is my benefit affected by the Bedroom Tax (under-occupancy)?

The Bedroom Tax will apply if you:

- claim housing benefit
- are of working age
- live in a property considered too large for your needs

The Bedroom Tax will not apply if you or your partner (whoever is the claimant) is of pension age. The housing benefit pension age is currently in transition going up in line with the state pension – you can find out if you are eligible here:

[www.gov.uk/pension-credit/eligibility](http://www.gov.uk/pension-credit/eligibility)

### What happens if I have a spare bedroom?

One extra bedroom means your housing benefit will be cut by 14% of the amount of rent that you are eligible to claim for. Two or more "spare bedrooms" it will be cut by 25%. If your benefit is cut you will have to pay your landlord the difference between your housing benefit and your rent.

### What is a spare bedroom?

Under the new rules you will be allocated one bedroom for:

- each adult couple
- any other person aged 16 or over
- two children under the age of 10 regardless of their sex
- a disabled child in receipt of disability benefits (entitled to a spare room irrespective of age)
- foster children
- a son or daughter who is in the armed forces
- a university student who regards your house as their home
- a carer (who does not normally live with you) if you or your partner need overnight care

### EXAMPLE

Mr and Mrs Smith live in a two bedroom house costing £70 a week in rent. Previously housing benefit covered the full cost of their rent. Under the Bedroom Tax rules they will have one spare bedroom.

Their housing benefit will be reduced by 14% of their rent (14% of £70 = £9.80). Their housing benefit will be reduced by £9.80 to £60.20 per week. They will have to pay £9.80 per week towards their rent.

### Who is affected by the Bedroom Tax?

The Government estimates that 660,000 working age social tenants are being affected; 31% of the working age benefit claimants living in social housing. There are 80,000 affected tenants in London alone. On the Government's own figures at least 440,000 disabled households will lose out under the new regulations.

The result has been that thousands of families and single people, are unable to pay and are at risk of losing their homes. Families are being rehoused and losing their neighbourhood, their community, kids have been forced to change schools and lose their friends.

The welfare cuts are having a particularly harsh impact on women fleeing domestic violence, and on their children, threatening to trap them in abusive relationships.

### Why the Bedroom Tax is so unfair

In the eighties the Tory Government introduced the right-to-buy which saw the sell-off of hundreds of thousands of council houses. These homes were never replaced and very little social housing has been built over the last three decades causing a massive shortage of council housing, especially for one and two-bed properties.

The same Tory Government also abolished fair rent tribunals, which were there to protect private tenants from profiteering landlords. Without any regulation private landlords have relentlessly pushed up rents to unaffordable levels.

It is these underlying causes that have resulted in the massive increase in the housing benefits bill that the Government are keen to cut.

But instead of challenging these underlying problems the Government has instead decided to attack the victims of these failed housing policies. These attacks are in the form of the benefits cap and the Bedroom Tax.

## Not enough one and two bedroom properties to meet needs

The fundamental problem with the Bedroom Tax is there are simply not enough one and two bedroom properties for people to downsize to.

In Liverpool for example, just 23.5% of the city's social housing stock is made up of one-bed properties, with two-beds accounting for 28%. Three-bed properties make up the overwhelming majority with 42.3%.

## Cynical attack on the poorest in society

Only those who are claiming benefits are affected by the Bedroom Tax. If you live in social housing but are in work and don't claim housing benefits you do not have to pay any extra. This shows that this is not about freeing up scarce social housing.

## How can I defend my home?

We can stop the Bedroom Tax by standing together!

Become a part of a nationwide campaign against the Bedroom Tax. Many local groups have mushroomed all over the UK and are raising awareness, challenging social landlords and building solidarity within communities.

Unite can help – find out more here:

**[www.unitetheunion.org/community](http://www.unitetheunion.org/community)**

## Recent legal developments

### ▪ Continuous claim since 1996

On 8 January 2014, the Department for Work and Pensions issued an 'urgent bulletin' saying tenants who have had a continuous housing benefit claim in the same house since 1996 should not have had the Bedroom Tax deducted.

This rule applies if someone has had a continuous claim since 1996 (a single break of up to 4 weeks is allowed). If this applies to you but you had to move because of fire, flood, explosion or natural catastrophe meaning that you couldn't stay in the property you will still be eligible. This is because the 'eligible rent' referred to in Bedroom Tax regulation does not apply prior to 1 January 1996, when a previous set of rules existed. The DWP has advised councils that they should refund any deductions made since April 2013.

The rule may also apply if someone was unable to stay in their home because of other reasons such as demolition, regeneration or if at risk because of domestic abuse. If you think that you meet this 'rule' we have enclosed a sample letter to ask your housing benefits section to look at your claim. (See Appendix)

### ▪ Disabled children

The Government has amended the size criteria for both the Bedroom Tax and local housing allowance, in both housing benefit and universal credit rules, to exclude some disabled children.

A child who is allowed their own bedroom is defined as:

- (a) a child who is entitled to the care component of disability living allowance at the highest or middle rate prescribed in accordance with section 72(3) of the Act; and
- (b) a child who the relevant authority is satisfied is, by virtue of his or her disability, not reasonably able to share a bedroom with another child.

There are two criteria and both of them must be fulfilled. There is also a lot of room for discretion and argument about whether it is reasonable or not.



In addition the amendments change the rules to allow for an additional room to be allocated under the size criteria where there are:

- Approved foster carers
- Adult children in the armed forces who live at home when not deployed
- Tenants or partners who need an overnight carer.

### ■ Disabled adults

The Government has made no concession over disabled adults, although cases continue to mount up and lower tribunals have often decided in favour of disabled adults. In the meantime there are arguments for the following categories of occupier being entitled to an extra room despite not being covered by the regulations currently in force: Some of these cases have been overturned Local Authority decisions. However the decisions made by first tier tribunals are not binding but worth citing in an appeal.

A very recent Upper Tribunal decision which is binding on First Tier Tribunals is that of Bolton Metropolitan Borough Council v BF (HB) and this debates a “bedroom” and that it is a room with a bed used for sleeping. The Upper Tribunal accepts current use of a room as the deciding factor. The challenges lie in arguing bedroom designation or the household has more room requirements:

- Adult couples who cannot share a room because of a disability (Carmichael).
- Children who need an overnight carer (Rutherford and Todd).
- Disabled people who need an extra room to store disability equipment, whose property has been adapted to meet their needs, or who cannot move because of mental health problems (MA and others).
- Separated parents whose children come to stay overnight (Cohen).
- A woman’s severely disabled adult son was in full time care but came to stay with her 1-3 nights a week
- Care, support or supervision is being provided by the landlord, even if it does not form part of the tenancy agreement (property should be treated as exempt)
- The historical/well established alternative use of the room was not as a bedroom
- Bedroom not being used as a bedroom

### ■ ‘Right to a family life’

A first-tier tribunal 13 February 2014 upheld a housing benefit award appeal by a tenant against Liverpool Council.

The man argued that having the arrangements for his daughter to stay with him at weekends and during school holidays, were ‘central to the rights to family life’ under the European Convention on Human Rights. He argued housing benefit regulations should be read in conjunction with the Human Rights Act. He also cited provisions in the Children’s Act 2004, which recognise ‘the importance of parents in improving the well-being of children’.

In his ruling to uphold the appeal, the judge said the tribunal accepted it was possible for a person to be resident in more than one place at a time. He said: ‘The tribunal found, as a fact, that both the appellant’s property and the property of his ex-partner, both constituted a home for the appellant’s daughter, and that the appellant’s home could not be regarded merely as a place where the appellant’s daughter transiently or temporarily resided.’

The Judge found the housing benefit regulations had to be read subject to the ECHR, and that the ‘appellant was entitled to an additional bedroom’

### ■ First tier tribunal decisions

First tier tribunal decisions are not binding on other tribunal decisions and do not set a legal precedent.

The DWP has asked Local authorities to notify them of all first tier tribunal bedroom tax appeal decisions so they can consider appealing if the Local Authority do not.

If you feel any of the categories mentioned apply to you, below are details of how to appeal against decisions including the use of the GL24 form as well as some sample letters that you may wish to use if you want to appeal against a decision about your housing benefit.

## Appealing against the Bedroom Tax

If you are being charged the Bedroom Tax you have the right to appeal.

There is not a single way to do this and you should seek to challenge decisions in whichever way you feel most comfortable, for example using an appeal form, by email, using a template letter or drafting your own letter.

Key information to include:

- You should clearly state that you are seeking to appeal a decision
- Your national insurance number
- The date of the decision (if you have it)

### Appeal forms

Housing benefit decisions are carried out by Local Authorities. If you have been charged the Bedroom Tax you can launch an appeal against this decision using the GL24 form:

- **GL24 (English)**  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275347/gl24.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275347/gl24.pdf)

- **GL24 (Welsh)**  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/275348/gl24-w.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275348/gl24-w.pdf)

NB. In the exceptional circumstances that you are now covered under the “universal credit” system you may have to appeal using the SSCS1 form. This is a similar process to the GL24.

- **SSCS1**  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/181311/SSCS1.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/181311/SSCS1.pdf)

### Grounds for appeal

In **Section 8 of GL24** you must say why you are appealing and also why you are appealing so long after the Bedroom Tax decision was made.

#### ▪ Why you are appealing?

Write the reasons for your appeal and a simple sentence for each will suffice at this time. So if you are appealing that the alleged ‘bedroom’ is too small and is a box room you could say: “I dispute a room can be called a ‘bedroom’ as it measures only 8ft x 6ft in size”

#### ▪ Why you are appealing so late?

You should write a sentence here with something as simple as:

“I have only recently become aware of my right to appeal and my reasons below have substantial merit.”

You could elaborate with more detail if you wish to say for example “I could not rent this out lawfully to a lodger” but it is not needed at this stage. The full detail you can provide when you get to the tribunal. Here it is enough to outline your reasons in the simplest form which the short sentence above does.

EXAMPLE: “I have only recently become aware of my right to appeal and my reasons below have substantial merit. I dispute a room can be called a ‘bedroom’ as it measures only 8ft x 6ft in size. I dispute a room is a bedroom as it is has always been used and furnished as a dining room and the council has merely assumed this is a ‘bedroom” applied the Bedroom Tax in error.”

### What happens next?

Your council will refer the matter to the tribunal service that will send you a form to fill out in the near future. You complete this making sure you ask for an oral hearing and return it and then wait for your tribunal date for which you will be given at least 14 days’ notice and often longer.



# Appendix

## Sample Appeal Letters

### Sample letter 1

**APPEAL: Extra bedroom due to overnight needs of disabled child**

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

#### **Request for an appeal of your decision to impose size criteria**

*Insert name, address and claim reference if known.*

I am writing to you regarding your decision to reduce my Housing Benefit award using the social housing sector size criteria rules and applying them to the number of bedrooms you deem my family and I need.

I believe that an extra bedroom should be allowed in line with Gorry and Birmingham CC as my son/daughter *insert name and how they would disturb their sibling of they were to sleep in the same room.*

I would be grateful if you could re-assess my claim to allow my son/daughter a bedroom to themselves and if this request is successful please award it from the earliest date possible. I do not feel I contributed to the oversight as I did not omit any information.

I am aware that I am outside the one calendar month time limit for requesting an appeal and

**EITHER:**

I would like to request that you extend this time limit on the grounds that it is in the interests of justice that the appeal goes ahead. Furthermore there are special circumstances which meant I could not make this request earlier. The reasons why I couldn't request this appeal earlier are *add why here.*

**OR:**

I believe that as you had this information about my son/daughter's needs when you made your decision, but failed to take it into account, that such a failure amounts to an official error and as such the decision can be revised at any time.

I would be grateful, therefore, if you could revise your decision or if you feel unable to do so, pass this appeal to HM Courts and Tribunal Service.

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 2

**APPEAL: Need for separate bedrooms owing to disability (adults)**

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

**Request for an appeal of your decision to impose the size criteria**

*Insert name, address and claim reference if known.*

I am writing to you regarding your decision to reduce my Housing Benefit award due to the social housing sector size criteria rules ("Bedroom Tax"). I understand that you have my residence as having one or more spare bedrooms. I would like you to reconsider this decision on the basis that due to my/my partner's disabilities we need to sleep in separate bedrooms.

We need separate bedrooms because... *insert here the medical condition and effects that require separate rooms and also insert GP support.*

We are aware that the current size criteria rules do not allow for my/my partners disability needs, we believe that the Gorry case is very relevant here and that the DWP have said this should be treated as case law. It is hard to see why the reasoning in this case should not be applied to adults and separate rooms be granted to avoid a disturbance to another child or in my case an adult.

It is discriminatory and unlawful in relation to the Human Rights Act 1998 to ignore the needs of a disabled person. Not to allow my partner and I separate bedrooms would be incompatible with my/ my partners rights under Article 14 of the European Convention on Human Rights read with Article 1 of the First Protocol of the European Convention of Human Rights. I therefore believe that in my particular circumstances the size criteria rules contravene the Human Rights Act and that you should allow an extra bedroom in line with the Gorry decision.

I am aware that I am outside the one calendar month time limit for requesting an appeal and

**EITHER:**

I would like to request that you extend this time limit on the grounds that it is in the interests of justice that the appeal goes ahead. Furthermore, there are special circumstances which meant I could not make this request earlier. The reasons why I couldn't request this appeal earlier are *add why here.*

**OR:**

I believe that as you had this information about our need for two bedrooms when you made your decision but failed to take it into account that such a failure amounts to an official error and as such the decision can be revised at any time.

I would be grateful therefore if you could revise your decision or if you feel unable to do so, pass this appeal to HM Courts and Tribunal Service.

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 3

**APPEAL: 12 month protection on death (joint tenant)**

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

**Request for a revision of your decision to impose the size criteria**

*Insert name, address and claim reference if known.*

I am writing to you regarding your decision to reduce my housing benefit award due to the social housing sector size criteria rules.

I believe that my housing benefit should be based on a higher rent that the one you are applying now as a recent death in my household means my rent should be protected for 12 months.

I understand you are refusing to apply this protection as I was not the claimant at the date of my mother/father's death. It is not a requirement however that I had to be the claimant and Regulation 12BA paragraph 3 supports this:

(3) Where the claimant occupies a dwelling which is the same as that occupied by the claimant at the date of death of a linked person, the eligible rent is –

(a) the eligible rent which applied on the day before the death occurred: or

(b) in a case where no eligible rent applied on that day, an eligible rent determined in accordance with regulation 12 B(2),

I am now the housing benefit claimant and I live in the same property that my mother/father was in when they died. We were joint tenants so I did not have a separate right of occupation and my mother/father was a 'linked person.'

Therefore, I believe that the full eligible rent at the date before my mother/father died should be used in assessing housing benefit entitlement for 12 months following his/her date of death.

I would be grateful if my claim could be reassessed the reduction removed due to the size criteria rules.

I thank you in advance for your consideration in this matter and look forward to your reply. Should you feel unable to honour my request I respectfully request a written statement of reasons explaining why Housing Benefit Regulation 12BA para 3 is not applicable.

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 4

**APPEAL: 12 month protection on death (where a further change reduces the number of rooms needed)**

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

**Request for an appeal of your decision to impose the size criteria**

*Insert name, address and claim reference if known.*

I write to request a reconsideration of the decision to apply the bedroom tax deduction/increase. The deduction was already applied because I am now deemed to be living in a property larger than I require as I now have an 'extra spare' bedroom due to:

- A non-dependant leaving the household
- A child/qualifying person leaving the household
- The concession allowing a bedroom for a non-resident carer no longer applying,
- *Another reason...state the reason*

I understand that the eligible rent used to assess my housing benefit entitlement is protected because a member of my household, *insert name* died on *insert date*.

Housing Benefit Regulation 12 BA states that you should continue to use, for 12 months from the date of death the "eligible rent which applied on the day before the death occurred."

And that these rules regardless of the reason why I am now considered to have a spare bedroom or when the death occurred - as long as it is within the past 12 months.

I am aware that I am outside the one calendar month time limit for requesting an appeal and

**EITHER:**

I would like to request that you extend this time limit on the grounds that it is in the interests of justice that the appeal goes ahead. Furthermore, there are special circumstances which meant I could not make this request earlier. The reasons why I couldn't request this appeal earlier are *add why here*.

**OR:**

I believe that as you had this information when you made your decision, but failed to take it into account, that such a failure amounts to an official error and as such the decision can be revised at any time.

I would be grateful, therefore, if you could revise your decision or if you feel unable to do so, pass this appeal to HM Courts and Tribunal Service.

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 5

APPEAL: 12 month protection on death (joint tenant)

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

**Need for bedroom for student who is studying away from the home**

*Insert name, address and claim reference if known.*

I am writing to you regarding your decision to reduce my housing benefit award and I would like you to review the amount of bedrooms you deem that my family and I need. I believe that an extra bedroom should be allowed for my son/daughter, *insert name here*, who is away at University. I can confirm that s/he was living with me before going to University, considers this to be their home and intends to return regularly within 52 weeks and is not claiming housing benefit at their student address. I believe this request is in line with R(H) 8/09.

*Add here other factors that show this is their home, car is registered here e.g. they vote from this address and have all post arrive here.*

I would therefore be grateful if you could re-assess my claim to allow an extra bedroom for my student son/daughter. If you allow this request I would be grateful for this being actioned from the earliest possible date as I do not believe that failure to act on my part contributed to this.

I am aware that I am outside the one calendar month time limit for requesting an appeal and

**EITHER:**

I would like to request that you extend this time limit on the grounds that it is in the interests of justice that the appeal goes ahead. Furthermore, there are special circumstances which meant I could not make this request earlier. The reasons why I couldn't request this appeal earlier are *add why here.*

**OR:**

I believe that as you had this information about my student son/daughter when you made your decision, but failed to take it into account, that such a failure amounts to an official error and as such the decision can be revised at any time.

I would be grateful therefore if you could revise your decision or if you feel unable to do so, pass this appeal to HM Courts and Tribunal Service.

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 6

APPEAL: 'Exceptional use'

National Insurance Number:

Date of decision, if known:

Dear Sirs,

**Request for an appeal of your decision to impose the social housing sector size criteria**

*Insert name, address and claim reference if known.*

I write regarding your decision to impose the size criteria to my benefit as you believe I have one or more spare bedrooms. I would like a reconsideration of the decision as one or more of these bedrooms is needed for exceptional use and therefore should not be classed as a bedroom. Whilst the bedroom tax rules do not define what a bedroom is, it is generally accepted that a bedroom is a room furnished for sleeping in.

My 'spare' bedroom cannot be furnished for sleeping in because:

*Insert why here. It may be useful to state if this room is used to store disability equipment for example.*

I am unable to let this spare room out due to the above reasons.

As I only have one 'spare' bedroom that is un-usable I believe this goes against the purpose of the social sector size criteria, which is to free up under occupied social housing for homeless/overcrowded families.

I am aware that I am outside the one calendar month time limit for requesting an appeal and

**EITHER:**

I would like to request that you extend this time limit on the grounds that it is in the interests of justice that the appeal goes ahead. Furthermore, there are special circumstances which meant I could not make this request earlier. The reasons why I couldn't request this appeal earlier are **add why here.**

**OR:**

I believe that as you had this information about how I use this room at the time when you made your decision, but failed to take it into account, that such a failure amounts to an official error and as such the decision can be revised at any time.

I would be grateful therefore if you could revise your decision or if you feel unable to do so, pass this appeal to HM Courts and Tribunal Service.

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 7

**APPEAL: Room too small to constitute a bedroom**

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

**Request for an appeal in reduction of housing benefit due to Social Housing Sector Size Criteria**  
*Insert name, address and claim reference if known.*

I write regarding your decision to impose the size criteria to my benefit as you believe I have one or more spare bedrooms. I would like a reconsideration of the decision as one or more of these rooms is too small to be classed as a bedroom for bedroom tax purposes.

Whilst the Bedroom Tax rules do not define what a bedroom is, by using the word bedroom and by specifying that an adult, or two children are allocated a bedroom, they imply that a room must be big enough for an adult /two children to sleep in. Indeed the DWP has suggested that claimants affected by the bedroom tax let out their spare room to a lodger – however, if I did take in a lodger, because of the size of my spare room, I would effectively be overcrowded and my landlord could evict me.

The Housing Act 1985 states that a room of less than 50 sq ft cannot be used as a bedroom and a room between 50 and 7 sq ft is only half a bedroom.

The room you are suggesting is a spare bedroom only has *insert sq ft of usable floor space* and cannot be deemed a bedroom for Bedroom Tax purposes.

I would assert that as my spare bedroom is not large enough to accommodate an adult or two children it cannot be deemed a bedroom for Bedroom Tax purposes.

I am aware that I am outside the one calendar month time limit for requesting an appeal and

**EITHER:**

I would like to request that you extend this time limit on the grounds that it is in the interests of justice that the appeal goes ahead. Furthermore, there are special circumstances which meant I could not make this request earlier. The reasons why I couldn't request this appeal earlier are *add why here*.

**OR:**

I believe that as you had this information about the size of this bedroom when you made your decision, but failed to take it into account, that such a failure amounts to an official error and as such the decision can be revised at any time.

I would be grateful therefore if you could revise your decision or if you feel unable to do so, pass this appeal to HM Courts and Tribunal Service.

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 8

APPEAL: 1996 rule

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

**Request for an appeal of your decision to impose the size criteria**

*Insert name, address and claim reference if known.*

I am writing to you regarding your decision to reduce my Housing Benefit award due to the social housing sector size criteria rules ("Bedroom Tax").

I ask you to reconsider your decision in accordance with HB regulations and with regard to statutory instrument 217 of 2006 in terms of my protected 'eligible rent' the Consequential Provisional Regulations 2006.

This is because:

- I have been in continuous receipt of housing benefit since at least 1 January 1996

and

- I have lived at my current address since in all that time

or

- I moved to my current address as I had to move because of *regeneration\* / demolition\**  
*/ domestic violence\* / other reason ..... (\*delete as appropriate)*

Yours faithfully,

# Appendix

## Sample Appeal Letters

### Sample letter 9

**APPEAL: Error of law**

*National Insurance Number:*

*Date of decision, if known:*

Dear Sirs,

**Request for a supersession due to an error of law**

*Insert name, address and claim reference if known.*

I am writing to you regarding your decision to reduce my Housing Benefit award due to the social housing sector size criteria rules ("Bedroom Tax").

I ask you to reconsider your decision in light of the Upper Tribunal Decision CH/140/2013 or Bolton Metropolitan Borough Council v BF (HB) [2014] UKUT 48 (A AC) as the 'spare' bedroom does not contain a bed nor is it used as a bedroom.

The 'spare' bedroom is used for...*please state here what the room is used for.*

I believe the original decision can be superseded as it was based on a mistake concerning the law as the above case demonstrates. I would therefore ask for the extra housing benefit I am due to be paid from the date of this decision.

Yours faithfully,



Recognition and thanks to Unite Housing Workers LE1111 branch, Unite Advice and Legal Workers LE/785 branch, Coast and Country Housing Association, Islington Law Centre, and Joe Halewood, housing consultant and welfare campaigner, for providing the information and guidance covered by this toolkit.

Liane Groves, National Community Coordinator  
**[liane.groves@unitetheunion.org](mailto:liane.groves@unitetheunion.org)**

James Lazou, Unite Research Officer  
**[James.lazou@unitetheunion.org](mailto:James.lazou@unitetheunion.org)**

**For more information about Unite Community:**  
**Community membership information line 0333 240 9798 (calls chargeable at normal landline rates)**  
**[community@unitetheunion.org](mailto:community@unitetheunion.org)**

**Join Unite online: [www.unitetheunion.org](http://www.unitetheunion.org)**