Send to: Local Authority, enclosing HB letter

Date

Dear Sir/Madam

**Re:** (*Full name & address of claimant)*

**Appeal against reduction in housing benefit**

**Claimant benefit number:**

**National Insurance number: \_\_ \_\_ \_\_ \_\_ \_ / \_\_ \_\_ \_\_ \_\_ \_**

We are writing on behalf of the above named client and include a signed form of authority from her in order to appeal against the decision detailed below. Please note that an appeal does not have to be signed by the appellant for it to be valid- it is sufficient that it is accompanied by valid authorisation: *CO v LB Havering* [2015] UKUT 28 (AAC).

Our client appeals against the decision of [ / / ] reducing her housing benefit as a result of the application to her award of the reduced benefit cap. Our client is a lone parent with a youngest child born on [ / /]

In a decision of the High Court of 22 June 2017 (*R (on the application of DA) and Others v SSWP* [2017] EWHC 1446 (Admin)), it was held that the lowered benefit cap, as it applies to lone parents with a youngest child under 2, is unlawful and in violation of their and their children’s right not to be discriminated against in respect of their right to private and family life contrary to the Human Rights Act 1998.

Section 6 of the Human Rights Act provides that it is unlawful for a public authority to act in a way which is incompatible with a Convention right. Given the ruling of the High Court, it follows that in reducing our client’s housing benefit, the Local Authority is not complying with its obligations under the HRA.

[*Any relevant personal circumstances of client showing that she and her children are suffering real harm now – this goes to the LA not objecting to the lateness of the appeal and the Tribunal not ordering a stay behind the appeal of the High Court case to the Court of Appeal*]

While our client is outside the one month time limit for filing this appeal, she has acted as quickly as possible on realising that she may be able to appeal her housing benefit reduction. Given this prompt action, together with her circumstances set out above, we trust that you will not raise any objection to this appeal being brought out of time.

We would therefore request that:

(i) you reinstate immediately our client’s housing benefit to the level to which she would have been entitled if the lowered benefit cap had not been applied in order to ensure compliance with the Local Authority’s obligations under the Human Rights Act.

(ii) alternatively, if you are not prepared to do this, you forward our client’s appeal to HMCTS as a matter of priority.

Yours faithfully

Name

Agency