

How to

Win a PIP appeal

advicenow

Making sense of the law and your rights



Introduction

This guide is for you if you think the Department for Work and Pensions (DWP) has made the wrong decision about your claim for Personal Independence Payment (PIP), or the claim of someone you help. Reading this guide and following the advice will help you get what you are entitled to.

If you made a claim for PIP and you didn't get the award that you think you were entitled to, you don't have to give up. Instead you can challenge the decision by asking the DWP to look at their decision again. This is called a 'mandatory reconsideration'. We have made a handy tool to help you with this. If they don't change the decision straight away, you can then appeal their decision. (You must ask for a reconsideration before you can appeal).

An appeal is when three experts who do not work for the DWP will look at your claim to see if the right decision was made. Appeals can be a little bit stressful and take much longer, but they are much more likely to be successful. This guide will help you.

Or, if your illness or disability has got worse since the date of your application and you were refused benefit altogether, you could make a new claim. If you were given some benefit but not as much as you think you should get, you need to ask for your benefit to be reassessed (the proper name for this is a supersession).

Unfortunately, it's hard to get advice or representation to sort out the problem. We will explain where you might be able to get advice on **page 7**. But most people have to do most or all of the work themselves or with the help of their family and friends. We have made this guide easy to use to help you, and we have created a tool to help you write a really good letter.

This guide will take you step-by-step through the whole process. We will show you what to do at each stage, how to stop it from getting too stressful, and how to give yourself the best chance of getting a good result.

This guide looks long, but don't be put off – you will only need to read a few pages at each stage. We have colour-coded the sections, so you know where you are and what you have to do next.

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Things to understand

Whether or not you are entitled to PIP is based on how your illness affects you and what help you need with very specific things. When you are thinking about your claim and whether or not you want to appeal, you have to look at what the criteria actually are (as set out in the law) – not what would be fair, or what they used to be.

Personal Independence Payments are worked out using a points system. For example, if you need help from another person to wash your hair, you get 2 points, if you need help to get into the shower or bath you get 3 points, etc. You only score one set of points from each activity (for example, washing), so you just use the one you meet that gives you the most points.

You need 8 points to get the standard rate of the care component, or 12 points for the enhanced rate. Similarly you need 8 points for the standard rate of the mobility component and 12 points for the enhanced rate.

If you haven't checked what rate you should be getting yet, use our tool www.advicenow.org.uk/pip-tool. It will help you work out if the DWP has given you the right decision. And if they haven't, the tool helps you to write a really good letter asking for a mandatory reconsideration.

advicenow Categories Browse A-Z Search

Advicenow - PIP Mandatory Reconsideration Request Letter Tool

PIP Mandatory Reconsideration Request Letter Tool

Welcome to our Mandatory Reconsideration Request Letter Tool. We hope this will make it easier for you to ask the DWP to look again at their decision about your claim for Personal Independence Payment.

We hope that by using this tool you will have the best chance of the DWP changing their decision at this stage. But if they don't, you can go on to appeal the decision. In fact, you can use the letter created by this tool to make your case for your appeal.

You cannot appeal against the decision until you have asked for a mandatory reconsideration.

You must normally ask for a mandatory reconsideration within 1 calendar month of the date of the decision letter. See [What if I've missed the deadline?](#) for what to do if you are outside this time limit.

How To Use This Tool

First we need to know which of the activities and descriptors that entitle you to PIP you think you meet. This will also tell you what rate of PIP you think, by your own assessment, you should have received.

We have kept to the same language that the DWP uses to describe these activities and descriptors. We haven't attempted to turn them into more readable English because we believe that using the same language the DWP uses will help make your case effectively. The activities and descriptors below are written in the language of the DWP and for ease of using the tool we haven't attempted to turn these into more readable english. Remember to use the last descriptor in the list that you meet for each activity as this will gain you the most points.

If the only way you can do something is to do it badly, unsafely, slowly or only occasionally, then select the descriptor that says you can't do it. Similarly if you can't do a task as many times as might be needed, or if doing it causes you pain, tiredness, breathlessness, nausea, or makes your condition worse, you should select the descriptor that says you can't do it. On the next page, you can explain the problems it causes you.

If you feel better on some days than on others, choose the descriptor that describes how things are on bad days. When you are asked to explain why you meet this descriptor on the next page, explain what help you need on bad days and better days and how frequently you have both.

Activity 1. Preparing food. ▼

Activity 2. Taking nutrition. ▼

Activity 3. Managing therapy or monitoring a health condition. ▲

- Either (i) does not receive medication or therapy or need to monitor a health condition; or (ii) can manage medication or therapy or monitor a health condition unaided.
- Needs either (i) to use an aid or appliance to be able to manage medication; or (ii) supervision, prompting or assistance to be able to manage medication or monitor a health condition.
- Needs supervision, prompting or assistance to be able to manage therapy that takes no more than 3.5 hours a week.
- Needs supervision, prompting or assistance to be able to manage therapy that takes more than 3.5 but no more than 7 hours a week.
- Needs supervision, prompting or assistance to be able to manage therapy that takes more than 7 but no more than 14 hours a week.
- Needs supervision, prompting or assistance to be able to manage therapy that takes more than 14 hours a week.

Previous NEXT >

Activity 4. Washing and bathing. ▼

Activity 5. Managing toilet needs or incontinence. ▼

Activity 6. Dressing and undressing. ▼

Activity 7. Communicating verbally. ▼

Activity 8. Reading and understanding signs, symbols and words. ▼

Activity 9. Engaging with other people face to face. ▼

Activity 10. Making budgeting decisions. ▼

Activity 11. Planning and following journeys. ▼

Activity 12. Moving around. ▼

NEXT >

What is your situation?

What is your situation?



I didn't get anything

Some people in this situation feel like they should just give up, others feel absolutely furious. The DWP often don't apply the criteria correctly. Challenging the decision can be a little bit stressful (although this guide aims to reduce the stress of it) and can take a long time, but everybody should get what the law says they are entitled to. Remember you have nothing to lose.

I had to reclaim and they gave me less than they did before



You may still have a good case for a higher amount but you may not have.

The rules around

some things, particularly problems going out by yourself caused by mental ill health, have changed. Be sure that you understand how you qualify for PIP. Use our Mandatory Reconsideration Request tool to check what award you think you should have got. If it's not the same as you were awarded, use the tool to request a Mandatory Reconsideration. If they don't change their decision you should appeal.

What is your situation?



You may have a good case for a higher amount but you may not have. The PIP system is less generous (and some would say less fair) than DLA. There is no equivalent rate of PIP to the low rate care component of DLA, and the rules for the mobility component are very different.

I had to move over to PIP from DLA and they gave me less than they did before

Be sure that you understand how you qualify for PIP. Use our Mandatory Reconsideration Request tool to check what award you think you should have got. If it's not the same as you were awarded, use the tool to request a Mandatory Reconsideration. If they don't change their decision you should appeal.

They've given me less than I think I should get



Some people in this situation feel like they should just be happy they got something.

But everybody should get what the law says they are entitled to, and the DWP often don't apply the criteria correctly.

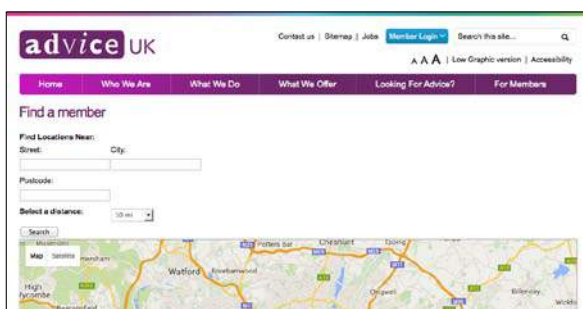
Use our Mandatory Reconsideration Request Tool to check what award you think you should have got. If it's not the same as you were awarded, use the tool to request a Mandatory Reconsideration. If they don't change their decision you should ask for an appeal (so you don't miss the deadline) and then try to see an adviser. If you don't have a strong case, you can always withdraw your appeal.

How to find an adviser

It is now much harder to find advice and help with your benefits than it used to be. You should expect that you will have to do most of the work yourself (or with help from your friends or carers – don't worry, this guide will show you what to do, and how to do it). But if you can get a bit of advice to help you work out what rate you should be getting and if you should ask for a mandatory reconsideration, it will be really helpful. That said, if you do find someone who offers to help you ask for a mandatory reconsideration, complete your appeal form, write a 'submission' for you (this is a letter to the appeal panel that explains why you are entitled), or even come with you on the day, take it!

Start by looking to see if there is a Citizen's Advice Bureau that helps with benefits problems near you. Many now offer advice over the telephone. www.citizensadvice.org.uk/about-us/how-we-provide-advice/advice/search-for-your-local-citizens-advice

You can see if there is an independent advice agency in your area on Advice UK's site www.adviceuk.org.uk/find-a-member



Shelter also has a search facility on their website of local advice services. Use the tabs along the top of the results to see the different kinds of advice services. Only some agencies will provide advice on benefits so check the areas of law covered by each agency. http://england.shelter.org.uk/get_advice/advice_services_directory



Check if your local council has a welfare rights service. In some cases they will be able to represent you. If you didn't find their details in Shelter's search, phone the council and ask for 'welfare rights', check their website, or ask in your local library.

Check if there is a Law Centre near you www.lawcentres.org.uk/about-law-centres/law-centres-on-google-maps/geographically

There are sometimes services that you can access through your GP, social worker, or community centre. There's no harm in asking – so call your GP, and your social worker or community centre if you have one, and ask if there is a service for you.

Some charities provide advice services for particular groups – for example, MS society provides a legal advice over the phone from the Disability Law Service (<http://dls.org.uk/free-advice/ms-legal-advice-line>). Similarly, RNIB have a helpline for Blind and partially sighted people. www.rnib.org.uk/services-we-offer-advice-and-support-services/advice-service Check if there is a charity that provides benefits advice to people with your illness or disability. If they provide information on their website about appealing or claiming PIP it may also be very useful as it will usually show how people with similar symptoms to yours have proved their entitlement.

How to find an adviser

The process

Step 1

You get a letter telling you the result of your claim for PIP. You have been told that you are not entitled to anything or you think you have been given the wrong amount.

You have one month from the date on the letter to ask for a 'mandatory reconsideration'. This is where they look at the decision again. (If one month has already passed, see 'What if I've missed the deadline?' **page 10**.)

Step 2

Ask for the DWP to look again at their decision. This is called a Mandatory Reconsideration. Use our PIP Mandatory Reconsideration Request tool www.advicenow.org.uk/quiz to write a really good letter to the DWP.

The DWP will look at your claim form again, the face-to-face assessment report, and any other evidence they have, to see if they will change the decision.

Step 3

The DWP will send you two copies of their reconsideration decision. You will need the second copy if you wish to appeal. If their decision has been changed and you are happy with it, you can stop here. But if it hasn't, don't be put off. You have 1 month to ask for an appeal. (If one month has already passed, see 'What if I've missed the deadline?' on **page 10**).

Step 4

Use the SSCS1 form and the letter generated by our Mandatory Reconsideration Tool to ask for an appeal. See **pages 11–13** for our advice.

Step 5

The PIP office will send both you and the HMCTS an explanation of why they gave you the award that they did. Don't be put off by the size of it.

Step 6

You need to prepare for your appeal and, if you can, send in more information about your difficulties. See **pages 14–17** for details.

Step 7

You will be told the date of the hearing. If you have any further information about your difficulties that you haven't yet sent, send it now.

Step 8

Your appeal will be heard by an independent panel, called a Social Security and Child Support Tribunal. They will make a new decision. See **pages 18–23** for details of what will happen and advice about what to do on the day.

If you were successful, you will usually receive your money in 4–6 weeks.

How to ask the DWP to look at their decision again

You need to ask the DWP to look at their decision again (called a ‘mandatory reconsideration’) within one month of the date on the letter they sent you about your PIP claim. If one month has already passed see **page 10**.

We have created a tool to help you write a really good letter asking them to look again at your claim. Use it here: **www.advicenow.org.uk/pip-tool**

Technically you can ask for a mandatory reconsideration over the phone, but it is definitely better to do it in writing. Only ask for a mandatory reconsideration over the phone if you are about to miss the one-month deadline. If you do this, follow up your request in writing using our tool. If you have any more evidence that you think will help (for example, a letter from your doctor, social worker, support worker, or carer) send that too.

You don't have to discuss your claim with the DWP.

Government information suggests that you should contact the DWP to discuss your claim before you ask for a mandatory reconsideration. You don't have to and there is nothing to be gained by doing so.

Usually the DWP will also phone you and tell you why they think they have made the right award. Remember any advice they give you about whether it is worth asking for a mandatory reconsideration is likely to be incorrect. We suggest you get independent advice or follow the information in this guide.



Don't be put off!

When you ask for the DWP to look at their decision again, people often seem to be told that they need to provide further medical evidence in order to have a chance of getting the decision changed. This isn't true. Anything that gives information about your support or care needs can be relevant. It is also possible to win an appeal even without any further evidence or information.

What next?

If you have not heard back after 6 weeks, you should ring them and find out what is happening.

If they have changed their minds, congratulations! Your benefit will be backdated to the date you claimed.

If they didn't change their decision, or they did but didn't give you the amount you think you are entitled to, remember that you can still appeal. You need to tell them within one month.

Don't be downhearted if they didn't change their minds – they often don't, even where it appears to be clear that they are wrong. Most decisions aren't changed at this stage, but are changed when you go to appeal.

How to ask the DWP to look at their decision again

How to ask the DWP to look at their decision again

‘What if I’ve missed the deadline?’

If you’ve missed the deadline to ask for a mandatory reconsideration, you can still ask but they don’t have to accept it. If the delay was unavoidable or a result of your disability (for example, if you were unable to deal with it until now because you need help to deal with your post) it will help if you explain that. Longer delays will need better excuses.

Similarly if you miss the deadline to appeal, you can ask for an appeal anyway. You will need to explain your reasons for missing the deadline. The DWP then has one month to object to your reasons for missing the deadline. If they do not object, your appeal continues. If they do object, a Judge decides whether or not to allow your appeal even though it is late.

Your appeal will only definitely not be accepted if 13 months have passed since you were sent the decision.

How to ask for an appeal

You need to use the form SSCS1 to ask for an appeal. You can download the form from the HMCTS website: <http://hmctsformfinder.justice.gov.uk/HMCTS/FormFinder.do>

You must include a copy of the mandatory reconsideration decision with your appeal. You need to tick the box to confirm that you are including it in **Section 1** of the form.

Section 1 ABOUT THE DECISION YOU ARE APPEALING AGAINST

This section is about your **mandatory reconsideration notice**. This is the letter sent to you by DWP explaining that they have looked at your decision again.

Does your **mandatory reconsideration notice** tell you that you have the right to appeal against the decision? Yes No

If No, please ensure you have read the section 'Can I Appeal?' in the booklet SSCS1A 'How to appeal against a decision made by the'

In **Section 2**, give your name, contact details, date of birth and National Insurance number and include the date of the decision you are appealing (this is the date on the letter they sent you). If you are informally helping the claimant with their appeal, you put their details in this section, but if you have been appointed to formally look after their benefits you put your name here and their details in **Section 3**.

How to ask for an appeal

Section 2 ABOUT YOU


Fill in this section if the decision you are appealing against is about **your** benefit or the benefit of a person **you** have been appointed by DWP or a court to take care of. If you are appointed by DWP or a court to take charge of another person's benefit, you should also record **their** details in Section 3.

Mr Mrs Miss Ms Other (please specify)

First name(s) Surname

Section 3 ABOUT A CHILD OR OTHER PERSON YOU ARE APPEALING FOR

This section is for people who are making an appeal on behalf of someone they have a legal responsibility for. This might be a parent acting for a child or a person who has been appointed by DWP or a court to look after the affairs of another adult.

Are you appealing on behalf of a child or other person whose affairs you have been appointed to take care of? Yes If Yes, please tell us about the person below No If No, please go to Section 4 

Mr Mrs Miss Ms Other (please specify)

If you do have an adviser who can help and represent you, put their details in **Section 4**. (If you haven't, don't worry. The most important thing is that you go to the hearing. Nobody knows more about how your illness or disability affects you than you do.)

Section 4 ABOUT YOUR REPRESENTATIVE (if you have one)

This section is about your representative (if you have one).

By representative we mean someone acting on your behalf in a formal capacity. This might be an organisation like the Citizens Advice Bureau or a welfare rights service or it may be a friend or advisor who knows about social security matters. If you name a representative here and give your signature at Section 8, this will authorise us to deal with your representative about your appeal. If you are unsure about this, please read the section 'About Your Representative' in the guidance booklet SSCS1A.

In **Section 5** you have to explain *why* their decision is wrong. You need to give them as much detail as you can.

Section 5 ABOUT YOUR APPEAL

Grounds for appeal

In this section we need to know why you are appealing. Please write down in your own words the reasons why you disagree with DWP's decision. You do not have to use BLOCK CAPITALS in this section if your handwriting is clear. If you do not complete this section this will delay dealing with your appeal and the appeal form may be returned to you. For more information on grounds for appeal please refer to the 'About Your Appeal' section of the guidance booklet SSCS1A.

It might be easiest to use the letter created by our Mandatory Reconsideration Request Tool www.advicenow.org.uk/pip-tool. If you have already used it and had the letter sent to your email, go to the email and copy and paste it on to a fresh document. If you haven't, you might find it helpful to do that now.


- Remove the phrase Mandatory Reconsideration Request at the top and replace it with 'Grounds for appeal'.
- Read it through, and add in anything you can think of that is missing.
- Print it out and send it with the form. On the form just write 'See attached'.

You also need to confirm if your appeal is within the time limit or not. If it isn't, explain why the delay was unavoidable or a result of your disability (for example, if you were unable to deal with it until now because you need help to deal with your post or you were particularly unwell).

In **Section 6** you have to choose whether you want to attend a hearing or whether you want the case to be decided on the papers alone. Almost everybody wants to choose the paper hearing – because it seems less scary. However, you are *much* more likely to win if you go and speak to them face-to-face. It gives them a chance to meet you and see and hear for themselves how your disability affects you, and gives them the chance to ask questions. Don't worry, the hearing won't be nearly as frightening as you might think.

Section 6 ABOUT YOUR CHOICE OF HEARING

Appeals are considered by an independent panel. We will make arrangements for your appeal to be heard by the panel and you or your representative will be expected to attend the hearing. If, however, you do not wish to attend a hearing you can ask for your appeal to be decided on the papers. Please tell us below how you would like us to deal with your appeal.

I want to attend a hearing of my appeal If you have ticked this box, please go to Section 7 

I want my appeal decided on the papers If you have ticked this box, please go to Section 8 

Section 7 asks about your needs for the hearing. First it asks if there are any times in the next 6 months that you won't be available to go to the hearing. It's probably best to keep this simple – only tell them about times when you know you will be away or in hospital or recovering from something. It is probably best not to ask them to avoid dates that you can re-schedule easily.

Section 7 THE HEARING — YOUR NEEDS AND REQUIREMENTS

You only need to answer these questions if you told us in Section 6 that you wanted to attend a hearing. If you have asked for your appeal to be decided on the papers, please skip this section and go straight to Section 8.

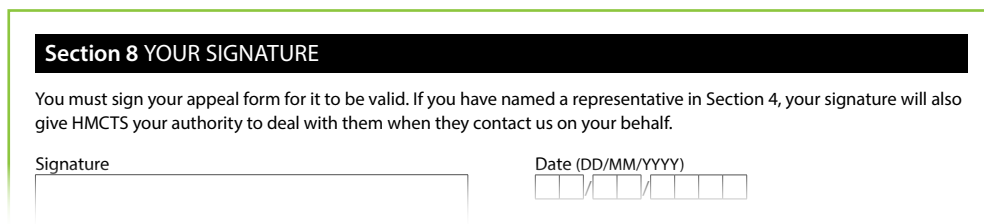
In this section we need to ask you a number of questions to help us arrange a suitable hearing for you. We will try to accommodate your needs and availability, but it may not always be possible to do this. Please answer questions 1 to 4 to give us the information we require. If you do not answer some of the questions we will have to contact you again and this

Question 2 asks about your needs for the hearing. This might include hearing loops, any special transport to get you there, or if you need the building to be accessible in a wheelchair.

Question 3 asks if you need a signer or interpreter at the hearing. If you can sometimes cope, but sometimes need help, ask for help. It is very important that you can say everything you want to say, and can understand everything that is said, at the hearing. Tell them what type of support you need.

Question 4 asks if you are you willing to be given a date for the hearing at short notice. You should get at least 14 days notice of the hearing, unless you agree to accept less. It is up to you whether you do this. If you say that you do not need 14 days notice, make sure you get all the evidence you need ASAP.

Make sure you sign and date the form in **Section 8**.



The image shows a section of a form titled "Section 8 YOUR SIGNATURE". Below the title, there is a paragraph of text: "You must sign your appeal form for it to be valid. If you have named a representative in Section 4, your signature will also give HMCTS your authority to deal with them when they contact us on your behalf." Below this text, there are two input fields: "Signature" with a large empty box, and "Date (DD/MM/YYYY)" with a grid of boxes for entering the date.

Send the form to HM Courts and Tribunals Service (the address is on the last page of the form). If you can, keep a photocopy.

What next?

The HMCTS will send a copy of your appeal to the DWP and ask them to explain how they came to their decision. The DWP must do this within 28 days, although they can ask for an extension. You will receive a copy of their response. It is often around 150 pages. Don't be put off by the size of it. Keep it safe. You will need it to prepare for your hearing.

You should start preparing now. The next section explains everything you need to do.

How to
ask for an
appeal

‘What do I need to do before the hearing?’

There are a lot of things for you to do over the next few months. So it is important to start preparing as soon as you can. Some things can take a long time.

If you have not already tried to get help and advice, do so now (See **How to find an adviser** on **page 7**). Some advisers may be able to help do some of this preparation for you. If you are lucky enough to find someone who can help with the preparation, make sure you are clear which things they are going to do for you, and which you need to do yourself.



If you do think it might be useful, think about who you could ask – do you have a family member, friend, or someone who helps you who is good with paperwork and organising things?

‘What do I need to do before the hearing?’

When will the hearing be?

Usually you won’t get told the date of the hearing until 2–3 weeks before (you should be given at least 14 days notice unless you agreed to be given less on the form). However, it is useful to know how long you have to prepare for your appeal. You can phone the tribunal centre dealing with your appeal and ask them. They will be able to give you a rough idea. You may get re-routed to a call centre who then asks the tribunal centre to call you back later.

Getting help

If you are not getting any professional help to prepare for the hearing, you might want to ask somebody else to help you. You may not need any help, but it might stop it from feeling too stressful. It might be particularly useful if you are not very good with paperwork or deadlines.

Support groups

Support groups can sometimes be very helpful. There may be other people there who have had the same problems, who can give you emotional or practical help.

The papers from the DWP

Look at the big pack of papers that you were sent by the DWP explaining why they made the decision they did. Many people get very confused by the inclusion of relevant test cases at the beginning. Don't let them put you off. If you don't have time to become an expert on all the legal ins and outs of PIP decisions, ignore these.

The most important part is the report from the medical assessment. Read through it and look for anything you don't agree with. Did the assessor ask you the right questions and listen to your answers? If your illness or disability is better or worse on different days, did they understand that? Make a note of all the things that are wrong. If you can, say why they are wrong. You can include this in your statement to the tribunal.

It may also be useful to familiarise yourself with the numbering of the papers from the DWP. At the hearing, the panel sometimes refer to certain pages and it will be easier and less stressful for you if you are able to keep up.



Getting evidence

For most people, the thing that is of most help is written evidence from their GP or other doctor. If you have a social worker, community psychiatric nurse, occupational therapist, or other professional, evidence from them will be very useful too.

The most useful evidence will explain how your illness or disability affects you, and the help you need (paying particular attention to the descriptors that you meet). This is unusual, so your doctor/social worker etc may not understand that. Look at **pages 28–32**. This is a guide for your doctor, social worker, or anybody else writing evidence for you. **Mark the particular activities and descriptors you believe you meet on these pages.** When you ask them for evidence to support your appeal, show them this page. It will help them to write evidence that will be really helpful to you.

The best evidence will come from people who know you well and who understand your situation. If your GP does not know you well, you should still ask him or her for evidence, but try to get evidence from other professionals too. This could be your social worker or community psychiatric nurse, a paid carer or support worker, a personal assistant, your occupational therapist, somebody who works at a day centre you go to, or somebody else.

'What do I need to do before the hearing?'

You are appealing the decision the DWP made on a particular date (on the top of the letter). You need to prove how your illness or disability was at that time, not how it is now. Write the date of the decision you are appealing in the box near the bottom of **page 28**, before you ask anybody for evidence. Then show them **pages 28–32**.

It is important not to be offended if the evidence embarrasses you. For example, if it says that sometimes you appear not to have washed or eaten properly. They are just trying to ensure you get all the help you are entitled to.

Paying for medical evidence

GP's and other medical professionals are allowed to charge for evidence and many do. It is often £60 or more. However, if they know you cannot afford it they may be willing to do it for free.

If your doctor suggests that he or she will charge you, tell them that you only need a brief note from them, and that it could be hand-written if this is quicker. Reassure them that it will only take the time of an appointment. Show them the guide to writing useful evidence on **pages 28–32** – so that they are sure of what you need from them.

If they insist on charging you, you should still get the evidence if you can possibly afford it. If it helps to get you more benefit, it will have been a good investment.

Evidence from your support worker, personal assistant, carer or anybody that helps you

If there is somebody who helps you a lot (this might be somebody you pay, or who helps you at college or work, or it might be your partner, a family member, or a friend), they may be able to write some very useful evidence too. Ask them to write a letter to the tribunal panel explaining what help they give you and how often. Show them the section

for doctors and other professionals on **pages 28–32** – it will help them to remember everything.

It can be very useful for this person to come to the hearing with you – so that the panel can ask them questions. They may be asked to wait outside until their evidence is needed – so you may need to be prepared to go in alone at first.

Diary

You should think about keeping a diary of the help you need each day. It will help the tribunal panel to get a proper understanding of your situation.

It is particularly helpful if your illness or disability isn't the same every day. Keep a diary for a month if you can (but a shorter time will also be helpful). It can be very brief. For example – 'Monday – Joints and back very painful today. Needed help to fasten my bra, and put socks and shoes on, as I couldn't bend down. Marie had to help me downstairs'. Include everything that is connected to the 'daily living activities' that entitlement to PIP is based on.

If you get help from somebody and find this sort of thing hard, you could ask them to keep a diary of the help they have given you instead (as an alternative to the letter – see above).

Be realistic

Be realistic about what you want to happen. There is no point going to the tribunal hearing hoping to get the enhanced rate of mobility if you can in fact walk to the end of the road and back. If you have seen or spoken to an adviser – did they tell you what they thought you might be entitled to?

'What do I need to do before the hearing?'

Is there any other evidence that you have?

There may be useful evidence you already have or can easily get. For example, if you are registered as blind or partially sighted, you can get a copy of your registration from the social services. These usually detail how much your sight is impaired, and so can be very useful. Maybe you have letters from Doctor's or support services already that support your case.



Write a statement

If you (or someone who is helping you) are good with writing, you should think about writing a statement for the tribunal. These can be very useful as they set out all your points, which means that you don't have to remember everything to say on the day. They also give the panel time to think about what you've said and why you should be getting more before they meet you.

For more advice on how to write a statement and what to put in it, see **How to write a statement** on pages **33–35**. You can also read Spencer's statement and see what he put in his.

What to do with the evidence

Read all the evidence through – does it support your case? If it doesn't, you don't have to send it to the panel (but if they ask if you had any evidence you didn't

send them, you have to tell the truth). If you don't think the evidence is useful it may be worth going back to the person who wrote it and discussing it with them. Is there anything they can add?

If you've got useful evidence, photocopy it and send it into the HM Courts and Tribunal Service before your hearing. Ideally, send it at least a week in advance. On the day of your hearing, take your copies with you, and ask the panel to confirm that they have received them.

How will you get to the hearing?

Some people find it helpful to work out how they will get to the hearing and even do a 'dry run', so that you know how to get there.

How can you afford to go to the hearing?

You should be able to claim travel expenses for the day of the hearing if you use public transport or travel by car. You can also claim for a meal if you are away for more than five hours. If you have to take time off work you may also be able to claim expenses for loss of earnings. And if you have had to pay a carer or childminder you can claim expenses up to the National Minimum Wage for the time you have been away. Before you go to your hearing, check what the current rules on expenses are on GOV.UK – www.gov.uk/social-security-child-support-tribunal/what-happens-at-the-hearing

The clerk will help you fill in a claim form when you go to the hearing. Make sure you take receipts (and if you've lost earnings, a letter from your employer confirming this).

Contact the tribunal before the hearing if you need help.

'What do I need to do before the hearing?'

‘What will happen at the hearing?’

Going to a hearing isn't like going to court. You can go alone or take a friend or family member with you for moral support.

When you arrive at the tribunal centre you will usually be shown into a waiting room. You might have to wait here for a little while. When the panel are ready for you, you will be called into the room.

The room the hearing is in will look like a rather boring office and everybody is wearing normal clothes. When you go in there will be a big table in front of you. You (and anyone who goes with you) will sit at one side of the table and the panel will sit on the other side.

The person that sits in the middle of the panel is the Chair or Judge. They are a legally qualified and should know a lot about benefits. One of the other panel members is a doctor, the other is someone who knows a lot about disability. The panel should introduce themselves and explain what will happen.

Remember the panel do not work for the DWP. They are here to see that you get the benefit if you can show you are entitled to it.

Usually the three members of the panel will be nice and easy to talk to, and will just want to get a full picture of your illness or disability and the help you need.

However, you might be very unlucky and get a hostile panel member, or just one having a bad day. If this happens, try to keep calm. Don't take it personally. Stick to what you wanted to say, and answer their questions fully. It is ok to tell them that you feel they are acting

a bit aggressively towards you – they might not realise that it is upsetting you, and they might stop if you tell them.

The DWP have a right to send somebody to your appeal to explain why they made their decision. Don't worry about this though. If they do send someone, they are usually nice and non-confrontational. It will not be the person that made the original decision about your claim.

Remember it is YOUR appeal. If you get upset you can ask for a short break.

If you do get some of the benefit already and are asking for a higher rate, you can ask for the hearing to be stopped at any time. If you do this, the Tribunal will not be able to take away the benefit you get at the moment. Usually if the panel are considering a reduction of an existing award then the chairperson will give you warning and ask if you want a few minutes to consider your options.

Your hearing might be postponed

In some areas, hearings are often postponed. Hopefully this won't happen to you, but it is possible that you will arrive to find that you have had a wasted journey.

‘What will happen at the hearing?’

At the end of the hearing

The panel will usually make the decision that day. You will be asked to go to the waiting room while the panel discuss your case. This usually takes between 10–40 minutes. You will then be asked back into the room and told the decision. They will give you a written outline of their decision as well.

Sometimes the panel will not be able to make a decision quickly. If this happens, they will post it to you instead. It should arrive within a week.

‘I have been sent a date for the hearing – I can’t go!’

If you can’t go on the date they give you, write to the tribunal centre and ask for another date as soon as you can. Don’t put it off or just do nothing about it – they are usually extremely helpful. You may have to explain why you can’t go and you should have a very good reason, like a hospital appointment.

If you leave it until the last minute or don’t give a good reason, they may not change the day and the appeal might happen whether you are there or not. Don’t delay. If they refuse to change the date, you should do everything you can to move your other appointment.



‘How do I stay calm?’

Staying calm isn’t easy, particularly in very stressful situations, like waiting for your appeal hearing.

Many people find that the best way of reducing stress immediately is to concentrate on their breathing. Take several long, deep breaths. If you can, breathe in through your nose. Try to take the air into your stomach (you should feel your stomach rising). And then slowly breathe out through your mouth. It might help to close your eyes and picture nothing, others like to imagine a scene they find calming. Some people prefer to keep their eyes open and to watch other people. If you do this try to concentrate on details. It doesn’t matter what you look at or think about – the aim is to slow down your thoughts.

Some people also find it useful to clench and then relax their fists, arms, and jaw; and to frown and then relax, or raise their eyebrows and then relax them. If you get stressed a lot, you can reduce your stress long-term by trying to do this every day.

If you are getting stressed because of the number of things you have to remember – write a list (or get someone to write a list for you). As soon as it is down on paper, you don’t have to remember it.

‘What will happen at the hearing?’

Christina's story

When I received the letter telling me when my hearing would be, I became extremely anxious and thought that I should prepare myself for the worst. I couldn't even begin to imagine that the panel at the hearing would be any more helpful than the DWP.

In the weeks leading up to my hearing I had a final chance to submit any more evidence I had to support my claim. I didn't feel that I could go through any more, but then I remembered my little mantra that "courage is not not being scared, but that something is more important than fear".

I went through my box file to find evidence that would support my claim. It included letters from previous employers detailing my poor performance in various jobs, debt letters, and warning letters from the police that supported what I had said about the symptoms of my disabilities. I sent them everything I could find that would help.

A few days before my hearing a support worker helped me write a statement to take with me to the tribunal. It went through each of the descriptors I met in detail.

When I got there I could not believe how helpful and friendly the tribunal staff were. An officer came and asked me if I had brought anything more with me that I would like to give to the tribunal. He took my statement and went away to photocopy it for the panel and brought it back to me. He reassured me that they would not take long.

When they called me in the judge asked me if I was feeling okay and if I wanted a drink of water.

They asked me a few questions. Then they thanked me for the evidence and statement and told me that it made it easy for them to make their decision.

They said that I was entitled to the enhanced rate for daily living and that it was to be backdated 18 months to when I first applied. I couldn't believe how easy it had been and I was so happy I could hardly believe it.

Christina, 41

'What will happen at the hearing?'

‘What should I do on the day?’

- If you think it might help, ask a friend or family member to come with you for emotional support. They might also be able to help by reminding you of things you have forgotten. If you do ask a friend, show them the box ‘For friends and relatives’ on **page 23**.
- Make sure you arrive in plenty of time.
- Don’t dress up or make a big effort with your appearance. It is important that the panel see you as you are on a normal day. Otherwise, they might get the impression that you don’t need help, even if you do.
- The panel may be running late and so you might have to wait. If you have made any notes of what you want to say, use this time to go over them. It might also be useful to familiarise yourself with the numbering of the papers from the DWP. The panel sometimes refer to particular pages and it will be less stressful for you if you are able to keep up.
- Try to keep calm (see **page 19**).
- Many people find they get very emotional at the hearing. It doesn’t matter if you get upset. It won’t make any difference to your chances. Remember – you can ask for a break to compose yourself.
- Be aware that it is possible that you will be watched from the moment you arrive. For example, if you have said you have trouble getting in and out of chairs they will watch you as you sit down, or how you move around. If you are having a good day, and your illness or disability is normally worse, make sure you tell them.



- If the person who helps you a lot has come with you to give evidence they may be asked to wait outside until the panel are ready to speak to them. You need to be prepared to go in alone to start with. This will not happen if they have just come with you to give you emotional support.
- If you had asked for any help with communication or translation and it is not available, insist on having the hearing another day.
- If you don’t understand a question, ask them to repeat it or put it another way. If you still don’t understand, tell them that. Don’t agree to anything you don’t understand to be polite.
- If they say something that isn’t right, make it clear that it is not true. For example, if they say “You don’t have much trouble with walking 50 metres do you?” make it clear if you do have trouble with walking that distance.
- Don’t worry about using the ‘right’ language or ‘buzz words’. It is much better to use your own words. If you think they haven’t understood something you have said, say it again in a different way.

‘What should I do on the day?’



- If somebody has helped you on the day (perhaps by physically helping you to get up and dressed, or by encouraging you to get yourself ready and keeping you calm) – be sure to tell the panel. Even if you didn't get any help as such, but needed to get a taxi because of your problems walking or going to places you don't know – tell them. Similarly tell them if you needed help to read or understand the signs when you got to the tribunal centre. They will often ask you about how you got there or if you had any problems this morning, but if they don't ask try to make sure you bring it up.
- Don't make light of your illness or disability. It's tempting to gloss over the difficulties you have, particularly if you find them embarrassing, but you will only harm your case if you do. Be as frank about your condition as you can be, and explain the help you really need rather than how you manage.
- Try to make sure you don't exaggerate the problems that you have either. If you do this, the panel might not believe you when you are not exaggerating.

- Try to answer every question as broadly as you can. If you just give short answers, the panel won't be able to get a better understanding of your situation. So, try to give longer answers and be willing to explain things. For example, if they ask if you need help to get washed in the morning, don't just say yes or no. Spell out exactly what bits of your body you needed help to wash and why, and if you need help with anything else in the morning. If you don't need help because you don't usually have a wash in the morning, explain why you don't.
- If you find you haven't said everything you want to say because they haven't asked the right question – tell them anyway. It is important that you say everything. A clever tactic is to make notes about what you want to tell them (for example, take a list of everything you think you should have been given points for and why you meet those descriptors) and tick them off as you say them. Make sure that they are all ticked off before you leave. If you have taken somebody with you for moral support – this is a very useful thing for them to do.
- If your illness or disability goes up and down and you need different amounts of help on different days, you will need to make this clear. It is best if you can say roughly how often you need help with each thing, rather than saying 'sometimes'. For example, 'My health is bad for three weeks out of every four. For those weeks my joints are very painful and I cannot dress or undress myself at all'. If you have kept a diary of your needs (see **page 16**) you should be able to use that to work out how often you need help with different tasks.

'What should I do on the day?'

What to take with you on the day

- Take the appeal papers you were sent by the DWP.
- Take copies of any evidence you have sent in beforehand.
- If you have any new evidence that you think will be useful that you haven't already sent in, take that and hand it in when you arrive.
- If you are taking any medication, take a list of what you are currently taking with you (you don't need to do this if it is in the papers already).

You can take a friend or relative to the appeal with you. If you have asked somebody to come with you to give you support, show them the information in the box below. It explains what they can do to help.

For friends or relatives

If someone has asked you to go with them to the hearing to give them support, there are several things that you could do that would be very useful.

- Before the hearing, sit down with your friend and write a list of all the ways in which they meet the daily living activities and descriptors that they are basing their appeal on. Take it with you on the day and tick them off as they are said. If at the end of the hearing there are still things that haven't been said – you can remind them.
- Try not to answer questions on your friend's behalf. If you realise that your friend has left bits out when answering a question – try to remind them, rather than say it for them. However, if they are finding it difficult or becoming very emotional you can answer the question yourself (although it is best to ask the Judge if it is OK first, just to be polite).
- If they get upset or stressed you can try to calm them down. If this doesn't work, ask them if they want a short break (don't over do this though – too many breaks will prolong the stress and won't help anybody).
- Read through this leaflet (particularly the sections about the hearing and what to do on the day). This will help you to know what will happen so that you can help your friend.

'What should I do on the day?'

‘What happens after the hearing?’

The tribunal panel will tell the DWP their decision and you’ll get an official notice of the decision.

If you were successful, the DWP will work out how much they owe you. You will start receiving the new amount every month, and a sum covering the amount they should have been paying you all along. You will usually receive your money in about 4–6 weeks.

If you weren’t successful, you will be sent a leaflet to explain your options. Sometimes you might be able to appeal to the Upper Tribunal. This is like a higher court. However, this can only be done if the panel did something wrong with the law. It is very complicated, and very few people can do this without an experienced adviser. If you want to look into this possibility, you need to move quickly – you will need to ask for a copy of the tribunal’s statement of reasons within one month. See **How to find an adviser** on **page 7**.



The DWP also has the right to appeal to the Upper Tribunal if they think the tribunal panel did something wrong. This rarely happens. If it does happen, they will write and tell you.

‘What happens after the hearing?’

What does it mean?

Adviser – This is a benefit expert who can give you advice about your claim. They may also be able to help you prepare for the hearing or even represent you.

Appeal – This means a panel of three experts who do not work for the DWP will look at your claim and see if the right decision was made. If they think the wrong decision was made, they will change it.

Carer – This is a person who helps you often, like every day or every week. It might be somebody you pay, or might be your partner, a family member, or a friend or neighbour. The help they give you might be physical help (for example to get in the bath or up the stairs), they might help you by getting your shopping or helping you prepare a meal, or they might help you by encouraging and prompting you to do things.

Clerk to the Tribunal – This is the person who organises the hearing and deals with the paper work.

Department for Work and Pension (DWP) – This is the government department that deals with most benefits, including Personal Independence Payment.

Social Security and Child Support Tribunal – This is the new name for the panel of three experts who do not work for the DWP who will hear your appeal to see if the DWP made the right decision.

HM Courts and Tribunal Service (HMCTS) – This is the government department that organises the panel and the hearing.

Hearing – This is when your appeal is looked at by the Tribunal. You can either have a hearing in person (also called an ‘oral hearing’) when you go and speak to the Tribunal face to face. Or you can have a written hearing (also called a ‘paper hearing’) when the tribunal just look at the papers again on their own. We strongly advise you to go to a hearing in person. You have a *much* better chance of success if you do.

(continued)

What does
it mean?

Mandatory Reconsideration – This means the DWP will look at their decision again. You must ask for a mandatory reconsideration before you can appeal a decision.

Representative – This is an expert in benefits who might help you prepare for the hearing and will come with you to help you put your case.

Supersession – This means having your claim looked at again because your illness or disability has worsened since the date of the decision.

SSCS1 – This is the form you must use to ask for an appeal. See **pages 11–13** for advice on how to fill it in.

Tribunal Judge – This is the person that sits in the middle of the panel who will make a decision on your case. They are legally qualified.

Upper Tribunal – This is like a higher court. If you weren't successful in your appeal, you might be able to appeal to the Upper Tribunal, but you can only do this if the panel made a mistake with the law. See **page 24**.

What does
it mean?

Useful contacts

Use the PIP Mandatory Reconsideration Request Tool

Our tool helps you to work out what rate of PIP you think you should get and helps you to write a really good letter asking for a Mandatory Reconsideration if that is not what the DWP awarded you.

www.advicenow.org.uk/pip-tool



Find the appeal form

On the internet:

http://hmctsformfinder.justice.gov.uk/HMCTS/GetForm.do?court_forms_id=3038

Speak to the DWP

DWP Enquiry Line

Telephone: **0345 850 3322**
Textphone: **0345 601 6677**
Monday to Friday, 8am to 6pm

Find further information about appeals

GOV.UK

Benefit appeals come under the section known as the Social Security and Child Support Tribunal. You can find details about how to appeal, how to claim expenses, appeal venues and how to get to them, as well as other information about the appeal process.

www.gov.uk/social-security-child-support-tribunal

Find an adviser

See **page 7** for help to find an adviser or representative.

Find further information and support

Citizens Advice

Citizens Advice have some helpful information about PIP, how claims are assessed, and how to appeal.

www.citizensadvice.org.uk

Useful
contacts

Show this page to the people you are asking to write evidence for you

Remember to circle the descriptors you meet on pages 29–33.

How to write useful evidence for PIP

This page is written for medical staff, social workers, and other professionals who might be able to tell the tribunal what they need to know. It explains how to write helpful evidence for this kind of benefit appeal.

Evidence from doctors and other professionals helps the tribunal to come to the right decision more than anything else. Your evidence doesn't need to be long or typed.

Whether your patient/client is entitled to PIP is decided by the difficulties they experience and the help they need with very specific tasks. Your patient/client has marked which descriptors they meet below. Please confirm all of those that you can in your evidence. For example, if they cannot walk even into your consulting room without discomfort, or if they are slow and it takes them twice as long as somebody else, please say that.

If you cannot confirm the descriptor your patient has circled but can confirm another in that section, please include that. If you cannot confirm any from that section please just leave it out as your patient may have evidence from someone else who knows more about their problems with this. If you don't understand why your patient meets the descriptor they have circled, please ask them.

If your patient could do some of these things but not **reliably, safely, repeatedly** or **only very slowly for the majority of the week** it counts as being unable to do it. For example, if they can stand and walk for 50 meters, but they can only do it a few times in a day, it may hurt them, they might sometimes fall, or it takes them twice as long as someone else, the law sees this as not being able to walk for 50 metres.

**This appeal is about a decision that was made on
[patient to fill in]. Your evidence needs to be about how their illness
or disability affected them at that time.**

It would also be helpful if your evidence confirmed any diagnosis and any treatment that they receive.

Daily living activities and descriptors

Activity 1. Preparing food

- | | |
|--|---------|
| a. Can prepare and cook a simple meal unaided. | Score 0 |
| b. Needs to use an aid or appliance to be able to either prepare or cook a simple meal. | Score 2 |
| c. Cannot cook a simple meal using a conventional cooker but is able to do so using a microwave. | Score 2 |
| d. Needs reminding or encouraging to be able to either prepare or cook a simple meal. | Score 2 |
| e. Needs supervision to help stay safe or physical help to either prepare or cook a simple meal. | Score 4 |
| f. Cannot prepare and cook food. | Score 8 |

Activity 2. Taking nutrition

- | | |
|--|----------|
| a. Can take nutrition unaided. | Score 0 |
| b. Needs to use an aid or appliance, or supervision to help them stay safe, or physical help to be able to cut up food to be able to eat or drink. | Score 2 |
| c. Needs a therapeutic source to be able to eat or drink. | Score 2 |
| d. Needs reminding or encouraging to eat or drink. | Score 4 |
| e. Needs physical help to be able to manage a therapeutic source to take nutrition. | Score 6 |
| f. Cannot get food and drink to their mouth and needs another person to do so. | Score 10 |

Activity 3. Managing therapy or monitoring a health condition

- | | |
|---|---------|
| a. Can manage medication or therapy, and monitor their health condition without help. | Score 0 |
| b. Needs to use an aid or appliance to be able to manage their medication; or needs supervision to help them stay safe, or reminding or encouraging, or physical help to manage their medication or monitor a health condition. | Score 1 |
| c. Needs supervision to help them stay safe, or reminding or encouraging, or physical help to be able to manage therapy that takes no more than 3.5 hours a week. | Score 2 |
| d. Needs supervision to help them stay safe, or reminding or encouraging, or physical help to be able to manage therapy that takes more than 3.5 but no more than 7 hours a week. | Score 4 |

How to
write useful
evidence
for PIP

e. Needs supervision to help them stay safe, or reminding or encouraging, or physical help to be able to manage therapy that takes more than 7 but no more than 14 hours a week. Score 6

f. Needs supervision to help them stay safe, or reminding or encouraging, or physical help to be able to manage therapy that takes more than 14 hours a week. Score 8

Activity 4. Washing and bathing

a. Can wash and bathe unaided. Score 0

b. Needs to use an aid or appliance to be able to wash or bathe. Score 2

c. Needs supervision, reminding, encouraging, or reassuring to be able to wash or bathe. Score 2

d. Needs physical help to be able to wash either their hair or body below the waist. Score 2

e. Needs physical help to be able to get in or out of a bath or shower. Score 3

f. Needs physical help to be able to wash their body between the shoulders and waist. Score 4

g. Cannot wash and bathe at all and needs another person to wash their entire body. Score 8

Activity 5. Managing toilet needs or incontinence

a. Can manage toilet needs or incontinence unaided. Score 0

b. Needs to use an aid or appliance to be able to manage toilet needs or incontinence. Score 2

c. Needs supervision to help them stay safe or reminding or encouraging to be able to manage toilet needs. Score 2

d. Needs physical help to be able to manage toilet needs. Score 4

e. Needs physical help to be able to manage incontinence of either bladder or bowel. Score 6

f. Needs physical help to be able to manage incontinence of both bladder and bowel. Score 8

Activity 6. Dressing and undressing

a. Can dress and undress unaided. Score 0

b. Needs to use an aid or appliance to be able to dress or undress. Score 2

c. Needs reminding or encouraging to be able to dress, undress or not undress inappropriately, or needs reminding or encouraging, or physical help to be able to choose appropriate clothing. Score 2

d. Needs physical help to be able to dress or undress their lower body. Score 2

e. Needs physical help to be able to dress or undress their upper body. Score 4

How to write useful evidence for PIP

f. Cannot dress or undress at all. Score 8

Activity 7. Communicating verbally

a. Can express and understand verbal information unaided. Score 0

b. Needs to use an aid or appliance to be able to speak or hear. Score 2

c. Needs help from someone trained or experienced in helping them to be able to express or understand complex verbal information. Score 4

d. Needs help from someone trained or experienced in helping them to be able to express or understand basic verbal information. Score 8

e. Cannot express or understand verbal information at all even with help from someone trained or experienced in helping them. Score 12

Activity 8. Reading and understanding signs, symbols and words

a. Can read and understand basic and complex written information either unaided or using glasses or contact lenses. Score 0

b. Needs to use an aid or appliance, other than glasses or contact lenses, to be able to read or understand either basic or complex written information. Score 2

c. Needs reminding, encouraging or reassuring to be able to read or understand complex written information. Score 2

d. Needs reminding, encouraging or reassuring to be able to read or understand basic written information. Score 4

e. Cannot read or understand signs, symbols or words at all. Score 8

Activity 9. Engaging with other people face to face

a. Can engage with other people without help from an aid or appliance or a person. Score 0

b. Needs reminding, encouraging, or reassuring to be able to engage with other people. Score 2

c. Needs help from someone trained or experienced in helping them to be able to engage with other people. Score 4

d. Cannot engage with other people because it either makes them feel so anxious or distressed that they cannot function, or because it causes them to behave dangerously, and either they or another person might get hurt. Score 8

Activity 10. Making budgeting decisions

a. Can manage complex budgeting decisions without help from an aid or appliance or a person. Score 0

b. Needs reminding, encouraging, or reassuring, or physical help to be able to make complex budgeting decisions. Score 2

How to write useful evidence for PIP

- | | |
|---|---------|
| c. Needs reminding, encouraging, or reassuring, or physical help to be able to make simple budgeting decisions. | Score 4 |
| d. Cannot make any budgeting decisions at all. | Score 6 |

Mobility activities and descriptors

Activity 1. Planning and following journeys

- | | |
|--|----------|
| a. Can plan and follow the route of a journey without help from an aid or appliance or a person. | Score 0 |
| b. Needs reminding, encouraging, or reassuring to be able to undertake any journey to avoid it making them feel so anxious or distressed that they cannot function. | Score 4 |
| c. Cannot plan the route of a journey, for reasons other than anxiety or psychological distress. | Score 8 |
| d. Cannot follow the route of an unfamiliar journey without another person, assistance dog, or orientation aid, for reasons other than anxiety or psychological distress. | Score 10 |
| e. Cannot undertake any journey because it would make them feel so anxious or distressed that they cannot function. | Score 10 |
| f. Cannot follow the route of a familiar journey without another person, an assistance dog, or an orientation aid, for reasons other than anxiety or psychological distress. | Score 12 |

Activity 2. Moving around

- | | |
|---|----------|
| a. Can walk and then move more than 200 metres, either aided or unaided. | Score 0 |
| b. Can walk and then move more than 50 metres but no more than 200 metres, either aided or unaided. | Score 4 |
| c. Can walk and then move unaided more than 20 metres but no more than 50 metres. | Score 8 |
| d. Can walk and then move using an aid or appliance more than 20 metres but no more than 50 metres. | Score 10 |
| e. Can walk and then move more than 1 metre but no more than 20 metres, either aided or unaided. | Score 12 |
| f. Cannot, either aided or unaided, (i) stand; or (ii) move more than 1 metre. | Score 12 |

We have simplified the wording of the descriptors to make this page easier to use. If you prefer, you can find the exact wording of the legislative tests on Citizens Advice's download – www.citizensadvice.org.uk/Global/Migrated_Documents/adviceguide/pip-9-table-of-activities-descriptors-and-points.pdf.

How to write a statement for PIP

On the left, is information to help you write your statement to the tribunal. It tells you all the things you should try to put in your statement and how to begin.

On the right is the statement Spencer sent to the panel looking at his appeal. We have included it to show you what sorts of details about your condition you should include in your statement.

Spencer's Statement

- Explain why you are writing. → I am writing to explain my reason for appealing the decision to refuse me an award of PIP.
- Tell them what rate you think you should be entitled to. If you don't know, just say 'I believe I am entitled to more'. → I am appealing the decision as I believe that I am entitled to the enhanced rate of the care component.
- Explain the main symptoms or difficulties you have because of your illness or disability. → I have severe epilepsy and depression. I get little or no warning of seizures and have frequently been hurt when they occur. After a seizure, I feel terrible and 'foggy' for about four days afterwards.
- Remember to explain how they affect you. → Because of my depression and because of the lethargy caused by seizures, I often can't face getting up, so I stay in bed – sometimes all day, because I know I won't get hurt if I have a seizure there.
- If you feel better on some days than on others, explain what help you need on both. If you can, say how frequently you have better days and bad days. → I have 3–6 seizures a month on average. Immediately after a seizure I feel very disorientated and confused, and I can be aggressive. I also feel very lethargic and I can't think straight for about 4 days afterwards. I feel depressed every day.

(continued)

How to write a statement for PIP

- Explain what descriptors you meet and why you should get those points. Try to be as clear as you can how your difficulties meet the descriptors.

I need supervision to cook a simple meal. I have hurt myself in the past while trying to cook. On different occasions I have dropped a pan of boiling water on my foot, cut myself, and left the gas on due to my fogginess. If I had a seizure while cooking alone it could be even more dangerous. I don't cook alone.

- Remember to say everything – even things that you find embarrassing. It will be a lot easier to write it down than to say it in the hearing. Going into a lot of detail may seem unnecessary, but it will help the panel understand your condition.

Due to the fogginess and due to my depression I need prompting to eat anything most days. I rarely eat more than once a day when my brother pops in to help me.

I need supervision and prompting to take my medication. Left alone, I sometimes don't take it because I hate the side effects, but that makes the seizures worse.

I need supervision to have a bath in case I have a seizure while in it. I have hit my head against the toilet when having a seizure in the bathroom and I had to have stitches. I also need prompting to have a bath because of my depression, lethargy and fogginess.

When I have had a seizure I need supervision and prompting to cope with my toilet needs. I often wet myself and I need help to even realise sometimes and to get cleaned up and into clean clothes afterwards.

- Tell them if you have ever been hurt (or might have been hurt), because of your illness.

Three years ago I fell down the stairs during a seizure and broke my collarbone. I had to have stitches in my head another time and have burnt myself or been left with more minor injuries countless times.

- You also need to tell them if you have hurt somebody else because of your illness.

I can be aggressive while I am disorientated or confused immediately after a seizure. I once punched a woman who came to try to help me.

- You should also say if you have ever hurt yourself on purpose.

(continued)

- Is there anything you don't do because you don't have the help you need? → Some days I don't wash or eat at all because I don't have any help.
- If there is any other evidence that backs up what you are saying, refer to it. → The letter from my social worker, Steve Scott, confirms this.
- If not getting the help you need causes other problems, it is very useful to say so. They won't make the connection for themselves. → Being dirty makes me feel depressed and worthless.
- If you disagree with anything in the papers from the DWP, you need to tell them what was wrong and why this isn't right. Did the doctor ask you the right questions and listen to your answers? → The report from the DWP doctor said I could cook, and wash and do pretty much everything without help, but that isn't true. He didn't ask me many questions and clearly didn't understand that I get no warning of my seizures or how out of it I am when they happen. So I can't cook unless someone is here to help in case I have a seizure. I have been hurt too many times and I'm afraid I might leave the gas on again and blow the place up. I can't have a bath in case I hit my head or drown. Without prompting or supervision I don't eat properly or take my medication, which makes my condition worse. I need someone with me to help me if I have a seizure as I'm disorientated and confused and I can hurt myself or other people.

When you have finished writing the statement, read it back through more than once. Does it say everything you want it to say?

The information in this guide applies to the UK.

The law is complicated. We recommend you try and get advice from the sources we have suggested.

The cases we refer to are not always real but show a typical situation. We have included them to help you think about how to deal with your own situation.

advicenow.org.uk

If you would like this guide in another format please email guides@lawforlife.org.uk

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