

How to

Win a PIP appeal

advicenow

Making sense of the law and your rights



Introduction

If you made a claim for PIP and you didn't get the award that you think you were entitled to, don't give up. This guide and accompanying tool will help you challenge the decision by asking the DWP to look at their decision again. This is called a 'mandatory reconsideration'. If they don't change the decision straight away, this guide shows you how to appeal the decision and win. (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 take much longer, but they are much more likely to be successful. This guide will help you.

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, in lots of places it's hard to get advice or representation to help with your appeal. We 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 that sets out your case.

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.

What countries does this guide cover?

The information in this guide applies to England, Wales and Scotland. It will also be useful for people in Northern Ireland where the rules are the same but the names of the relevant government departments and forms are different. Please bear in mind that if you are in Northern Ireland it is the Department for Communities (DfC) rather than the Department for Work and Pensions (DWP), the Northern Ireland Courts and Tribunal Service (NICTS) rather than Her Majesty's Courts and Tribunal Service (HMCTS), and the form NOA1(SS) rather than SSCS1.

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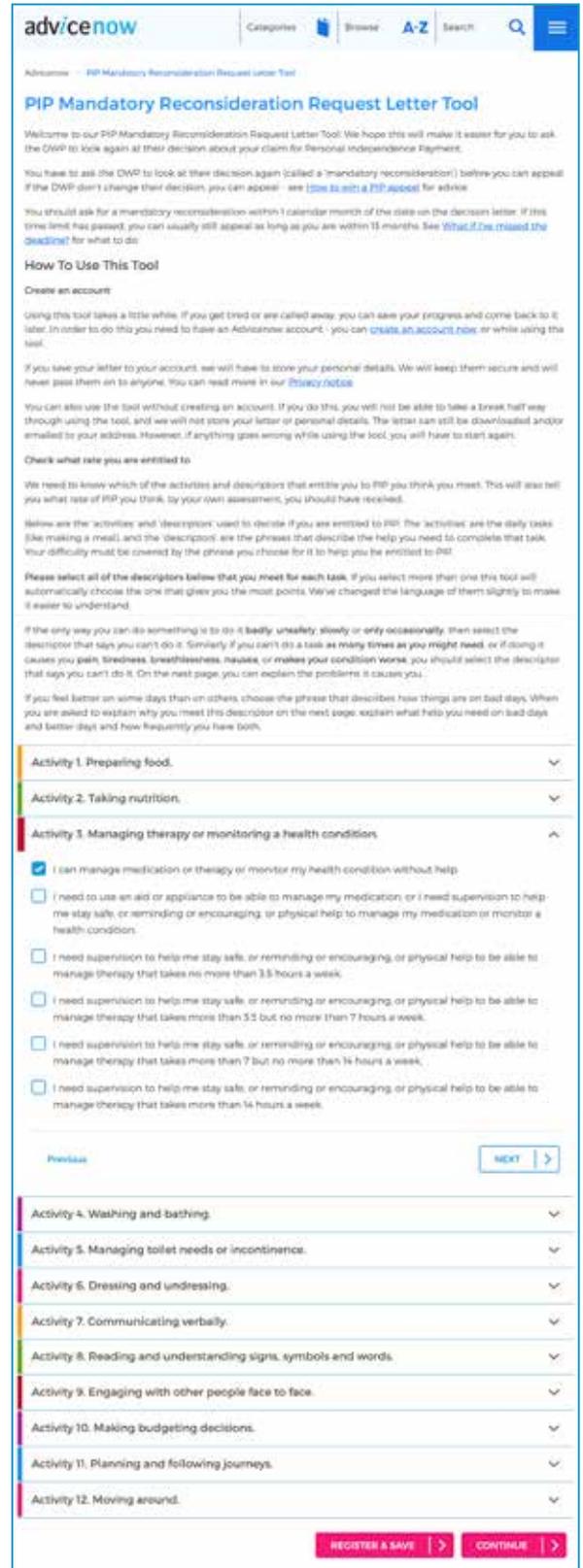
Things to understand

Whether or not you are entitled to PIP is based on how your illness and treatment 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 were under Disability Living Allowance.

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 should get whichever gives you the most points.

You need 8 points to get the standard rate of the daily living 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**. 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.



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 takes a long time, but everybody should get what the law says they are entitled to. Remember you have nothing to lose and everything to gain.

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



You may still have a good case for a higher amount. 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?

Lots of people in your situation find they get a lower award or no award at all when they move to PIP. 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. But you may still have a good case for a higher amount – many people in your situation are getting a higher award after they appeal.

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.

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



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, it will be really helpful.

If you 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!

During the coronavirus crisis, you will not be able to get a face-to-face appointment but most advice services are offering appointments via telephone, email, or videochat.

Use **Advice Local** to find the best options near you. Enter your postcode and select 'welfare benefits' from the drop down menu and search. This will tell you about any Citizen's Advice, law centres, or independent advice agencies in your county. (Beware – it misses out ones in your area but in another county or borough. If you live near a county border, definitely check you there isn't a closer option by following the advice below).

If that doesn't bring up a service that you can get to, check with **Citizens Advice** if there is a Bureau that helps with benefits problems near you. Many now offer advice over the telephone.

See if there is an independent advice agency in your area on **Advice UK's site**.

Check if your local council has a welfare rights service. If you didn't find their details in Advice Local search, phone the council and ask for 'welfare rights', check the website, or ask in your local library.

Check if there is a **Law Centre** near you.

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**. The **Royal British Legion** support people who have served in the armed forces and their families and even represent at appeal. Check if there is a charity that provides benefits advice to people with your illness or impairment. If they provide information on their website about appealing or claiming ESA (or the limited capability for work element of Universal Credit) it may also be very useful as it will usually show how people with similar symptoms to yours have proved their entitlement. (If they don't have a guide to appealing – ask them to link to this one).

If you've nowhere else to turn, try your MPs caseworker. These are not usually expert benefits advisers but they will often be familiar with the problem and might well be able to help you. (You could point them towards this guide).

How to find an adviser

If they say they are too busy....

If the organisation you contact says they are too busy, ask them to keep your name on a waiting list, or to tell you how long before they might be taking on new clients.

Ask if they know any other organisations you should contact for help if they cannot give you an appointment themselves.

Remember that you are likely to have to wait a long time for the appeal hearing (6–12 months, depending on where you are in the country) so you do have a bit of time to find an organisation which might be able to help you prepare for the appeal hearing.

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 11**.)

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** to write a really good letter to the DWP that sets out your case.

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 a 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 11**).

Step 4

Ask for an appeal. You can do this online or using the appeal form and posting it.

You can copy and paste wording from the letter generated by our Mandatory Reconsideration Tool to help you make your case. See **pages 12–13** 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.

You may be asked if you would like a tribunal panel to look at your case before the hearing under 'Continuous Online Resolution'. Please see **If you are asked if you would like your case to be dealt with using Continuous Online Resolution** for more details.

Step 6

You need to prepare for your appeal and, if you can, send in more information about your difficulties. See **pages 14–18** for details.

Step 7

You will be told the date of the hearing. If you have any further evidence about your condition or how it affects you that you haven't yet sent, send it as soon as possible. And always take a copy with you on the day.

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 19–22** 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 you should still ask them, see **page 11**.

We have created a **tool** to help you write a really good letter asking them to look again at your claim.

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. If you don't, it is rarely worth waiting to get some as few decisions are changed at this stage.



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 no reason to. 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 or appeal 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. DWP staff might not change the decision at the reconsideration stage without new medical evidence, but appeal tribunals often do. Anything that gives information about your support or care needs can be relevant. It is also very possible to win an appeal even without any further evidence or information.

How to ask the DWP to look at their decision again

What next?

Unfortunately they are no time limits to how long a mandatory reconsideration should take. But if you have not heard back after 6 weeks, you should ring them and find out what is happening.

If you haven't heard after two months, you could make an official complaint for the unreasonable delay.

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 still didn't give you the amount you think you are entitled to, remember that you can appeal. You need to tell them you want to appeal 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.

'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. Explain that 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). If they refuse to deal with your mandatory reconsideration you can still appeal.

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. A judge will then decide whether to allow the appeal even if it is late. 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 the DWP to look at their decision again

How to ask for an appeal

You can ask for an appeal online or you can use a paper form.

You can find both the online system and the latest form to use at **Submit your appeal on GOV.UK**.

Both are easy-to-use and understand. If you use the online version a record of what you have said gets sent to your email address. If you use the form try to keep a copy, or take a photo of each page with your phone.

No matter which you use, there are three things that you should definitely be aware of.

- 1) You need to explain what you disagree with and why. If you used our **Mandatory Reconsideration Request Tool** to produce a letter, and your argument is still the same, you can just write 'please see my mandatory reconsideration request' and send another copy. (You probably have a copy in your email, or if you created an account with Advicenow, it will be saved there).

If you haven't used our tool, look at your decision notice and the list of activities and descriptors on **page 30**. Add each activity you don't think you have scored the right number of points for, and for each explain all of the difficulties that you have with that activity and what help you need (remember it doesn't matter that you don't get any help).

- 2) If your appeal isn't within the time limit, you should appeal anyway but 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 have been particularly unwell).
- 3) Choose to attend the hearing. You will be asked 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 have a chance to speak to them. Don't worry, it won't be nearly as frightening as you might think.

How to ask for an appeal

If social distancing measures are still in place as a result of the coronavirus, you will be offered a telephone or video hearing rather than to go to a face-to-face hearing. We expect claimants to still be much more likely to win than in a hearing based purely on the paperwork. For the latest guidance from the Government, check back on Advicenow.

During the coronavirus crisis, you may be given a preliminary view by a judge who hasn't had a chance to speak to you but based on the papers alone has decided you are entitled to a higher award. If they offer you the award you were hoping for, accept it. If the DWP do too, it will become the tribunal's decision and will save you the stress and bother of having a hearing over the telephone or video. But if you think you should get a higher award don't accept it. If you don't accept it, you will be offered a telephone or video hearing where the tribunal will be able to ask you questions and hear your answers. Often this results in a better award.

If the DWP call you

The DWP have been ringing some people at this stage or before the hearing and offering them an award in return for dropping their appeal. Often the DWP only give the claimant an hour to think about it and often put on pressure by telling claimants that they might not get anything if it goes to a hearing. In many cases, they seem to be offering a lower award than the claimant was likely to get if they went to an appeal hearing. We are very concerned about this practise as it isn't fair, and is not what any government department should be doing.

If this happens to you, please **tell us about it** as we are doing what we can to try and stop it. If they are offering the highest award you were hoping for, obviously take it. If they offer you an award that is lower than you used to get or that you think you are entitled to, you have two options. You can either accept the offer so that you have more money to live on now, and the moment you receive the new decision, ask for a mandatory reconsideration and then an appeal. Or, if your hearing will be in the next few months and you don't want to start all over again, politely refuse the offer and wait for the appeal hearing.

How to
ask for an
appeal

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. Most of it is just your application form and copies of the letters you already have. But 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.

What to prepare 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.



What to prepare before the hearing

The guidance below assumes you are preparing for a face-to-face hearing. While measures are in place as a result of the coronavirus, you are most likely to be offered a telephone or video hearing. We are hearing from our users that some people are getting very little notice of a telephone hearing. To avoid this causing you extra stress make sure you register for track my appeal (see below) or call the tribunal centre dealing with your case regularly.

You may be offered a 'preliminary view' by a tribunal judge who has read your case file and, if you don't accept that view, offered a video or telephone hearing instead. You should still prepare for the hearing in a similar way.

Sending new helpful evidence and a statement as soon as you can would be very useful in case you are not given much notice of a telephone hearing. It will also increase the chance, if you are offered a preliminary view, of the tribunal judge suggesting the right award.

Continuous Online Resolution

This is a new system that has been piloted by HMCTS. At the time of writing, it was not clear if they would expand the numbers using this system or not. Please see **If you are asked if you would like your case to be dealt with using Continuous Online Resolution** for more details.

When will the hearing be?

Usually you won't get told the date of the hearing until 3–4 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. Some people are having to wait 6–9 months.



Track Your Appeal

To get updates on how your appeal is progressing use Track Your Appeal. You may have registered for this service if you submitted your appeal online. If not, you can register by calling 0300 123 1142, Monday to Friday, 8:30am to 5:00pm. This is a new service that will send you texts or emails at crucial points in the process, when evidence has been received, and when your hearing date is.

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.

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?

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 correctly record your answers?
- Have they got all of your conditions listed?
- Have they misunderstood something you said you used to do as something you are able to do now?
- Are there things in there that didn't happen or don't reflect your conversation at all?
- If your health condition or disability is better or worse on different days, did the assessor 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. This is very useful as the wrong decision you have been given is probably based on this report.

What to prepare before the hearing

Don't be shocked if the assessment report is full of inaccuracies. This seems to happen horribly frequently. We have heard of completely incorrect diagnoses being recorded, easily verifiable physical conditions being ignored or incorrectly recorded, and records of whole conversations that never occurred. If you find this has happened to you, you are right to be angry about it – it is terrible – but don't take it personally. It happens to a lot of people. However, don't allow it to upset you too much. Appeal panels usually know how bad assessment reports are and so it is easy to get them set aside in favour of other evidence.

If you are angry about it and have the energy for two things, put in a complaint to the organisation who did the assessment. For most claimants, that is either **Capita** or **Independent Assessment Services** (ATOS). You can then show a copy of your complaint to the tribunal. If you only have the energy for one thing though, focus on your appeal as that is the only thing that will change your award. You can still make a complaint after your appeal hearing.

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). Make sure the professional you are asking for evidence understands that.

Look at **pages 30–34**. 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 this page.** When you ask anybody 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. This could be your GP, or 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.

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 little blue box on **page 30**, before you ask anybody for evidence. Then show them **pages 30–34**.

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.

What to prepare before the hearing

Paying for medical evidence

GP's and other medical professionals are allowed to charge for evidence and many do. 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 it doesn't need to be terribly long 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 How to write useful evidence for a PIP appeal on **pages 30–34** – so that they are sure of what you need from them.

If they insist on charging you, consider whether they would provide useful evidence and whether you can find the money. Some only charge if they really don't want to do it and therefore probably won't write a useful report anyway. If it doesn't seem worth it or you cannot afford the fee, ask for the last two years of your medical records. They will give you this for free and it may contain some useful evidence.

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 30–34** – 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).

Is there any other evidence that you have?

There may be useful evidence you already have or can easily get. Maybe you have letters from Doctor's or support services already that support your case.

What to prepare before the hearing



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 35–37**. 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. Send it as soon as you can and always take paper copies with you on the day. (Sending the evidence in advance is useful because it maximises the chance of the DWP changing the decision or, if coronavirus measures are still in place, a judge making the right preliminary decisions.)

Ask the clerk if the panel received your evidence, and if not he or she will give them to the panel before your hearing starts.

How will you get to the hearing?

The letter you receive about the hearing will usually give you details of public transport links and parking. At some venues, you can book an accessible parking spot if you phone them in advance. If you need a taxi, ask them to book one for you. This will usually be easier than arranging one yourself and they will pay.

Work out how you will get there and leave yourself plenty of time. You won't want the stress of worrying about being late.

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 some 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 to prepare before the hearing

What will happen at the hearing?

The guidance below assumes you are going to a face-to-face hearing. While social distancing measures are in place as a result of the coronavirus, you are likely to be offered a video or telephone hearing instead. But you should still prepare for the hearing in a similar way.

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. While you are here, the clerk will explain what will happen and will take any evidence you have brought with you. When the panel are ready for you, you will be called into the room.

No warning

Some people are being given very little notice of a telephone hearing and some, none at all. If this happens to you, and you are not ready you can politely ask the tribunal to reschedule and give you 7 days notice. Some people though will feel its best to get it over with.

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 Judge. They are 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, and may have a disability themselves. 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 panel member who isn't easy to talk to. 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 going too fast, or making you anxious, or you feel you are not getting an opportunity to explain.

If it feels like they are asking you the same question repeatedly, they probably are and are trying to check that your answers are consistent. So make sure you are consistent, don't vary your answer just to move on.

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 it will not be the person that made the original decision about your claim.

What will happen at the hearing?

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

In the unlikely event that the panel are considering reducing your existing award (for example because you appealed the decision not to give you the enhanced rate of daily living and the panel feel that you may not be entitled to any daily living award at all), the judge will give you warning and ask if you want a few minutes to consider your options. This is very rare. But if it does happen to you, ask for the hearing to be stopped and explain that you wish to withdraw the appeal. If you do this, the Tribunal is very unlikely to take away the benefit you get at the moment.

**Your hearing might
be postponed**

In some areas, hearings are often postponed. Usually, if this has happened, you will get a phone call earlier in the day to warn you not to go. But sometimes you don't get a warning.

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 can take up to half an hour but usually takes between 10–15 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.

**My hearing is planned
for a time I cannot 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.

**What will
happen at
the hearing?**



‘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. 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 or the assessment people.

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 using the Advicenow guide 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 standard rate for mobility, 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?’

The guidance below assumes you are going to a face-to-face hearing. While social distancing measures are in place as a result of the coronavirus, you are likely to be offered a video or telephone hearing instead. But you should still prepare for the hearing in a similar way.

There is one difference that we want to make you aware of – at the beginning of a telephone hearing, the judge gives a stern reminder that you are not allowed to record the hearing. Some of our users have felt that they were being accused of recording and felt upset – this is not the case.

The Judge will also usually ask who is in the room with you. This is just so that they know who else is there. You are allowed to have family member or friend present.

- 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 25**.
- If you have said that you need help to go out or help throughout the day, it is a very good idea to bring someone with you.
- 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.
- Try to keep calm.
- Many people find they get very emotional at the hearing. It doesn’t matter if you get upset. It won’t harm 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 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.

‘What should I do on the day?’

- 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.
- They usually ask whether your condition has changed since the decision. Remember that you need to prove that the DWP made the wrong decision *at the time*, so it is unhelpful to dwell too much on how your condition has got worse. It is better to emphasise where your difficulties have remained broadly the same.
- 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.
- They will often ask you about how you got there or if you had any problems this morning. 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 them. 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, or if you needed to stop in the corridor to get your breath back, or had to keep going through your pain.
- Don't make light of your illness or disability. 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. 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. Remember to include the help you give yourself – maybe you have a seat in the shower, or use a long handled sponge. 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. 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 17**) 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 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).
- 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?’

Jargon buster

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 the process of asking 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. See **page 12**.

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.

Continuous Online Resolution – This is a new scheme that has been piloted by HMCTS. Please see **If you are asked if you would like your case to be dealt with using Continuous Online Resolution** for more details.

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

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.

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. See **page 10**.

(continued)

Jargon
buster

Manage your appeal – A new service from HMCTS that will allow people to make and track their appeal online, submitting further evidence, and withdraw an appeal.

Preliminary view/decision – During the coronavirus crisis, some cases may be looked at by a judge who, on the basis of the papers alone, thinks that you are entitled to a higher award. Both the claimant and the DWP will be asked if they accept the preliminary view. If you both do it will become the tribunal's decision and will save you the stress and bother of having a hearing over telephone or video. But if you think you should get a higher award don't accept it. If you don't accept it, you will be offered a telephone or video hearing where the tribunal will be able to ask you questions and hear your answers. Often this results in a better award.

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.

Social Security and Child Support Tribunal – This is the 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.

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 can use to ask for an appeal. It is expected to be replaced by a form more similar to the online system. You can also use the online system. See **pages 12–13** for advice on how to ask for an appeal.

Track your appeal – This is a new service to help you keep track of how your appeal is progressing. It will send you texts or emails at crucial points in the process, when evidence has been received, and when your hearing date is. If you asked for an appeal online, you may have signed up to it then. If not you can register by calling 0300 123 1142, Monday to Friday, 8:30am to 5:00pm.

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 26**.

Useful contacts

Find the appeal form or ask for an appeal online

You can find both the online system for asking for an appeal and the latest form to use if you wish to do it by hand/post at www.gov.uk/appeal-benefit-decision/submit-appeal

Speak to the DWP

PIP Enquiry Line

Telephone: **0800 121 4433**
Textphone: **0800 121 4493**
Monday to Friday, 8am to 7:30pm
(except during the coronavirus lockdown when it is 9am–5pm)

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.

<https://www.gov.uk/appeal-benefit-decision>



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 below.

How to write useful evidence for PIP appeals

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. This includes help they need but don't necessarily get, or help they give themselves like taking a rest or using an appliance. 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 as often as required or it would take them twice as long as anybody without their condition **for more than 50% of the time 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.

How to write useful evidence for PIP appeals

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 appeals

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 appeals

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 appeals

- | | |
|---|---------|
| 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. | Score 8 |
| d. Cannot follow the route of an unfamiliar journey without another person, assistance dog, or orientation aid. | 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. | Score 12 |

Activity 2. Moving around

- | | |
|---|----------|
| a. Can walk more than 200 metres, either aided or unaided. | Score 0 |
| b. Can walk more than 50 metres but no more than 200 metres, either aided or unaided. | Score 4 |
| c. Can walk unaided more than 20 metres but no more than 50 metres. | Score 8 |
| d. Can walk using an aid or appliance more than 20 metres but no more than 50 metres. | Score 10 |
| e. Can walk 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 |

How to write useful evidence for PIP appeals

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**.

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 and the enhanced rate of the mobility 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. On days when he doesn't come I will just eat biscuits or toast.

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.

I cannot go out anywhere at all without help from another person because of the seizures. I need supervision to help me stay safe and to help me after a seizure because I am so disorientated and confused I couldn't find my home again, or ensure I was even safe. I do not even go to the corner shop on my own. Even thinking about it makes me very anxious.

(continued)

- 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.

- 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?

How to write a statement for PIP

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.

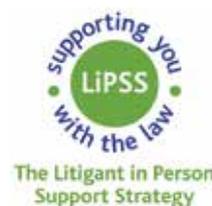
The cases we refer to are not always real but show a typical situation. We have included them to help you think about how to deal with your own situation.

advicenow.org.uk

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

Advicenow would like to thank all those who provided advice and feedback on this guide, particularly Jim McKenny, Rachel Ingleby, Jane Owen-Pam from The National Autistic Society, Sangeeta Enright from Cystic Fibrosis Trust, Christine Hallam-Cutler from Macmillan Benefits Rotherham, Sue Lovell from Cornwall Council, Richard Stacey from St Pauls Advice Centre, Chris Beer, and Greg Brown of Maggies Glasgow.

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