

Using personalised legal support tools to help benefit claimants challenge decisions

Research Report

Dr Wendy Eades, November 2024

Advicenow

Formerly known as Law for Life

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1 Executive Summary

This report presents findings from research into the effectiveness of Advicenow’s MR personalised legal support tools (hereafter referred to as MR digital support tools) to challenge Personal Independent Payment (PIP) and Disability Living Allowance (DLA) decisions at the mandatory reconsideration (MR) stage.¹

Advicenow is a national information and education charity that strives for social justice by legally empowering individuals and communities. The MR digital support tools are available on Advicenow’s online Advicenow service.

Personal Independence Payment (PIP) is an additional, non-means tested benefit to help with the extra expenses of everyday life when someone has a long-term illness or disability, including daily living costs and help with mobility. It is payable in addition to other benefits, income from work, or savings. Disability Living Allowance (DLA) is the equivalent benefit for a child up to the age 16.

The MR digital support tools are document assembly tools that support sick and disabled users to challenge unfair decisions made by the DWP.² The digital tools also support claimants by calculating what level of award the user should have received, based on their self-assessed mobility or personal care needs.³ The tool improves their understanding of how the entitlement is calculated and helps them to feel confident that they can challenge the decision if they believe it is unfair.

Advicenow’s MR digital support tools provide a blend of public legal information and practical support with letter writing for use by claimants themselves and their families. They were developed when reconsiderations were made mandatory, to meet the identified need that this extra step would result in many applicants failing to challenge the decision effectively. The introduction of mandatory reconsiderations came at a time when legally aided assistance to challenge benefit decisions was significantly reduced, leaving many without much needed advice to secure correct entitlements.⁴

¹ The research covers the period July 2021 – June 2023 with qualitative survey and interview data collected over 1 year between July 2021 and June 2022.

² If claimants disagree with a benefits decision, they can ask the DWP to reconsider their decision by requesting a mandatory reconsideration. The DWP can either change the decision or explain why they believe the decision is correct. If they don’t change the decision claimants can then submit an appeal. At an appeal an independent tribunal decides whether the decision is correct or not: <https://www.gov.uk/mandatory-reconsideration>

³ This doesn’t include the MR digital support tools for the Disability Living Allowance as that benefit doesn’t work on a points system.

⁴ The Legal Aid Sentencing and Punishment of Offenders Act 2012 (LASPO) reduced the availability of legal aid for social welfare law. As a result, provision of legal services for welfare benefits advice reduced dramatically. The number of advice agencies and law centres undertaking legal aid work on welfare benefits issues has dropped by 21% since April 2022: The Law Society, LASPO Act, 7th February 2024 <https://www.lawsociety.org.uk/topics/legal-aid/laspo-act#:~:text=In%20April%202013%2C%20the%20LASPO,large%20areas%20from%20legal%20aid>

The MR digital support tools aim to augment legal capability among litigants in person (LiPs), including knowledge of rights, obligations, and processes involved, letter writing skills and building user confidence and trust. They form part of a range of online information resources provided by Advicenow on welfare benefits to help LiPs secure the correct benefit entitlement. This includes in-depth guides on how to pursue an appeal even if you cannot access an adviser.

I knew that I was entitled to this because it really showed me what I should be claiming for and I knew that I met those criteria. So, then I went in [to the tribunal] with that letter with confidence. And when I went to tribunal, how I looked at it was, I am the expert on me, I know me, they don't know me, I know me. And I know what's wrong with me, and I know that I have to communicate this to them.

The lack of evidence-based research into the experiences of PIP and DLA claimants and the requisite levels of legal capability to pursue welfare benefit challenges hampers future legal services policy development and improvements in practice. This research therefore aims to contribute to the evidence base on the effectiveness of early intervention in reducing the negative impact of legal problems on LiPs.

Advicenow routinely uses mixed method research and evaluation tools to assess how its guides and the MR digital support tools impact on user outcomes and legal capability, supported by an academic advisory group.⁵ This approach has produced a substantial body of evidence over a decade. By embedding detailed evaluation of the impact of the service on the legal capability of service users, this research contributes to our knowledge of the experiences of benefit claimants going through MRs and tribunals and seeks to inform improvements in service development.

But well, I mean, for me, having PTSD, it's been really triggering. And I felt suicidal at points.

The findings illustrate the barriers that people experience in pursuing challenges to their welfare benefit decision in the disability context and demonstrate the continuing value and significance of the MR digital support tools for disabled people who are unable to access advice. Barriers include low levels of knowledge about their rights and the processes involved in pursuing correct levels of entitlement, difficulties in ensuring appropriate evidence is gathered at the right time to enable accurate decision-making and the stress and confusion involved in pursuing a review or appeal.

Well, I did not want to go to tribunal, so I tried my best to write a really good letter. And that's why I was grateful to you because that [letter] generator meant that I was able to be a bit more coherent than because I felt really emotional.

The findings indicate that the tools enable people to overcome some of these barriers and take action, as well as securing improved outcomes. 47% of users reported

⁵ Prof Anne Barlow, Professor of Family Law and Policy, Exeter University; Ash Patel, Programme Head: Justice, Nuffield Foundation; Prof Grainne McKeever, Professor of Law and Social Justice, Ulster University; Prof Pascoe Pleasence, Professor of Empirical Studies, Faculty of Laws, UCL; Prof Sharon Collard, Research Director, Personal Finance Research Centre, University of Bristol.

they would not have pursued their appeal or MR without the help of the service and 53% said they would not have written a letter without the MR digital support tool. The majority of users of the MR digital support tools said they had secured positive outcomes. A significant number of users reported increase in care or mobility awards (67% and 44% respectively). Users also reported avoiding negative health outcomes.

“It was a lot. I was worrying about my financial situation. My mental health got worse, I was put on a stronger dose of fluoxetine (antidepressant) and obviously, feeling like that. So everything made everything worse.

The research highlights the negative socio-economic outcomes experienced by LiPs going through the assessment and MR process for PIP and DLA, including how the digital support tools ameliorated the stress and confusion caused by pursuing a MR request. For example, in several cases, claimants were unaware of how to make their case, including providing medical evidence.⁶ The findings suggest that MR digital support tools are an important component of legal services that enhance the knowledge and confidence that claimants need to successfully challenge award decisions by the DWP that are unfair or inaccurate.

“I had my decision overturned by the tribunal judge in four minutes,

The findings reflect wider research indicating poor decision-making at first and second instance in the context of disability benefits, with additional barriers caused by the stress and confusion as a result of the reconsideration and appeals processes. If these issues had been addressed at the application stage, time and resources would not have been wasted overturning the decisions at the MR stage or the appeal hearing.

Because I thought to myself “why are they making it difficult? Like why?” Why can't they say to me that you need to do it like this and point you in the direction of someone like you to help people

The research reveals the importance of effective support to enhance the legal capability of litigants in person to ensure that applicants are able to understand and effectively navigate processes, in particular in the absence of legal aided in person advice.

⁶ For example, some claimants assumed that they did not need to provide evidence because they had given permission for their GP or medical practitioner to be contacted and were told that the decision was based upon a lack of evidence. However, despite the DWP frequently requesting further evidence, a recent FOI request confirmed that the DWP decision-makers disagreed with assessment makers in just 3% of cases, regardless of any medical evidence provided by claimants: https://www.whatdotheyknow.com/request/details_of_decisions_where_healt

1.1 Key findings

Detailed research generated the following key findings:

1. Services reached disabled people

In 2021–22, Advicenow attracted 1,739,031 page views across all the resources on the website.

- 33% of people using Advicenow identified as disabled. This increased to 38% in 2022–23.
- PIP and DLA MR digital support tools attracted 84,356 pageviews.⁷
- 4562 personalised letters were generated.
- 95% of users surveyed were trying to get their own PIP decision changed or doing so on behalf of a friend or family member.
- 60% of users of the MR digital support tools were female and 40% male, reflecting the same proportion of MR registrations for the same period.⁸
- 45% of PIP tool users and 57% of DLA digital support tool users are aged between 25 – 44 years old.

2. The tools had a positive impact on users' socioeconomic and health outcomes

The tools significantly increased the chances of disabled claimants obtaining an improvement in their award at MR or appeal stage and reducing the stress of the process.

- 52% had their original decision changed in their favour at the mandatory reconsideration stage. This compares to 23% of national average outcomes, including those who had the help of an adviser.
- A further 38% got the decision changed at appeal stage.
- 90% of users surveyed reported that using the MR digital support tools and guides had enabled them to obtain a positive financial outcome at the MR or appeal stage.
- 67% had their care award increased.
- 44 % had their mobility award increased.
- Users interviewed reported that using the MR digital support tools and guides helped mitigate some of the stress involved in the MR process. They also said that they particularly valued that their voices had been heard and believed.
- The MR digital support tools enabled users to obtain an independent reassessment of their original award decision, as required by the DWP Handbook.⁹

⁷ This represented a slight increase of 0.51% on the previous period of July 2020 – June 2021, suggesting that individuals were starting to seek legal advice and information as the restrictions of the Covid 19 pandemic began to be lifted. This has been confirmed by data for 2022 – 2023, showing 1,952,173 pageviews. Appendix 1 provides user data for the Advicenow service from July 2021 to June 2023.

⁸ Department of Work and Pensions Stat-Xplore Benefits database London: DWP, retrieved 8th May 2024 <https://stat-xplore.dwp.gov.uk/webapi/jsf/dataCatalogueExplorer.xhtml>

⁹ DWP *PIP Handbook (updated May 2024)* London: DWP, May 2024: <https://www.gov.uk/government/publications/personal-independence-payment-fact-sheets/pip-handbook>

3. The tools and guides increased users' ability to pursue a problem resolution strategy

Findings point to the MR digital support tools and appeal guides increasing users' confidence and ability to act and to persevere in a course of action.

- 47% of users said they would not have asked for a MR or appeal without the tool or guide. This was most commonly due to a lack of confidence (67%) but also because they didn't understand their rights (44%).
- 22% said they would not have known how to go about the process or they would have missed the time limit (22%) (and not known they could ask anyway).
- 53% of users said that they could not have written the PIP MR letter without the tool; 21% said it included things they would not have considered to put their case better; and 26% said they understood more about what to put in their letter.

4. The tools and guides increased users' awareness and understanding of their legal issue and legal processes

- 53% of people said that they would have requested a MR or appeal anyway but of these:
 - 60% said they thought the guide or tool helped them to put their case better
 - 60% felt more confident after using them.

5. Users reported high satisfaction levels with the service

Users reported a high level of satisfaction with the service across both online surveys and interviews. They said they found the tools and guides extremely helpful, clear and reliable, providing structured information and real-world examples that encouraged them to challenge their initial decision. They found the tools straightforward to use, they appreciated that they could access the tools and guides directly rather than through an intermediary (such as an advice professional), and that they were free of charge.

6. Significant external and internal factors impacted usage of the tools.

The Covid-19 pandemic and the national lockdowns made a significant impact on the UK's social welfare system.¹⁰ Planned reviews of existing PIP and DLA benefit recipients were paused at the start of the pandemic, reducing the number of potential users of the MR digital support tools. This had a significant effect on the take-up of the MR digital support tools.

¹⁰ The first national lockdown ran from March – June 2020; the second national lockdown ran from November – December 2020; the third national lockdown in England ran from January – March 2021, with a phased lifting of restrictions from March – July 2021.

In the aftermath of the pandemic, there was a substantial increase in the number of working-age people claiming PIP between July 2021 and July 2022, most of whom had not claimed disability benefit before. New applications for MR increased by 33%. However, usage of the MR digital support tools has not increased accordingly: from July 2021–June 22, pageviews of the tools decreased by 27% and by 24% from July 2022–June 23.

Decline in usage of the MR digital support tools may be due to a combination of reasons, such as new claimants having less knowledge of the MR process; a significant increase in online information and advice about benefits provided by the DWP and other organisations in the social welfare sector; and lack of awareness by disabled people about the MR digital support tools and guides. Other factors might include unsuccessful Search Engine Optimisation (SEO) to enable users to find content on Google more easily and the introduction of a requirement to set up an account with Advicenow in order to be able to save their data and complete their MR letter over more than one session.

7. Users reported systemic issues with the assessment process

Our findings concur with wider research into systemic issues within the disability benefits assessment process that may impact on DWP decision-making and cause unnecessary financial hardship and stress.

If these issues had been addressed at the application stage, time and resources would not have been wasted overturning the decisions at the MR stage or the tribunal hearing. Going through the MR process conducted by the DWP also delayed claimants' access to an independent review of their claim, as required by the DWP PIP Handbook.¹¹

Users reported that they had experienced:

- a lack of clear information about criteria and medical evidence required for awards
- inadequate assessment processes that didn't reflect how their disabilities and health conditions affected their lives
- inaccuracies in assessment reports by assessors, leading to poor award decisions¹²
- extended waiting times for MR decisions, which delayed their opportunity to appeal, and
- extended waiting times to get to appeal, as a result of court backlogs.

¹¹ DWP *PIP Handbook (updated May 2024)* London: DWP, May 2024: <https://www.gov.uk/government/publications/personal-independence-payment-fact-sheets/pip-handbook>

¹² Medical assessments of PIP claimants are carried out by Independent Assessment Service (IAS) or Capita, which are private companies contracted by the government to do the medical assessments. Assessors are health professionals who write a report for the DWP. A DWP decision maker uses the report to decide whether the claimant is entitled to PIP, at what rate and for how long.

8. Users wanted their voices to be heard in order to change a flawed system

Findings point to continuing and enhanced insight and engagement from users about the systemic issues they have encountered in accessing disability benefits at each stage of the process.

9. Users wanted to ensure that more people who could benefit from the MR digital support tools can find them.

Those who had used the MR digital support tools successfully wanted others to be able to access them. The research identified that there was a need to work even more closely with people with lived experience of claiming PIP and DLA in order to facilitate our understanding of how to reach potential users.

1.2 Recommendations

DWP and HMCTS recommendations include:

It would have made it a lot easier for me if I'd have known at the outset that it is imperative that you have a doctor's letter, and that's not what it said in the documentation that I'd had, otherwise I would have got one a lot sooner.

1. The findings contribute to a growing body of evidence that first-instance decision making of Personal Independence Payment and Disability Living Allowance awards by the DWP require substantial improvement. In particular to provide enhanced information and guidance on the assessment process and criteria and to better signpost to independent sources of independent help and advice. A focus on providing better information and advice at the earliest stage should aim to enhance users' understanding of their eligibility, and how to pursue a claim, a mandatory reconsideration and an appeal. Detailed guidance on further and better use of independent medical assessments along with clear explanations of decision-making processes should be highlighted in the light of the substantial confusion expressed by service users.
2. Findings suggest assessments exhibit a continuing failure to follow guidance for assessors in the DWP Handbook (updated May 2024), specifically the requirement for independence in the assessment process.¹³ The DWP should review decision-making outcomes to ensure they are based on independent assessment with due weight to GP and other related health and care professional evidence.

¹³ DWP PIP Handbook (updated May 2024) London: DWP, May 2024: <https://www.gov.uk/government/publications/personal-independence-payment-fact-sheets/pip-handbook>

3. The DWP and HMCTS should ensure that enhanced information is provided to applicants about sources of independent information and advice, including providing links to the Advicenow MR digital support tools at points most accessible to claimants, for example in communications sent by the DWP to unsuccessful PIP claimants and letters or emails about tribunal hearings.
4. More transparency is needed around the decision-making process at the application stage and clearer information about the evidence the decision has been based on at the MR stage would reduce court backlogs and stress for claimants. The DWP should provide clear guidance about the criteria used to assess applications for PIP and DLA and the type of medical evidence that is required.
5. The DWP should utilise the lived experiences of disability claimants to inform improvements in the assessment process for disability benefits and to enable them to influence policy development in the social welfare arena.
6. The assessor's report should be available to claimants at the MR stage so that they can be challenged at that point.¹⁴ Several users reported inaccuracies in the reports by medical assessors which led to award decisions that were later overturned at MR or appeal, resulting in financial hardship and avoidable stress.
7. The assessment questions should be revised, and assessors should prioritise evidence from health professionals who know claimants, to ensure that the experiences and limitations of all individuals with disabilities and health conditions are accurately and fairly assessed from the start, and to better inform the decision-making process.

This is more than systemic failure. It's like the system is doing exactly what it's built for, which is to penalize people who are in need

Advicenow recommendations

Please make sure it is widely advertised. It's a lonely and challenging world being 'othered' by disability.

1. Further promotion of Advicenow guides and mandatory reconsideration personalised legal support tools (hereafter referred to as MR digital support tools) to advice and voluntary sector partners to help increase awareness amongst claimants new to the benefit process of their rights and the help available to them.
2. Further research to investigate why more users access the guides and view the early content pages but don't complete the tool. This should include consideration of challenges with logging on and exploring the reasons why users are unwilling or unable to set up user accounts in order to access the MR digital support tools.
3. Investigation is needed to ascertain why usage of the PIP and DLA MR digital support tools has not increased in line with a significant increase in new PIP claims and an increase in MR levels after the pandemic.

¹⁴ At present, claimants only see assessor's reports before the appeal.

4. Enhanced collection and analysis of user data is needed to identify how to reach underserved communities. Methods should include enhanced digital capture alongside further qualitative work with disabled users leading design.
5. Long delays in process require further longitudinal qualitative research which requires service users' consent to contact them 12 months after their letter has been generated.
6. Further work to access wider funding sources to sustain and improve MR digital support tools. As more people apply for disability benefits and MR and appeal rates continue to rise¹⁵ and the cost-of-living crisis deepens,¹⁶ the need to support LiPs will increase.¹⁷
7. Advicenow should develop closer links with people with lived experience of claiming PIP and DLA in order to facilitate our understanding of how to reach potential users.
8. Advicenow should seek wider stakeholder engagement with advice providers who are unable to support MR or appeal or experience excess demand, to consider mechanisms for signposting to the tool to improve self-help outcomes.
9. Advicenow should integrate enhanced information and guidance for users to engage with and influence decision-makers, including complaints, to enable their voices to be heard, as part of the fourth domain of legal capability, 'engaging and influencing':

“[the individual] Is aware of the impact of the law and legal institutions on their lives and on the lives of others” and “Is aware of relevant processes, structures and institutions that can be used to influence and participate in decision making in order to achieve change.”¹⁸

15 DWP *Personal Independence Payment: Official statistics to January 2022* (London: DWP) last updated 15th March 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-january-2022/personal-independence-payment-official-statistics-to-january-2022>

16 The DWP have reported “unprecedented levels of new claims in recent quarters” in their most recent report on PIP official statistics *DWP Personal Independence Payment: Official statistics to October 2023* last updated December 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-october-2023/personal-independence-payment-official-statistics-to-october-2023#:~:text=Latest%20quarterly%20figures%20to%20October,22%2C000%20clearances%20for%20DLA%20reassessments>
Citizens Advice reported that the cost-of-living crisis got worse at the start of 2024 and the number of people they helped with crisis issues reached record levels: <https://www.citizensadvice.org.uk/policy/publications/cost-of-living-trends/>

ONS reported that 76% of adults surveyed in their Opinions and Lifestyle Survey in period 22 March to 2 April said their cost of living had increased: <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/publicopinionsandsocialtrends/greatbritain/31januaryto1february2024>

17 DWP *Personal Independence Payment: Official statistics to January 2022* last updated 15th March 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-january-2022/personal-independence-payment-official-statistics-to-january-2022>

18 Legal capability: the four key domains for evaluation in Sharon Collard et al *Public Legal Education Evaluation Framework* (Bristol: Personal Finance Research Centre, University of Bristol, 2011) <https://www.advicenow.org.uk/sites/default/files/uploads/2011/12/capabilities-table-in-colour-372.pdf>

2 Background

Under the auspices of the Ministry of Justice Legal Support Action Plan presented to parliament by the Lord Chancellor and Secretary of State of Justice, a two-year grant programme was established via the Access to Justice Foundation to ensure effective legal support for litigants in person (LSLIP).¹⁹ The LSLIP grant stream aimed to gain a better understanding of how people behave early on in the resolution of legal problems and the effectiveness of support targeted at people, both of which are considered crucial elements of securing effective legal support.

Activities centred on prevention seek to encourage the public to take action to avoid unnecessary legal disputes or escalating conflicts, for example through awareness-raising designed to warn of new obligations, or to deal with common misconceptions regarding the law. However, there is only limited evidence that demonstrates the effectiveness of early intervention.²⁰ More evidence is required to help form a wider strategy to prevent legal problems from escalating and compounding. There are gaps in the evidence relied upon to decide where to go next, and there are areas where existing evidence could be refreshed or updated to reflect societal and system changes.²¹

Advicenow sought to meet Ministry of Justice delivery and research priorities through the delivery and testing of a range of public legal education and information initiatives with a focus on early intervention and targeted support in the context of social welfare and family law disputes. Two detailed research reports were published in 2021 setting out the findings of the pilot evaluation of our [Affordable Advice service](#) and [Regional trusted intermediary courses on housing rights for women](#). A further report on the Affordable Advice service in its first full-service year has recently been published. This fourth and final report details the research findings of the Advicenow MR digital support tools encompassing qualitative data collected between July 2021 and June 2022. The research period was extended for a further year to enable us to gain better insight into user trends over time. The research adds to the evidence base on the effectiveness of early intervention to support LiPs by improving their legal capability, as well as helping them obtain better outcomes.

¹⁹ Ministry of Justice. *Legal Support: the way ahead: An action plan to deliver better support to people experiencing legal problems* (London, Ministry of Justice, 2019) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777036/legal-support-the-way-ahead.pdf. The Legal Support for Litigant in Person grant ran between July 2020 and September 2022.

²⁰ Erol Digiusto, "Effectiveness of public legal assistance services: A discussion paper", *Law and Justice Foundation of NSW Justice Issues* 16 (2012): 1 [http://www.lawfoundation.net.au/ljf/site/articleIDs/18C587ECBD959D5OCA257D9D00021AAF/\\$file/JI_16_Effectiveness_paper_FINAL.pdf](http://www.lawfoundation.net.au/ljf/site/articleIDs/18C587ECBD959D5OCA257D9D00021AAF/$file/JI_16_Effectiveness_paper_FINAL.pdf). Lisa Wintersteiger et al, *The effectiveness of Public Legal Education Initiatives: a literature review* (London, Legal Services Board, 2021) <https://legalservicesboard.org.uk/wp-content/uploads/2021/02/PLE-systematic-review-report-Feb-2021.pdf>

²¹ Ministry of Justice. *Legal Support: the way ahead: An action plan to deliver better support to people experiencing legal problems* (London, Ministry of Justice, 2019) 27

2.1 About the Mandatory Reconsideration personalised legal support tools

The MR digital support tools are document assembly tools that support sick and disabled users to challenge unfair decisions made by the Department for Work and Pensions.²² We currently provide tools to support people requesting a mandatory reconsideration for three specific decisions – you can view the tools by going to [Personal Independence Payments \(PIP\)](#), [Disability Living Allowance \(DLA\)](#), and [Work Capability Assessment \(WCA\)](#) for Universal Credit (UC) or the Employment Support Allowance (ESA).

PIP is an additional benefit to help with everyday life when someone has an illness, disability or mental health condition. It is payable in addition to other benefits, income from work or savings. DLA is the equivalent benefit eligible for a child up to the age 16. WCA is used by the DWP to assess whether a claimant has limited capability for work and can receive the full Universal Credit amount without having to fulfil work-related conditions, or if they can continue to receive Employment Support Allowance. The tools (apart from the tool for DLA) calculate what claimants should be receiving and encourage them to challenge the DWP's decision if they haven't been awarded that amount.

The MR digital support tools provide a blend of public legal information and practical support to help the claimant build a letter to request a MR. They were developed in response to the sharp reduction in legally aided assistance to challenge benefit decisions and low levels of legal knowledge, skills and confidence in the UK population as a whole that hinder access to basic welfare entitlements.²³

Access to independent advice on how to challenge disability benefit decisions is increasingly difficult, particularly given the isolation and other difficulties disabled people and families with disabled children may experience. PIP and DLA claimants have just one month to submit a reconsideration request and many claimants fail to secure their entitlements. Research shows confusion among claimants between the different stages of the process, and reluctance to contact the DWP for advice or further information after receiving their decision letter due to concerns that it would not be impartial. Stress can be an additional factor against appealing a decision. Following an unsuccessful MR, the DWP's own research suggests that 37% of claimants are put off due to stress and 20% feel too unwell to appeal.²⁴

²² If claimants disagree with a benefits decision, they can ask the DWP to reconsider their decision by requesting a Mandatory Reconsideration. The DWP can either change the decision at this point, explain why it can't be reconsidered or allow claimants to appeal at tribunal: <https://www.gov.uk/mandatory-reconsideration>

²³ Since the LASPO legislation in 2013, access to legal aid for welfare benefits has reduced substantially so that in England and Wales 84.9% of the population do not have access to a welfare legal aid provider, leaving them unable to challenge or appeal decisions; of those with a welfare legal aid provider in their local authority, 10.6% only had a single firm available: Law Society, *Legal Aid deserts: welfare*, last updated 21st February 2024 <https://www.lawsociety.org.uk/campaigns/civil-justice/legal-aid-deserts/welfare>
Increasingly access to in person advice and information on welfare benefits has reduced and moved to generic online advice, although helpline advice is still available. Disability Rights UK, *Getting Advice* <https://www.disabilityrightsuk.org/resources/getting-advice#Facetoface>

²⁴ Johanna Barry et al, *Personal Independence Payment Claimant Research – Final Report Summary* (London: DWP, 2018), 9 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/738909/summary-personal-independence-payment-claimant-research-final-report.pdf. "Additional reasons included not being able to get help to navigate the appeals process, the view that the stress and anxiety that an appeal would cause would be detrimental to their condition, and not having the physical and emotional energy that the appeals process was deemed to require."

Data shows that applicants struggle to navigate and understand the process throughout, particularly those with disabilities which affect their ability to read, understand or remember information, or who have limited literacy or English language skills.²⁵

Data reveals continuing issues with poor first instance decision making by the DWP. According to the DWP, only 23% of MRs cleared in the quarter ending July 2022 led to a change in award.²⁶ However Ministry of Justice tribunal statistics reported that of the 23,000 cases completed in Q1 2022/23, 66% were settled at a hearing and of these, 63% had the initial decision revised in favour of the claimant.²⁷

A recent Freedom of Information request confirmed that DWP decision-makers disagreed with assessment reports in just 3% of cases, regardless of any medical evidence provided by claimants.²⁸ This suggests that it is important that claimants have the opportunity to take their appeal to an independent tribunal in order for it to be considered fairly.

The MR digital support tools were devised to mitigate the increasing inaccessibility of advisers (by reassuring users and helping to put their case well), and to address the skills gap of claimants (enabling them to better make their case). The language that the tools use aims to ensure that the user feels supported and empowered to challenge the decision. The MR digital support tools for PIP and WCA also support the user by calculating what level of award the user should have received, based on their self-assessed mobility or personal care needs.²⁹ The tool improves their understanding of how the entitlement is calculated and helps them to feel confident that they can challenge the decision. The tool generates a personalised letter requesting a MR; enhancing the letter writing skills that users might struggle with.³⁰ The letter sets out why the decision is wrong or why the user is entitled to the benefit point-by-point.

[PIP Mandatory Reconsideration request tool](#)

[DLA Mandatory Reconsideration request tool](#)

The PIP MR tool was launched on May 26th 2016 and accompanied the Advicenow guide 'How to win a PIP appeal'. It has been refined and updated on a regular basis. The DLA MR digital support tool was launched on 15th November 2017, to complement the Advicenow guide 'How to win a DLA appeal'. Consultation with users and organisations representing disabled adults and children highlighted that the users could not always complete the process in one sitting, because of exhaustion or other time commitments, such as the caring responsibilities of parents or family members of disabled people. In

²⁵ Barry, *Personal Independence Payment Claimant Research – Final Report Summary*, 11

²⁶ DWP *Personal Independence Payment: Official statistics to July 2022* (London: DWP) last updated 20th March 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-april-2013-to-july-2022/personal-independence-payment-official-statistics-to-july-2022>

²⁷ Ministry of Justice *Tribunal statistics Quarterly: April to June 2022* (London: Ministry of Justice) last updated 8th September 2022 <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2022/tribunal-statistics-quarterly-april-to-june-2022#social-security-and-child-support>

²⁸ 'DWP's own figures prove PIP decision making is a sham', Benefits & Work newsletter, 16th April 2024: <https://www.benefitsandwork.co.uk/news/dwp%E2%80%99s-own-figures-prove-pip-decision-making-is-a-sham>

²⁹ This doesn't include the tools for the Disability Living Allowance as that benefit doesn't work on a points system.

³⁰ If claimants disagree with a benefits decision, they can ask the DWP to reconsider their decision by requesting a Mandatory Reconsideration. The DWP can either change the decision at this point, explain why it can't be reconsidered or allow claimants to appeal at tribunal: <https://www.gov.uk/mandatory-reconsideration>

June 2019 both tools were changed to enable users to save their progress and return to the site at another time to finish the letter, by setting up an account.

Both tools were evaluated by analysing pageviews of the tool on Advicenow and the number of individual letters downloaded. User feedback was via feedback received on the Advicenow website and via an online survey, emailed to those who downloaded a personalised letter. The survey questions comprised closed questions and free text boxes to ask if there was anything else that the respondent would like to share.

A similar tool helping claimants challenge the limited capability for work element of Universal Credit/Employment and Support Allowance ([Work Capability Assessment Mandatory Reconsideration Tool](#)) was developed and made available in April 2022. The [Work Capability Assessment Tribunal Submission Tool](#) was created, in partnership with University House Legal Advice Centre. This tool makes it easier for the claimant to explain to the tribunal why the decision the DWP made about their claim for Employment and Support Allowance or the limited capability for work element of Universal Credit claim was wrong.

This research looks at the efficacy of our MR digital support tools for PIP and DLA.

2.2 Aims of the research

Litigants in person (LiPs) in England and Wales lack the legal capability to prevent common legal problems from escalating causing unnecessary litigation and compounding disadvantage.³¹ Advicenow's research for over a decade has shown that public legal education can have a positive impact in tackling the low levels of knowledge, skills and confidence amongst LiPs.³² LiPs' struggles with legal problems have been exacerbated by complex and rapidly changing legal rules and processes, and diminishing legal support, creating more barriers to accessing justice.³³

The core grant objective set out under the programme sought to:

- Enhance services that support the earliest possible interventions for LiPs, reducing the risk of their problems escalating.

31 Pascoe Pleasence, Nigel J. Balmer and Catrina Denvir, *How people understand and interact with the law*, (Cambridge: The Legal Education Foundation, 2015) <https://research.thelegaleducationfoundation.org/research-learning/funded-research/how-people-understand-and-interact-with-the-law>.

See also: Pascoe Pleasence and Nigel J. Balmer, *How people resolve legal problems* (Cambridge: Legal Services Board, 2014) <https://legalservicesboard.org.uk/research/reports/how-people-resolve-legal-problems>

Legal Services Board and The Law Society, *Online Survey of individuals' handling of legal issues in England and Wales* (Cambridge: Legal Services Board, 2019) <https://legalservicesboard.org.uk/online-survey-of-individuals-handling-of-legal-issues-in-england-and-wales-2019>

32 Lisa Wintersteiger, *Legal needs, legal capability and the role of Public Legal Education* (London: Law for Life and The Legal Education Foundation, 2015)

<https://www.advicenow.org.uk/sites/default/files/uploads/Legal-needs-Legal-capability-and-the-role-of-Public-Legal-Education.pdf>

33 Pleasence et al, *How people understand and interact with the law*, <https://research.thelegaleducationfoundation.org/research-learning/funded-research/how-people-understand-and-interact-with-the-law>.

See also: Pleasence and Balmer, *How people resolve legal problems* <https://legalservicesboard.org.uk/research/reports/how-people-resolve-legal-problems>

Legal Services Board and The Law Society, *Online Survey of individuals' handling of legal issues in England and Wales 2019* <https://legalservicesboard.org.uk/online-survey-of-individuals-handling-of-legal-issues-in-england-and-wales-2019>

- Develop understanding of how and when LiPs access different services, to help ensure that services are designed around the people who need to use them.
- Contribute to building an evidence base of what works and what doesn't.

This strand of research and evaluation work has enabled Advicenow to enhance understanding of the impact of their MR digital support tools which have been used since 2016 but have not benefited from dedicated research funding.

Research questions

The research aims deal with two overarching questions assessing the impact of the service interventions as well as the processes through which the services were delivered. A cluster of impact related questions aim to draw out these core issues:

1. What difference has the intervention made?

This cluster of impact related questions seeks to understand the following:

- Who did the services reach? What are the demographic characteristics? To what extent did the programme reach its target population?
- Did service users increase their awareness and understanding of their legal issue and legal processes relating to it?
- Were service users able to use the information provided to identify and pursue a problem resolution strategy?
- Did users avoid negative socio-economic outcomes, e.g., loss of income or health impacts?
- To what extent have different groups been impacted in different ways, how and why?

2. What can be learned from how the intervention was delivered?

- Were there any unexpected or unintended issues in the delivery? What facilitated delivery and what were the barriers? How did external factors influence the delivery?
- What worked well, or less well, for whom and why? How satisfied were users with the services?
- What could be improved? Are any changes needed before further expansion?

A further element sought to understand the interrelationship between legal capability and digital capability including which groups face barriers to accessing justice services, in particular through new forms of digital delivery.

2.3 Research methodology

In dealing with the two inter-related impact and process research questions that we identified, we deployed mixed methodologies to gather a contextualised body of data, through both quantitative and qualitative design. This included the use of Google analytics data, which provides data about service usage and some limited demographic data on age and gender. We deployed online surveys and undertook semi-structured interviews of service users. Due to the small sample size at the start of the service it was not possible to identify a control group.

To identify who used the MR digital support tools, including a limited amount of demographic information, and assess to what extent the intervention reached its target population, data was collected via Google analytics. This included the number of pageviews across the Advicenow website overall, pageviews of Advicenow guides on how to appeal PIP and DLA decisions, pageviews of the PIP and DLA MR digital support tools and how many individual MR letters were generated by users. Data on pageviews was collated and analysed across five years, from 2018 – 2019 to 2022 – 23, in order to identify trends of usage.

In order to capture the experiences of those using the tools, users were emailed a short online survey at the point at which they received their digitally generated MR letter (see 3.2), which asked about the level of award, user satisfaction and legal capability. They were also asked if they would be willing to be contacted after 12 months to report on their outcomes. The Primary survey ran from 1 April 2022 and 30th June 2022: 761 emails were sent, and 19 responses were received.³⁴

Additional feedback was sought through a more comprehensive survey via the Advicenow guide, in order to ascertain the views of service users on the tools and what outcomes they had obtained (see 3.3), including questions on legal capability. 57 people completed this survey during the period 1st July 2021 – 30th June 2022.

Semi-structured interviews were conducted online or via telephone with a very small sample of users who had set up an account to access the tool (see 3.4). This facilitated more detailed exploration about why they had used the tool, its impact on their legal capability and outcomes, and how using the tool contributed to their confidence and reduced the stress of challenging their benefit decision.

³⁴ PIP MR digital support tool user survey questions can be found in Appendix 2.

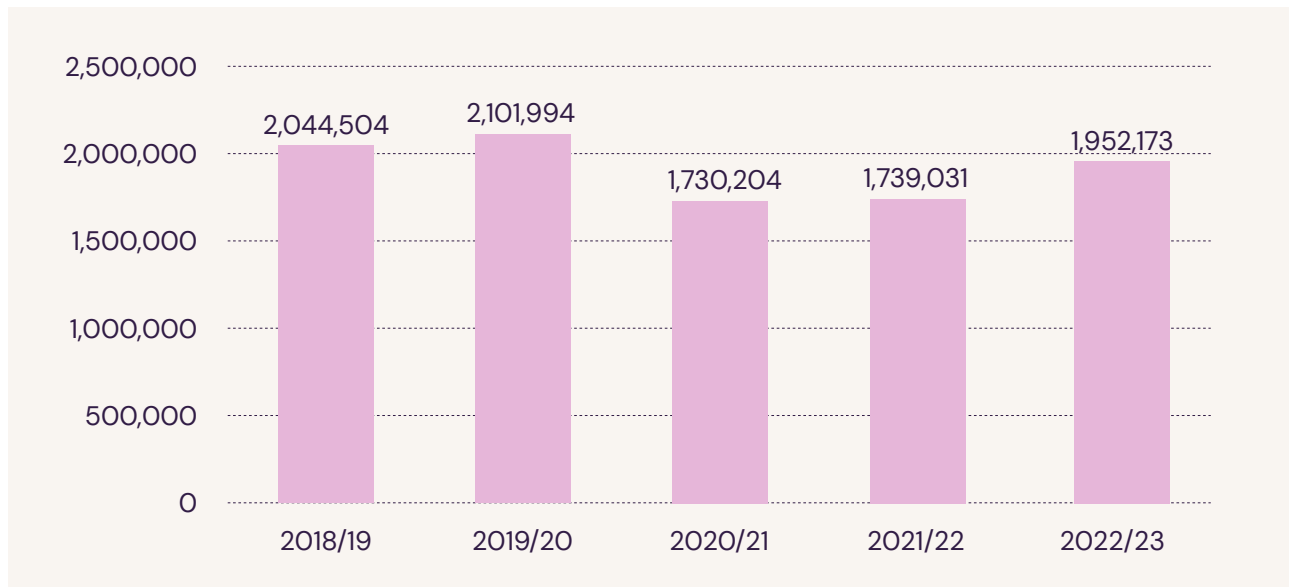
3 MR digital support tools research findings

3.1 Take-up: How many people did the service reach and who were they?

Service usage (via pageviews and MR letters generated) over 5 years from 2018-19 to 2022 – 23, and basic demographic data was identified using Google analytics for the period of the research (1st July 2021 – 30th June 2022). It is interesting to compare these figures with the number of pageviews generated across the Advicenow website as a whole over the same 5-year period.

Annual Pageviews across the Advicenow website

- In the period 1st July 2018 – 30th June 2019, the Advicenow website attracted 2,044,504 pageviews.
- In the same period for 2019 – 2020, the number of pageviews had increased to 2,101,994.
- However, in the same period in 2020-21, pageviews for the website decreased to 1,730,204.
- In the period covered by the research, 1st July 2021 – 30th June 2022, it increased slightly to 1,739,031 pageviews.³⁵
- By the same period in 2022-23, it had increased to 1,952,173.

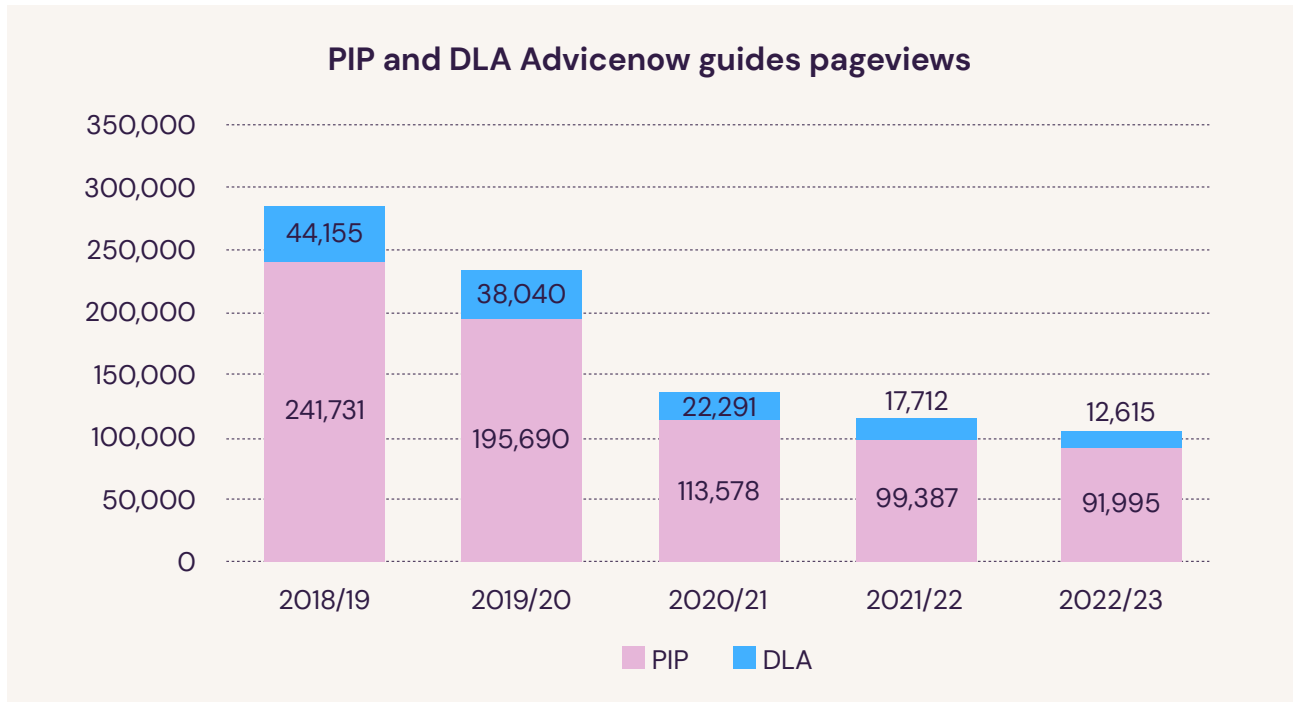
Figure 1: Advicenow website annual pageviews

Analysis of Advicenow user trend

The user trends suggest a significant impact on the uptake of the Advicenow service as a whole during the research period, due to the Covid 19 pandemic. The first national lockdown in England and Wales ran from March 2020 to June 2020, with a second lockdown November – December 2020 and a third from January to March 2021. This affected the areas of law for which we provide information and support, particularly welfare benefits and housing rights, which is reflected in a significant decrease of 18% in the number of pageviews for 2020 – 21. By the year 2021 – 22, Covid restrictions had largely been lifted, resulting in a slight increase in Advicenow website pageviews of 0.51%. By 2022 – 23, there was a clear upward trend in the number of people visiting the Advicenow website, increasing by 12%.

Annual pageviews of Advicenow guides on challenging PIP and DLA decisions

Pageviews of the guides on how to appeal PIP and DLA decisions also declined significantly during 2020–21, the period most affected by the Covid 19 welfare changes. Pageviews for the PIP guide were still declining in 2021 – 22 (by 14%) and in 2022–23 (by 11%) but have levelled off.

Figure 2: PIP and DLA Advicenow Guides usage trends

Annual pageviews for the MR digital support tools for PIP and DLA

Mapping the usage of the MR digital support tools across 5 years from 2018 – 2023 provides an indication of the user trends.

2018–19:

- 234,028 pageviews for the PIP tool and 24,159 pageviews for the DLA tool = **258,187**
- 14,627 PIP personalised letters and 1750 DLA personalised letters were generated = **16,377**

2019–2020:

- 188,245 pageviews for the PIP tool and 19,747 pageviews for the DLA tool = **207,942 (decrease of 19% on the previous year)**
- 7977 PIP personalised letters and 873 DLA personalised letters were generated = **8550 (decrease of 48% on the previous year)**

2020–21:

- 104,020 pageviews for the PIP tool and 11,727 pageviews for the DLA tool = **115,747 (decrease of 44% on the previous year)**
- 5085 PIP personalised letters and 477 DLA personalised letters were generated = **5,562 (decrease of 35% on the previous year)**

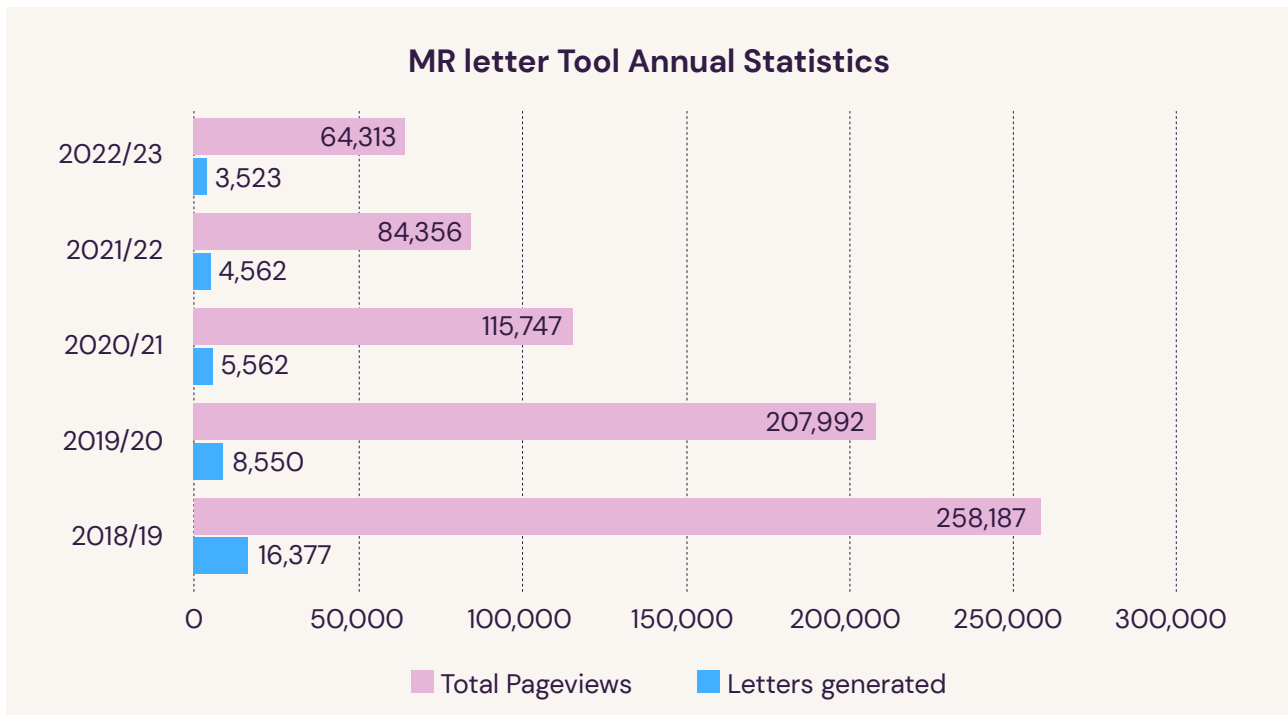
2021-22:

- 74,226 pageviews for the PIP and 10,130 pageviews for the DLA = **84,356 (decrease of 27% on the previous year)**
- 4131 PIP personalised letter and 431 DLA personalised letters were generated = **4,562 (decrease of 18% on the previous year)**

2022-23:

- 57,935 pageviews for the PIP tool and 6378 pageviews for the DLA tool = **64313 (decrease of 24% on the previous year)**
- 3221 PIP automated letters and 302 DLA letters were generated = **3523 (decrease of 23% on the previous year)**

Figure 3: Mandatory Reconsideration letter tool user trend



Analysis of MR digital support tools user trend

Up to 2018-19, the pageviews of the MR digital support tools had been increasing, particularly after the launch of the DLA tool in November 2017. Between 2018 – 19 and 2019 – 20, there was a decrease (19%) in the number of pageviews of the MR digital support tools, and the number of letters generated had almost halved in the same period. The most significant decline in the generation of letters occurred in the following year (a decrease of 45% for PIP and 50% for DLA in the period July 2019 – June 2020). There was a further significant reduction (44%) in the number of pageviews of the MR digital support tools between 2019-20 and 2020-21. The number of people searching for help with MRs also dropped, so it is likely that fewer people were finding the tools on Advicenow. Pageviews of the MR digital support tools further declined by 27% in 2021-22. This decline continued in 2022-23, with pageviews decreasing by 24%.

The most significant factor affecting take-up of the MR digital support tools is likely to have been the imposition of the first national lockdown due to the Covid-19 pandemic, which had a profound impact on the welfare benefits system.³⁶

The DWP paused planned reviews of PIP and DLA awards from March to July 2020 and from September 2022, and automatically extended any PIP claims due for renewal for 12 months in order to deal with the rise in demand.³⁷ As a result, fewer PIP and DLA decisions were being made that may have generated reviews or appeals.³⁸ This may have had some impact on the reduced use of Advicenow guides and MR digital support tools to appeal PIP and DLA decisions during this period. It is also likely that because of a reduction in face-to-face services and disabled people being particularly vulnerable to Covid-19, fewer people were being signposted to our website. This in turn was mirrored by a reduction in Advicenow survey respondents reporting as disabled.

However, the number of working-age people claiming PIP doubled between July 2021 and July 2022 to 30,000 per month, as a result of worsening health across the population,³⁹ the Ministry of Justice (MoJ) reported that from April 2022, receipts (new appeals) for Social Security and Child Support tribunals were gradually returning to pre-Covid 19 levels.⁴⁰ The DWP reported in September 2022 that their figures for the quarter ending July 2022 showed 180,000 registrations for new PIP claims, the highest level since PIP began and up by 21%.⁴¹ The number of new PIP claims continued to rise to unprecedented levels (220,000 for the quarter up to July 2023⁴² and 250,000 for the latest quarterly figures to April 2024⁴³).

The number of MRs registered with the DWP in the quarter ending June 2022 increased significantly compared to the same period in the previous year (by 38%) but the number of MRs where the award was changed went down by 48% (this reduced again, by 21%, for the same period in 2023). The percentage of PIP awards that were changed at the MR stage also decreased by 34% against the same period in 2021

36 The first national lockdown ran from March – June 2020; the second national lockdown ran from November – December 2020; the third national lockdown in England ran from January – March 2021, with a phased lifting of restrictions from March – July 2021.

37 Oliver Crunden and Victoria Anns, *Playing catch-up: the impact of delayed health assessments for Personal Independence Payments* (London: Citizens Advice, 2023) https://www.citizensadvice.org.uk/Global/CitizensAdvice/welfare%20publications/Playing%20catch-up_%20the%20impact%20of%20delayed%20health%20assessments%20for%20PIP.pdf

38 DWP, *Personal Independence Payment: Official statistics to January 2022* (London: DWP, last updated 2022) <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-january-2022/personal-independence-payment-official-statistics-to-january-2022>

39 Robert Joyce, Sam Ray-Chaudhuri, Tom Waters *The number of disability claimants has doubled in a year IFS Report R233* London: IFS, 2022 <https://ifs.org.uk/publications/number-new-disability-benefit-claimants-has-doubled-year>

40 Ministry of Justice *Tribunal statistics Quarterly: April to June 2022* (London: Ministry of Justice) last updated 8th September 2022 <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2022/tribunal-statistics-quarterly-april-to-june-2022#social-security-and-child-support>

41 DWP Personal Independence Payment: official statistics to July 2022 (London: DWP) last updated September 2022 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-april-2013-to-july-2022/personal-independence-payment-official-statistics-to-july-2022>

42 DWP Personal Independence Payment: official statistics to July 2023 (London: DWP) last updated December 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-july-2023/personal-independence-payment-official-statistics-to-july-2023>

43 DWP Personal Independence Payment: official statistics to April 2024 (London, DWP) last updated September 2024 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-april-2024/personal-independence-payment-official-statistics-to-april-2024>

(and by 1% in 2023). The DWP also reported that the number of appeals lodged by claimants with HMCTS increased significantly in the quarter ending June 2022 (by 69% to 14,430). However, this decreased to 8670 in 2023, a 40% reduction on the same period in 2022. It is notable that the number of appeals overturned in claimants' favour reduced significantly (by 97%) in the quarter ending June 2023.

HMCTS Tribunal statistics reported that in Quarter 1 in 2022/23 (April – June 2022), the number of new PIP appeals (receipts) across Social Security and Child Support (SSCS) tribunals increased by 113% on the same period in 2021, having fallen by 14% during April – June 2021 compared to the same period in April – June 2020.⁴⁴ Receipts for Quarter 1 in 2023/24 decreased slightly (by 8%)⁴⁵ and continued to decline throughout the rest of the financial year.⁴⁶ The Ministry of Justice also reported that 62% of PIP appeals and 78% of DLA appeals were completed at the hearing, of which 72% (PIP) and 67% (DLA) had their initial decision overturned in favour of the claimant (up slightly from the same period in 2021–22).⁴⁷ In the same period in 2023–24,⁴⁸ whilst the number of clearances has increased substantially for PIP (71%) and decreased for DLA (72%), the number of decisions overturned in favour of the claimant has decreased slightly (68% of PIP appeals and 62% of DLA appeals). Because of the pause in PIP reassessments and the extension of current awards, most people getting decisions on their PIP awards now are first time claimants. They will therefore not have experienced the DWP process before and will not have asked for an appeal before. They may also not know they can challenge the decision.

Frontline advice organisations experienced a substantial increase in demand for help plus a significant shift of to the provision of online advice rather than face-to-face sessions because of the pandemic restrictions. As a result, they may not have had sufficient capacity to help service users in drafting MR letters, but they may be better known by claimants. Advicenow's capacity to proactively promote the service to advice organisations during the period directly after Covid restrictions began to ease was limited, but since April 2022, a new member of staff was appointed to increase the profile of our services across social media.

Another factor that may have impacted on the decline in usage of the MR digital support tools over the last few years is that in June 2019, MR tool users were encouraged to set up an account in order to save their data and add to it over more than one session, which was made mandatory in June 2020 in order to ensure that all users saved their data. It is possible that potential users were either unable to set up an account or were wary of doing so.

44 Ministry of Justice *Tribunal statistics Quarterly: April to June 2022*, (London: Ministry of Justice) last updated 8th September 2022 <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2022/tribunal-statistics-quarterly-april-to-june-2022#social-security-and-child-support>

45 Ministry of Justice *Tribunal statistics Quarterly: October to December 2023*, (London: Ministry of Justice) last updated 14th March 2024 <https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-october-to-december-2023>

46 Ministry of Justice *Tribunal statistics Quarterly: January to March 2024*, (London: Ministry of Justice) last updated 13th June 2024 <https://www.gov.uk/government/statistics/tribunals-statistics-quarterly-january-to-march-2024>

47 Ministry of Justice *Tribunal statistics Quarterly: April to June 2022*, (London: Ministry of Justice) last updated 8th September 2022 <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2022/tribunal-statistics-quarterly-april-to-june-2022#social-security-and-child-support>

48 Ministry of Justice *Tribunal statistics quarterly: April to June 2023*, (London: Ministry of Justice) last updated 14th September 2023 <https://www.gov.uk/government/statistics/tribunal-statistics-quarterly-april-to-june-2023>

The combination of several factors has resulted in a reduction in usage of MR digital support tools for PIP and DLA (although use of the recently developed tools for WCA MR and tribunal submissions continues to rise):

- the impact of the Covid 19 pandemic on the welfare benefits system, pausing PIP and DLA assessments,
- the significant increase in new claims for PIP are likely to come from people who have not claimed benefits before, who may be unaware that they can appeal against their original award decision and do not know about the Advicenow resources available to them,
- the shift of information and advice services from face-to-face to online or telephone services, resulting in the development of more online resources aimed at disability benefit claimants, substantially more 'traffic' on the internet and increased reliance on social media,⁴⁹
- the reluctance of potential users to set up an account in order to generate personalised MR letters.

Who used the MR digital support tools? Demographic characteristics of users

As the DWP's Stat-Xplore database only collects data on the age, gender and disability of PIP claimants registering a MR, we have focused on these personal characteristics.

Age

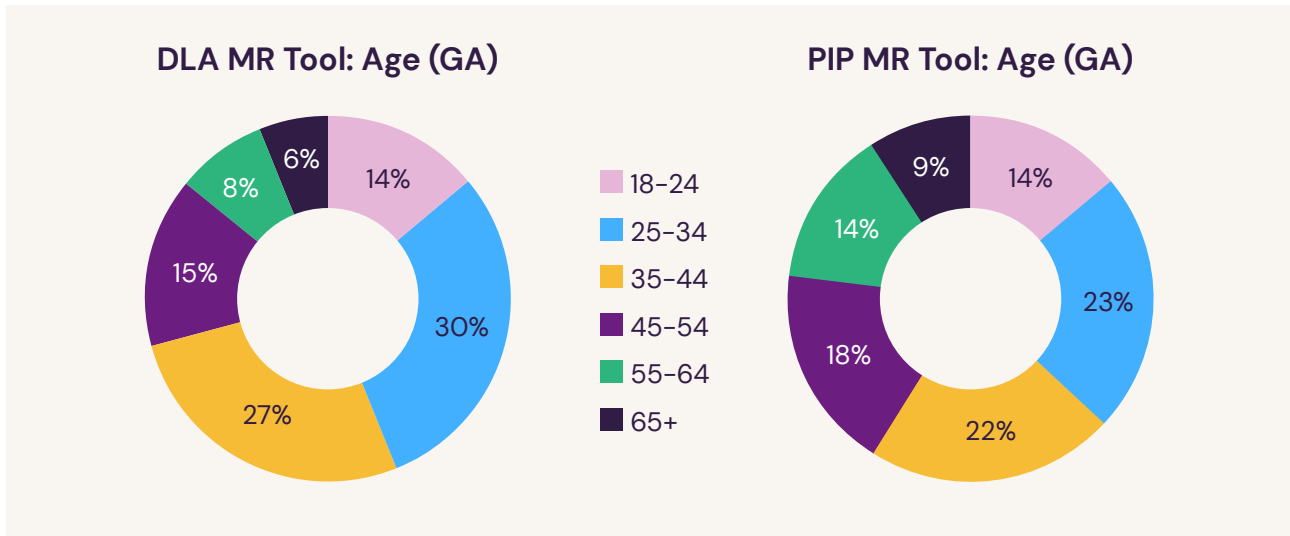
Our data⁵⁰ shows 45% of PIP MR tool users and 57% of DLA MR tool users are aged between 25 – 44 years old.

Since 2013, DLA claims are limited to children under 16, so the higher age count for DLA is likely to reflect challenges being made by parents and carers. Unfortunately no claimants came forward for interview so it was not possible to verify this.

⁴⁹ SEO is the process used to optimise a website's technical configuration, content relevance and link popularity so its pages become easily findable, more relevant and popular towards user search queries, and as a consequence, search engines rank them better.

⁵⁰ Data on the age and gender of users of both tools are obtained via Google analytics (GA) Demographic data from Google analytics is only available for a subset of website users who choose to share their data with Google. It may not represent the overall composition of traffic, as we do not know if some demographics are more likely than others to share their data, and how this might impact the results. However, it does represent a very large number of users. GA data on users of the DLA tool is likely to represent the parents/carers who apply for the benefit on behalf of those children under 16 who are eligible, rather than the beneficiaries themselves. There is also a lack of demographic data on those applying for DLA reported by the DWP and HMCTS, which represents a significant gap in data on vulnerable populations, which could inform better decision making and policy development.

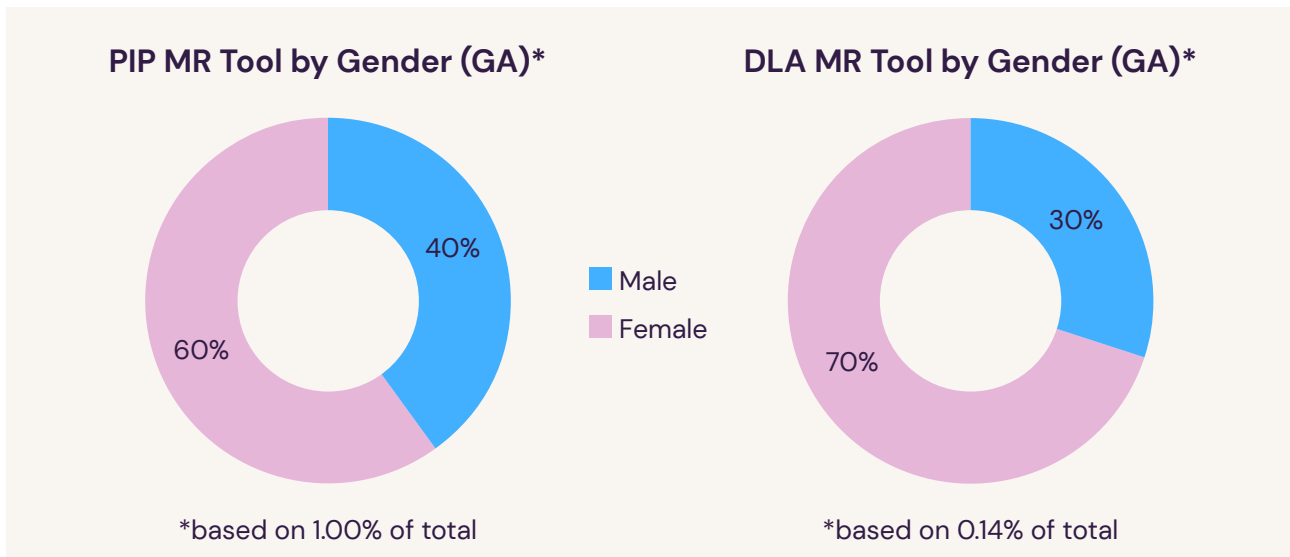
Figure 4: DLA and PIP MR digital support tools: Age of users



Gender

There was a significant gender differential in the use of the MR digital support tools, with 60% of users using the PIP tool and 70% of users of the DLA tool describing themselves as female (this is likely to reflect the fact that DLAs are completed by parents and carers on behalf of their children). This is higher than the gender split for general Advicenow users, where 54% are female.

Figure 5: DLA and PIP MR tools: Gender of users



Disability

As Google analytics does not collect data on the disability of users, we have used data generated by the Advicenow generic online survey data as a proxy, which showed that 33% of people using Advicenow identified as disabled in the period 2021 - 2022. This increased to 38% in 2022-2023.

Historically, the proportion of Advicenow users across the site reporting as disabled has been very high, reflecting the popularity of the PIP appeal guides and tools. This in turn reflected the number of people who needed to challenge a decision about their PIP or DLA decision. It is reasonable to assume that users of the PIP and DLA MR digital support tools are disabled people or people with health conditions, or family, friends or professionals acting on their behalf.

Did the intervention reach the target audience?

Evidence from the limited data available from Google analytics shows that the PIP MR tool is predominantly used by females, which reflects the gender differential in the registrations for MR for the same period.⁵¹

Data for MR registrations by age-band shown in the DWP's Stat-Xplore data for the period April 2021 – March 2022:

- 16–24: 10% compared to 14% of PIP MR Tool users
- 25–34: 16% compared to 23% of PIP MR Tool users
- 35–44: 19% compared to 22% of PIP MR Tool users
- 45–54: 24% compared to 18% of PIP MR Tool users
- 55–64: 26% compared to 14% of PIP MR tool users
- 65+: 4% compared to 9% of PIP MR tool users

This suggests that while usage of the PIP MR tool is used by a higher proportion of claimants aged 25 – 44, 50% of people registered for MR during the same period were in the age ranges covering 45 – 64, whereas 32% of people used the PIP MR tool. More research is needed to identify why fewer older PIP claimants applying for a MR used the PIP MR tool.

The percentage of users of the Advicenow website by people identifying as disabled represents approximately one third of all survey respondents, which increased to 37% in 2022 – 23. The number of pageviews of Advicenow guides on challenging PIP and DLA decisions was 104,610 in 2022– 23, showing that Advicenow resources are still attracting significant usage by disabled people looking for help and support to access disability benefits on behalf of themselves or their children.

⁵¹ Department of Work and Pensions Stat-Xplore Benefits database London: DWP, retrieved 8th May 2024
<https://stat-xplore.dwp.gov.uk/webapi/jsf/dataCatalogueExplorer.xhtml>

3.2 Primary user survey

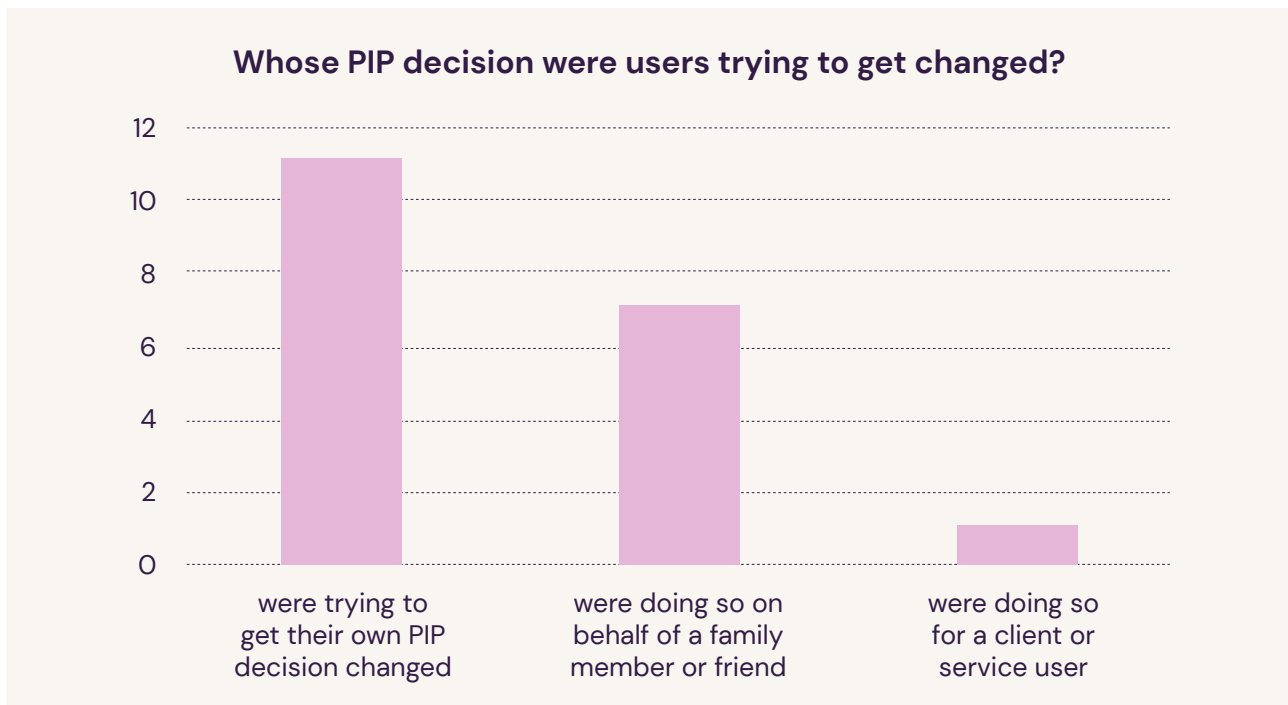
Users were surveyed at the point of receiving their personalised MR letter to identify why they had used the tools, what type of award they were challenging and their satisfaction with the tools. The survey also sought to assess whether using the MR tool had impacted on their awareness or understanding of their legal issue or process, in terms of whether they would have applied for a MR without it.

Why people used the tool

We asked users whose PIP decision they were trying to get changed:

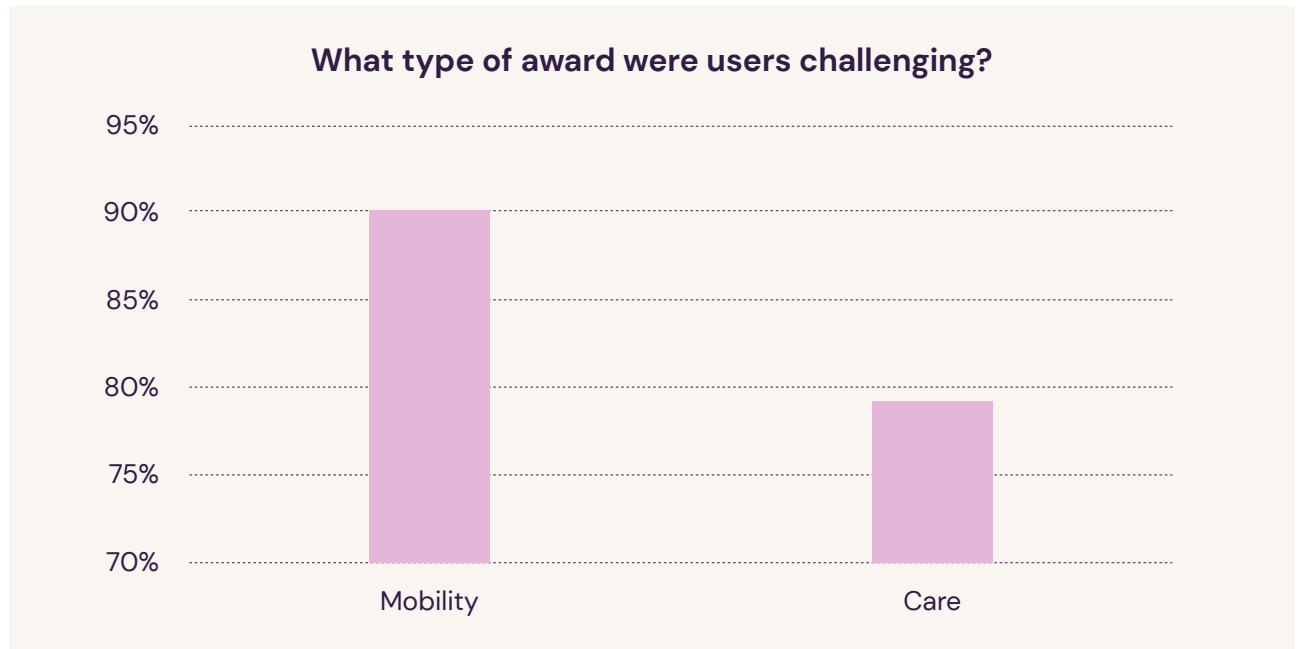
- 58% were trying to get their own PIP decision changed
- 37% were doing so on behalf of a family member or friend
- 5% were doing so for a client or service user

Figure 6: Whose PIP decision users tried to get changed



- 90% were challenging a decision not to give them any award for mobility
- 79% were challenging a decision not to give them any award for care

Figure 7: What type of award users were challenging



User satisfaction

When asked how helpful the PIP MR tool was:

- 53% said that they could not have written the letter without it
- 21% included things they would not have considered to put their case better
- 26% understood more about what to put in their letter

Legal capability

User feedback was sought to assess whether there was an increase in awareness or understanding of the legal issue or process. Users were at the start of the process of challenging their PIP decision, so would not have known the outcome of their MR letter but could report on the difference the MR digital support tool or Advicenow guide made to their decision to proceed, showing a positive impact on their legal capability.

When asked whether users would have challenged their PIP decision without using the MR tool or guide, 47% thought they would not have asked for a MR or appeal without our tool or guide, because:

- 44% didn't understand their rights to make an application
- 22% would have missed the time limit
- 22% would not have known how to go about the process
- 67% didn't have the confidence to apply

Of the 53% that **did** think they would have applied without the guide/tool:

- 60% thought this helped them to put their case better
- 60% felt more confident after using the tool/guide

17 respondents also expressed interest in being contacted after 12 months to report on their outcomes.

Analysis of the Primary online user survey

Whilst most users did so to challenge their own award, a significant percentage used the tool on behalf of a family member or friend. Whilst most respondents said they were challenging a decision for both mobility and care, 90% of those surveyed reported that they had applied for a MR because they hadn't received any award for mobility.

User satisfaction with the PIP Mandatory Reconsideration tool was high, with 53% of respondents saying they couldn't have written the letter without it. 47% thought they would not have asked for a MR or appeal without our tool or guide and 60% of those that said they would have applied anyway said that they thought it was helpful. This indicated that service users were able to use the information provided to identify and pursue a problem resolution strategy. The reasons given by those who would not have applied for a MR revealed a significant lack of knowledge and understanding about their rights to make an appeal and the process for doing so. 67% stated that they would not have had the confidence to do so, which highlights the need for more public legal education to ensure that benefit claimants can access their entitlements.

3.3 Secondary online user survey

A more comprehensive survey of users of the MR tool was conducted via the Advicenow guide, to find out what outcomes they had obtained. The survey also sought to assess the impact of using the MR tool on their legal capability.

Why users had used the tool

77% of survey respondents (44 people) said they had generated a MR letter through the tool. Although many would have completed the process, others decided not to pursue their claim. Google analytics reports that the guide [Appeal a PIP decision](#) was viewed on 79,905 occasions. However, there are several variables that are difficult to infer from the survey data, e.g., that LiPs decided not to proceed with their MR application, or that they were persuaded to accept an award lower than they originally claimed or anticipated.

When users were asked whose PIP decision they were trying to get changed:

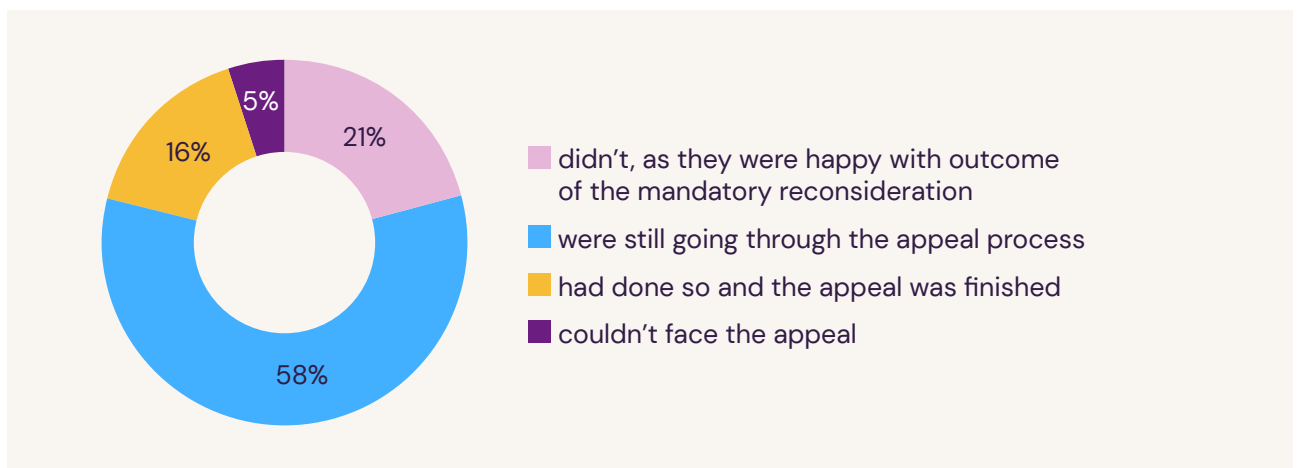
- 81% were applying on their own behalf
- 14% were doing so on behalf of a family member or friend
- 5% were doing so for a client or service user

Figure 8: Whose PIP decision users were trying to get changed

Outcomes

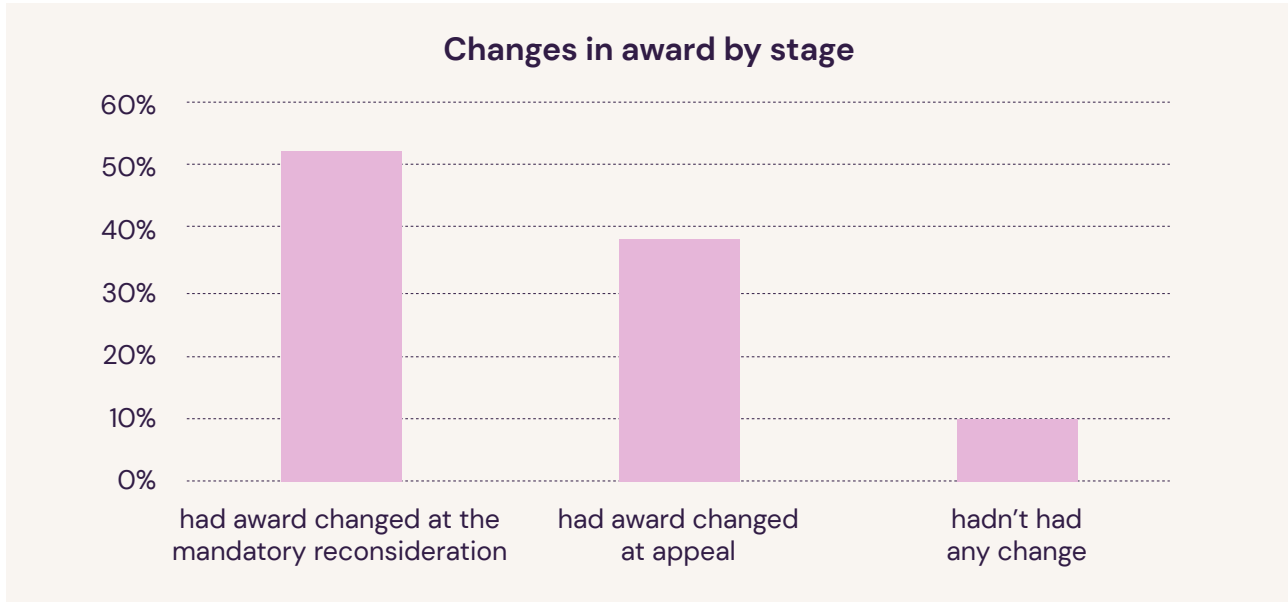
When users were asked whether they'd gone on to appeal the decision:

- 21% didn't, as they were happy with the outcome of the MR
- 58% had done so but were still going through the appeal process
- 16% had done so and the appeal was finished
- 5% couldn't face going on to appeal

Figure 9: Whether users had gone on to appeal after the MR process

When asked if their award was changed at either stage, 11 users (52%) said their award was changed at the MR stage and 8 (38%) at appeal; 2 reported no award change. Overall, this represents a positive socio-economic outcome for 90% of those surveyed.

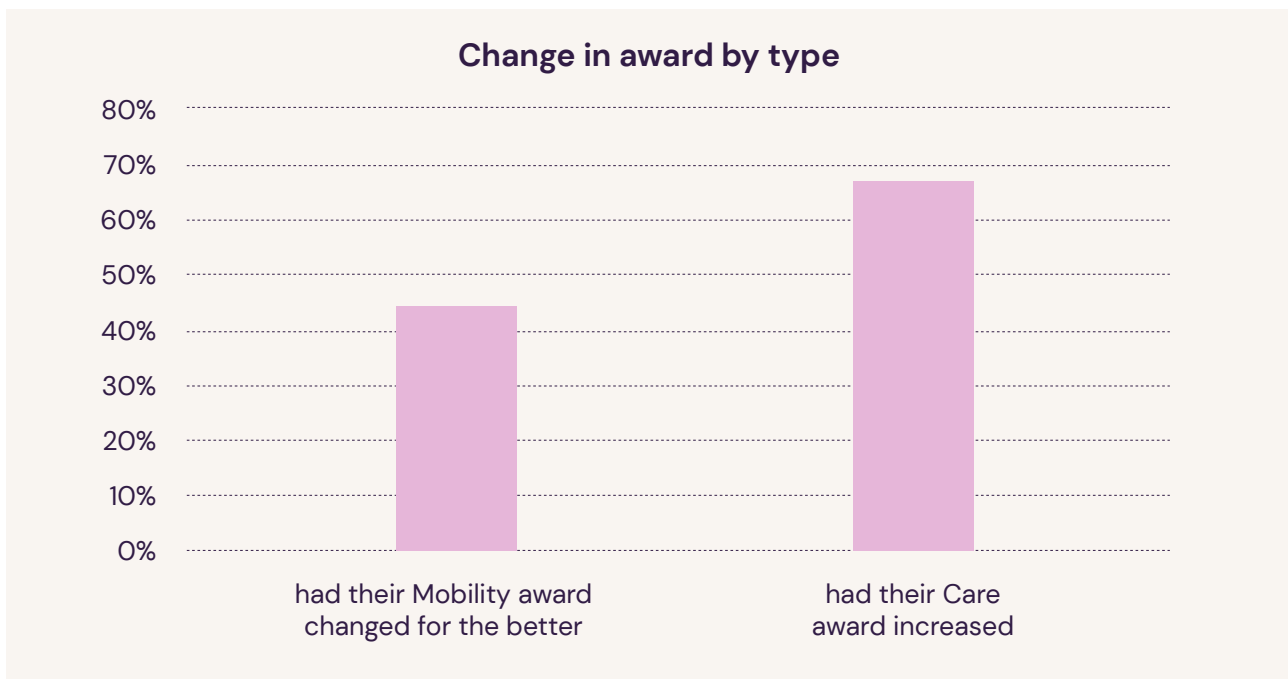
Figure 10: Whether users had their award changed at either stage



When asked about whether awards for mobility and care were changed as a result of their appeal, of the 18 that reported on their outcomes:

- 44% had their mobility award changed for the better.
- 67% had their care award increased.

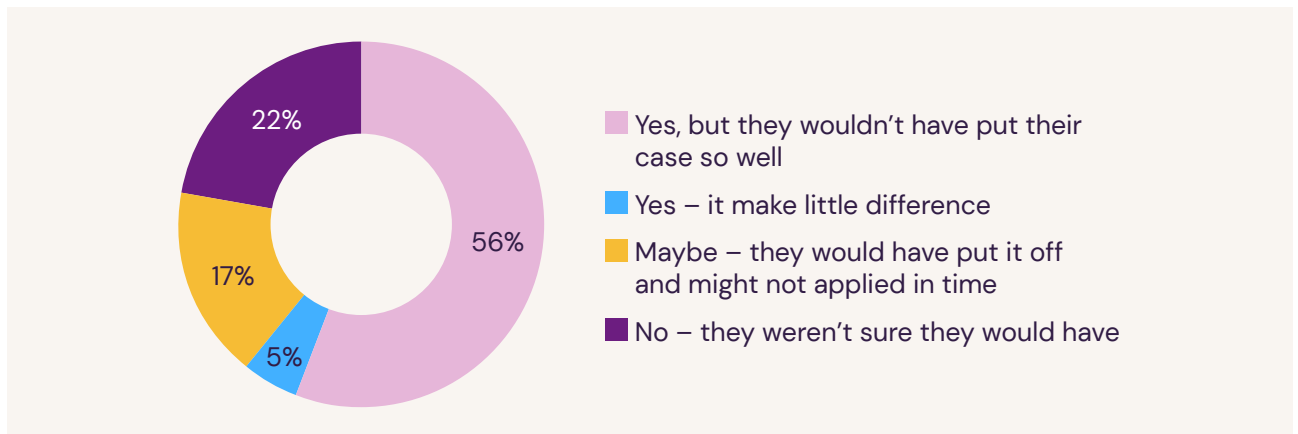
Figure 11: What type of award was changed for users?



Legal capability

The survey sought to pinpoint whether users increased their awareness and understanding of their legal issue and legal processes relating to it.

Figure 12: Whether users would have requested a MR or appeal without the tool or guide



22% of users would not have requested a MR or appeal unless they had used the Advicenow tool or guide. However, it is significant that 56% users reported that although they would have done so, they wouldn't have put their case so well and 17% stated that they might not have applied or they might have delayed their application if they hadn't had access to the tool or guide.

Analysis of secondary online survey

90% of users surveyed reported that the MR digital support tool enabled them to obtain a positive socio-economic outcome at either the MR or appeal stage, which suggests systemic flaws in the original decision-making process for PIP.

Of the survey respondents who reached an outcome after using our resources, 52% had their original decision changed in their favour at the mandatory reconsideration stage. This is considerably higher than the national average which was 23% for this time frame - this includes those who had the help of an adviser. So, using the MR tools more than doubled claimants' chances of getting a better award. A further 38% got the decision changed at appeal stage. 67% had their care award increased and 44% had their mobility award increased.

78% of respondents also reported that either they would not have requested a MR or appeal without the tool, or that although they would have done so, they would not have put their case so well. This suggests that using the MR tool and guide prompted a shift in the legal capability of claimants, in that it enabled them to identify and assess a different course of action, then plan and follow through an appropriate course of action.⁵²

⁵² *Legal capability: The four key domains for evaluation* in Sharon Collard et al, *Public Legal Education Evaluation Framework* (Bristol: PFRC University of Bristol, 2011)

Survey respondent comments showed a high level of satisfaction and hinted at positive impacts on health and wellbeing:

User quotes

The template was really helpful especially for vulnerable people who are dealing with so much stress.

I'd just like to thank you! Without the letter template I doubt I would've been taken seriously.

It felt 'doable' with your support where previously it had felt overwhelming.

It helped me understand how to format what I was trying to get across. It made me see my claim clearly. It gave me clarity how to defend myself.

It gave complete structure and guidance to what I needed to do. This gave me the confidence to go ahead and try.

It made my anxiety decrease knowing that I was in with a chance at getting my PIP reviewed.

Please make sure it is widely advertised. It's a lonely and challenging world being 'othered' by disability.

One of the only available pieces of assistance for people with issues like myself.

Absolutely amazing, gives support, understanding and confidence.

3.4 MR personalised legal support tool interview study

An interview study was conducted, using semi-structured interviews of a small sample of users to examine the impact of the MR tool on their socio-economic outcomes, including their health and stress. The interviews also aimed to look more closely at the impact of the tool on the legal capability of users and asked about their experiences of how the intervention was delivered and any issues in its delivery.

Response Rate

Participants were recruited by emailing 160 service users during June–July 2022 who had created an account in order to generate a personalised letter in June 2021 (to allow time for them to have obtained an outcome). Participants were offered a £30 e-gift card to thank them for their time. Unfortunately, only 5 participants were recruited – a few others replied but wanted to do an online survey rather than an interview. (Advicenow do not keep a record of tool users, and as people setting up an account are not currently asked to specify why they are doing so, it is possible that a proportion of these did not use the tool).

Ethics

Participants were sent an information sheet explaining the purpose of the research and about how their personal details would be kept confidential and how their comments would be recorded and used. They were also asked to complete and return an online consent form. This is kept on the staff shared drive in compliance with GDPR. Interviews were recorded using an automated transcription service and transcripts are kept on the staff shared drive, having had any identifying details removed. Participants were offered a copy of the transcript and the opportunity to amend any details. The Interview schedule can be found in Appendix 3.

3.5 Analysis of responses

When asked what level of PIP award they had been given for mobility or care originally:

- Out of the 6 interviewees, 4 were not given an award for mobility or care; 2 were given PIP at the Standard Level for mobility but felt that they were entitled to the Enhanced rate.
- One person said they had been told that their health condition was not recognised and was turned down at MR stage on that basis but at the time of the study they were appealing and awaiting a preliminary hearing date.
- When asked why they wanted to challenge the decision:
 - The 4 interviewees who had not been awarded anything wanted to challenge it on the basis that they were entitled to some sort of award.
 - Those who had been granted an award at the Standard rate felt that they were entitled to the Enhanced rate.

When asked whether they had sought advice before coming to Advicenow and how helpful advice from other sources had been:

- Most interviewees had sought advice from other sources before coming to Advicenow, such as other websites, friends, or Citizens Advice.
- One interviewee had received help from Citizens Advice to write a MR letter but reported that the letter generated by our PIP MR tool was better written and more effective.

When asked how they had found out about Advicenow:

- Most found out about the guides and MR tool by Googling for help with PIP.
- When asked about whether they used the Advicenow guide on How to win a PIP appeal and how useful it was:
 - Three of the interviewees reported using the guide before turning to the MR tool.
 - Those who didn't, had the tool recommended to them by a friend or family member or had found the link on a website.

- All interviewees reported that they found it extremely helpful, providing clear, reliable, and structured information about the process, and giving real world examples to which they could relate, and which encouraged them to challenge their decision:

User quotes

Like I say the biggest thing for me was that it was the tool said you can include this, you can include that, you need to look at when you're at your worst rather than when you're the best and I included all the tips and things that I agreed with it that related to me, but I hadn't put them in originally. So you know, of course nine times out of 10, it's gonna say no the first time, because people are just filling it in as they see fit, aren't they really? They must vary massively. And ones that you get depended on people's abilities and even things down to the academic abilities, whether they've got a disability or not. If some people can't spell very well or construct a sentence very well, then they're going to struggle as well with the form.

It was the examples that you could use in putting into your own letter and things like that.

Interviewees were asked whether they had been able to use the tool on their own or whether they needed help from someone else:

- In most cases, interviewees were able to use the tool on their own, but 2 people had support from their carer because of their health conditions and/or learning difficulties.

When asked how easy they found it to set up an account for the tool and whether they were able to use the tool as soon as they'd done so:

- All interviewees found setting up an account straightforward and used it soon after setting up the account.

Interviewees were asked about how easy they found it to use the tool and whether they were able to complete the letter in one attempt and send it to the DWP without delay:

- All interviewees reported that they found using the MR tool very easy. They all created the letter and sent it to the DWP immediately.
- Most completed the MR tool form over several days, as the evidence requirements on the MR form are onerous. They found the facility to save their progress very helpful, although one user suggested adding an Auto save facility to the tool.
- When asked if using the tool had encouraged them to ask for a MR, most said they would have asked for it anyway, but using the tool and guide helped them to put their case better and led to a positive outcome.

User quote

I found it, considering it's something that you were using almost in a legal capacity because you are challenging a decision. I found it very, very simplistic, and I thought it was really very accessible to lots of people. It wasn't worded in a difficult way. The way that you located the information on the website was, again, very, very simple. It wasn't hard to find at all. So I think that you've made it as you know, you can't make it fool proof. It's impossible because of the content of what it's about. But I think it was very, very understandable for pretty much most people. I thought it was very well worded.

When asked what decision they received after using the tool and what their outcome had been if they had gone on to appeal and their case had completed:

- 4 interviewees reported that their original award decision was changed.
- Only 1 interviewee had their award changed at MR stage – 3 had to wait until appeal stage for their decisions to be changed, which in one case took a year.
- One interviewee had only applied for the care element, but at appeal, the judge awarded her mobility as well. She reported that she had previously been told by the DWP after her assessment that she wasn't eligible for either.
- In one case, the DWP's original decision not to award PIP was overturned by the judge at the appeal stage in just 4 minutes, after looking at the LiPs' appeal evidence, collated as part of using the Advicenow guide and tool (see Case Study 1).
- One interviewee was in the process of appealing the decision with support from her local Law Centre.
- One interviewee gave up after being refused an enhanced award at MR stage despite living with severe disabilities. He needed support from a carer to challenge the decision and didn't feel able to appeal further.

Interviewees were asked how the decision at MR or appeal had affected them financially, if at all:

- Where interviewees were eventually awarded PIP, it made a significant difference to their financial situation – one person reported a backdated award of over £2000.
- Of those who went to appeal, only one had her care element increased to Enhanced rate – she was still not awarded Enhanced rate for mobility, which meant that she could no longer have a Mobility Car, to which she had previously been entitled under DLA.

Interviewees were asked how they felt about challenging their PIP decision and how their feelings affected their decision to generate and send the MR letter:

- All 6 interviewees expressed confusion, distress and anger about their original PIP decision, which prompted them to challenge it.

User quote

Well, yeah, it made me realise, first of all, that I had grounds to appeal it, because I could work out from there if their grading of what I had wrong with me was correct or not. So, straight away, it could eliminate either, 'this is a waste of time, because I'm only six points and I'm trying to get 12'. Or the other way. 'Actually, they've given me six, and I deserve 12'. So, it did make me decide that and it made me realise that I need to fight, because I deserve it.

- In one case, a user had already been assessed as unfit for work by the DWP when applying for Universal Credit, as she'd had to give up her job because of her health. She had been advised to apply for PIP, but was refused any award, despite having evidence from health professionals (see Case Study 2).
- Some interviewees reported blaming themselves for not making a PIP application that was 'good enough' and feeling that the system was against them and DWP blamed them for having health problems (see also Case Study 3).

User quote

When it gets to tribunal, the person is beside themselves by that time. Well, I know I was. And it was, it's horrendous to go through. I mean, you shouldn't be going, walking into a room like that. And you feel so anxious and full of anger.

- When asked what impact applying for PIP had on their health (mental or physical), all those interviewed reported that applying for PIP had had deleterious effects on their health, particularly their mental health. Those applying during the pandemic experienced additional stress because of the difficulties of getting evidence from health professionals and, in some cases, access to advisers (see Case Study 3).

Interviewees were also asked whether they had suffered from stress as a result of having to challenge their PIP decision and how using the PIP Tool and/or guide had affected that stress:

- Most highlighted the stress caused by having to complete a MR letter and provide additional evidence (see Case Study 1).
- Those who went on to appeal mentioned the anxiety caused by preparing and attending the tribunal hearing.
- All those who used the tool emphasised how helpful it had been in relieving some of the stress of going through the MR or appeal process (see Case Study 2).

Interviewees were asked how confident they felt about challenging their PIP decision before using the Advicenow guide or PIP MR tool and how using it affected their confidence:

- Most of the interviewees reported that using the PIP tool to challenge their award decision restored their confidence – all of them had had a bad experience completing their PIP form and having it rejected or receiving the wrong award.
- Many interviewees said they had recommended the PIP tool to friends, family, or members of their self-help group, because they appreciated how much it had helped them (see also Case Study 3):

User quote

How I looked at it was, it's weird, but how I looked at it was almost like if you're appealing a parking ticket: you know that in order to overturn a car parking ticket, there are six points that you could appeal on. It was the same as that: I knew that this website showed me that you can appeal on this basis. And I met those criteria. But it gave me huge confidence, confidence and belief in myself. It's brilliant.

When asked whether they would challenge a decision about benefits in the future after using the tool:

User quote

I feel pretty confident in kind of knowing what the point is and the criteria set, having done it from Advicenow.

When asked if they were aware that they had rights and could challenge decisions about PIP before they found Advicenow and whether using the guide and tool had raised that awareness:

- Most interviewees reported that using the PIP tool had made them more aware of their entitlements and rights to the benefit and had revealed the criteria used to assess PIP claims, which they were not aware of before.
- Two interviewees stated that they would be happy to raise awareness of the tool to a wider audience, or even get involved in an 'expert by experience' group to encourage people with health conditions and disabilities to exercise their rights.

User quote

I knew that I was entitled to this because it really showed me what I should be claiming for and I knew that I met those criteria. So, then I went in [to the tribunal] with that letter with confidence. And when I went to tribunal, how I looked at it was, I am the expert on me, I know me, they don't know me, I know me. And I know what's wrong with me, and I know that I have to communicate this to them. And what that tool did was it focused in on what was important for me to communicate to them about being the expert on my condition. That's what it did. It really pulled it into a microscope almost, said, 'This is what you need to send, and show them'. And that's what I did.

When asked how the service could be improved:

- The main improvement suggested by all interviewees was to raise awareness about the PIP tool amongst PIP claimants.
- All interviewees emphasised the importance of its free access:

User quote

Well, that made a massive impact on me as well, because, I remember looking, and there were lots of people out there saying, "you know, we will help you fill in these forms. But we want a chunk of your money, right? And we want to take a commission so that when or if we get you your money, we want that" well, I can't afford that... do they not understand that I'm living on Universal Credit. I can't afford it. If you get me more money, you're gonna basically take it from me. So what's the point of me fighting? And it was a massive thing for me to have that facility to be able to do this without having to pay someone because people like me, we don't have those funds, to do that. That's important, really important.

3.6 Key findings

Impact of the MR digital support tools

1. Services reached disabled people.

In 2021–22, Advicenow attracted 1,739,031 page views across all the resources on the website. 33% of people using Advicenow identified as disabled. This increased to 38% in 2022–2023. It is reasonable to assume that the majority of users of these guides and tools are disabled or have long-term health conditions.

Pageviews of the MR digital support tools for PIP and DLA attracted 84,356 pageviews on the Advicenow website during 2021–22⁵³ and 4562 letters were generated for users during that year.

⁵³ This represented a slight increase of 0.51% on the previous period of July 2020 – June 2021, suggesting that individuals were starting to seek legal advice and information as the restrictions of the Covid 19 pandemic began to be lifted. This has been confirmed by data for 2022 – 2023, showing 1,952,173 pageviews. Appendix 1 providers user data for the Advicenow service from July 2021 to June 2023.

As 95% of users surveyed were trying to get their own PIP decision changed or doing so on behalf of a friend or family member, it can be reasonably assumed that the majority of users of the MR digital support tools are within the target group.

60% of users of the MR tools were female and 40% male, reflecting the same proportion of MR registrations for the same period.

45% of PIP tool users and 57% of DLA tool users were aged between 25 – 44 years old. (Age data for the DLA tool users reflect the fact that the application would have been made by a parent/carer).

The tool is likely to be used by people on low incomes or who aren't working, according to data from the general Advicenow survey. Advicenow hasn't previously collected data on income levels or employment status from those using the tools via Google Analytics, surveys, or interviews.

2. The MR digital support tools had a positive impact on users' socioeconomic and health outcomes.

The tools significantly increased the chances of those disabled claimants obtaining an improvement in their award. Of the survey respondents who had reached an outcome after using our resources, over half had their original decision changed in their favour at the MR stage. This is considerably higher than the national average which was 23% for this time frame – this includes those who had the help of an adviser. So, using the MR digital support tools more than doubled claimants' chances of getting a better award.

- 52% had their decision changed at the MR stage
- 38% got the decision changed at appeal stage.
- In total, 90% of all users surveyed reported that using the Advicenow MR tools and guides had enabled them to obtain a positive financial outcome at the MR or appeal stage.
- 67% had their care award increased.
- 44 % had their mobility award increased.
- 58% of users surveyed were still awaiting an outcome, because of the length of the MR and appeal process.

Interviewees reported that the process of applying for PIP or DLA and going through the MR process had a negative impact on their physical and mental health, and that this was mitigated by using the guides and tools, whose clarity and structure increased their knowledge and inspired confidence to appeal.

Users reported that using the MR digital support tools and guides helped mitigate some of the stress involved in the process of MR, thus avoiding negative health impacts. They also said that they particularly valued that their voices had been heard and believed.

Users reported that using the tools had enabled them to obtain an independent reassessment of their original award decision, which they didn't think would have happened otherwise. Access to an independent assessment process is required by the DWP PIP Handbook.⁵⁴

54 DWP *PIP Handbook (updated May 2024)* London: DWP, May 2024: <https://www.gov.uk/government/publications/personal-independence-payment-fact-sheets/pip-handbook>

3. The MR digital support tools and guides increased users' ability to pursue a problem resolution strategy.

47% of people surveyed said they would not have asked for a MR or appeal without the tool or guide. This was most commonly due to a lack of confidence (67%) but also because they didn't understand their rights (44%). A further 22% said they would not have known how to go about the process, or they would have missed the time limit (and not known they could ask anyway).

When asked how helpful the PIP MR tool was, 53% said that they could not have written the letter without it; 21% said it enabled them to include details they would not have considered, to put their case better; and 26% said it helped them understand more about what to put in their letter.

4. The MR digital support tools and guides increased users' awareness and understanding of their legal issue and legal processes.

53% of people said that they would have requested a MR or appeal anyway, but of these, 60% said they thought the guide or tool helped them to put their case better and 60% felt more confident after using them.

Two users indicated an interest in involvement in user-led groups protesting against the way benefits are administered, demonstrating the potential for engaging with and influencing policy and practice – the fourth domain of legal capability.⁵⁵

5. User reported high satisfaction levels with the service.

Users reported a high level of satisfaction with the service across both online surveys and interviews. They said they found the MR digital support tools and guides extremely helpful, clear, and reliable, providing structured information and real-world examples that encouraged them to challenge their initial decision. They found the tools straightforward to use and they appreciated that they could access the tools and guides directly, rather than through an intermediary, and that they were free of charge.

6. Significant external and internal factors impacted usage of the MR digital support tools.

The Covid-19 pandemic and the national lockdowns⁵⁶ had a significant impact on the UK's social welfare system. Planned reviews of existing PIP and DLA benefit recipients were paused at the start of the pandemic, reducing the number of potential users of the MR digital support tools. This had a significant effect on the take-up of the tools.

In the aftermath of the pandemic, there was a substantial increase in the number of working-age people claiming PIP between July 2021 and July 2022, most of whom

⁵⁵ Sharon Collard et al *Public Legal Education Evaluation Framework* (Bristol: Personal Finance Research Centre, University of Bristol, 2011)

<https://www.advicenow.org.uk/sites/default/files/uploads/2011/12/core-framework-final-version-nov-2011-v2-370.pdf>

⁵⁶ The first national lockdown ran from March – June 2020; the second national lockdown ran from November – December 2020; the third national lockdown in England ran from January – March 2021, with a phased lifting of restrictions from March – July 2021.

had not claimed disability benefit before. New registrations for MR increased by 33%. However, usage of the tools did not increase accordingly: from July 2021–June 22, pageviews of the tools decreased by 27% and by 24% from July 2022–June 23.

Decline in usage of the MR digital support tools may be due to a combination of reasons: new claimants having less knowledge of the MR process; a significant increase in online information and advice about benefits provided by the DWP and other organisations in the social welfare sector; and lack of awareness by disabled people about the tools and guides.

Other factors might include unsuccessful Search Engine Optimisation (SEO) to enable users to find content on Google more easily and the introduction of a requirement to set up an account with Advicenow in order to be able to save their data and complete their MR letter over more than one session.

7. Users reported systemic issues about the assessment process.

Our research supports wider research showing clear systemic issues leading to poor DWP decision-making, causing unnecessary financial hardship and stress. Users reported that they had experienced:

- lack of clear information about criteria and medical evidence required for awards,
- inadequate assessment processes that didn't cover the impacts of disabilities and health conditions they experienced, and
- inaccuracies in assessment reports, leading to poor award decisions.

If these issues had been addressed at the application stage, time and resources would not have been wasted overturning the decisions at the MR stage or appeal hearing. Going through the MR process conducted by the DWP also delayed claimants' access to an independent review of their claim, as required by the DWP PIP Handbook.⁵⁷

Users also reported:

- A lack of clear information about criteria and medical evidence required for awards.
- Inadequate assessment processes that didn't reflect how their disabilities and health conditions affected their lives.
- Inaccuracies in assessment reports by assessors, leading to poor award decisions.⁵⁸
- Extended waiting times for MR decisions, which delayed their opportunity to appeal.
- Extended waiting times to get to appeal, as a result of court backlogs.

⁵⁷ DWP *PIP Handbook (updated May 2024)* London: DWP, May 2024: <https://www.gov.uk/government/publications/personal-independence-payment-fact-sheets/pip-handbook>

⁵⁸ Medical assessments of PIP claimants are carried out by Independent Assessment Service (IAS) or Capita, which are private companies contracted by the government to do the medical assessments. Assessors are health professionals who write a report for the DWP. A DWP decision maker uses the report to decide whether the claimant is entitled to PIP, at what rate and for how long.

- Inconsistency between assessments of fitness for work for PIP and Universal Credit claims (e.g. in Case Study 1 below, the claimant was frustrated that, having been told by the DWP after her Work Capability Assessment for UC that she was not fit for work, her PIP claim was rejected).
- Insufficient guidance was given to claimants of PIP and DLA to clarify criteria used to assess their disabilities and health conditions and what evidence was required. Some interviewees thought that giving permission for the DWP to contact their GP meant that their medical evidence would be requested from that source so they didn't need to provide it (e.g. in Case Study 4).
- Claimants felt that the assessors contracted by the DWP had insufficient medical knowledge and were not 'medical practitioners' and that their GP or other medical practitioners were better placed to assess their disabilities and health conditions (e.g. in Case Study 1).
- Inconsistency between the decisions made at MR and those at appeal, often based on the same evidence.^{59 60}

8. Users wanted their voices to be heard in order to change a flawed system.

Findings point to continuing and enhanced insight and engagement from users about the systemic issues they have encountered in accessing disability benefits at each stage of the process.

9. Improvement of take-up

- The research showed that there has been a decline in the number of users of the MR digital support tools over the research period, suggesting difficulties relating to Search Engine Optimisation (SEO) and digital justice journeys.
- Users were keen for increased promotion and use of the tools so others can get help.
- Users wanted the MR tools to be more accessible via official websites and guidance (e.g., when the DWP inform applicants of their decision) and that links should be made available on other agency websites, such as Citizens Advice.
- The research identified that there was a need to work even more closely with people with lived experience of claiming PIP and DLA in order to facilitate our understanding of how to reach potential users.

⁵⁹ This point was also mentioned in the DWP's answer to a written question to Parliament by Vicky Foxcroft MP in September 2022: During the year 2021-22, in 59% of cases where the DWP's decision on PIP claims was overturned at Tribunal hearing, the summary reason was that they had reached a different conclusion on substantially the same facts. UK Parliament *Personal Independence Payment: Tribunals Question for Department for Work and Pensions*, answered on 5th September 2022 <https://questions-statements.parliament.uk/written-questions/detail/2022-07-21/42121>

⁶⁰ The data about the percentage of appeals at tribunal that are overturned in favour of the claimant suggest that the independent tribunal process applies the law according to all the evidence submitted (e.g. considering whether a claimant can do an activity safely, do it as often as reasonably required, do it to an acceptable standard, and do it within a reasonable time, according to Regulation 4(2A)).

3.7 User Case studies

The experiences of four of the service users interviewed have been detailed here, to illustrate how the MR digital support tools have had an impact on their legal journeys. Their names have been changed to protect their anonymity.

Case Study 1

Tracy had been working in a high-level job for many years, but a medical procedure resulted in her suffering debilitating long term health issues for over 12 years. Eventually she had to give up her job. Her injury and its resulting serious health issues were not recognised by the DWP initially, so she didn't think she would be eligible for PIP:

"I've been through 12 years of absolute hell and trauma from the hospitals, people telling me there's nothing wrong with me, because they didn't believe it, or they didn't understand this damage at that point. So I was already in that place of not having people not believing me all the time. And because I knew they weren't very sort of receptive to the injury, I just didn't pursue it. But when I had to stop work, I had to because I had no means of supporting myself. So that's really why I've been, when I decided I've got to fight this."

When she was told by the hospital that they couldn't help her and that her condition would not change, Tracy applied for Universal Credit and was given that, but wasn't told that she could apply for PIP on top of that:

"I mean, Universal Credit had already said to me that I no longer... because I mean, I've never done anything, I'd always been self-sufficient... And that they told me last year in October, they interviewed me and said I wasn't fit for work. And that I wasn't... I can't remember what they call it, it's when you don't have to look for work anymore, you get Universal Credit, but you have a long-time health condition. So they'd already allocated me that and said that I was too unwell. And PIP wasn't taking that, so I just assumed I'd got that. That means I can get PIP now. I didn't get it."

When Tracy applied for PIP, she was only given the standard level for care and mobility, because her assessor didn't recognise the seriousness of her condition:

"Because the other issue I have is that the illness or the condition that I've got, was only recognised by the government last July, as a condition. And there were lots of papers that had been written for the DWP. And no one, literally no one knew anything about them at all. There was no understanding of what was wrong with me. They didn't understand the background of it or anything. And so I was sort of fighting two battles, it was proving to them that I was sick. But also, they didn't understand what was wrong with me at all. So they were basically saying, when I got the decision back, "well, no, that's not wrong with you" Well, it is wrong with me. And I've got evidence here from hundreds of doctors, but they just would not accept anything. They just wouldn't accept it. And in a way, this sounds really bizarre, but I've been fighting for 12 years to have someone understand what's wrong with me. And no one did. And so when

they didn't believe me as well, it became part of that same battle, it was like, you're not going to keep telling me there's nothing wrong. My body fought this far. Now it's recognised, you need to recognise that too. And it was that, so I wasn't going to give up."

Tracy decided to apply for a MR of the original decision:

"Because I thought to myself "why are they making it difficult? Like why?" Why can't they say to me that you need to do it like this and point you in the direction of someone like you to help people because it must cost so much money to do this. But also, they save a lot of money if the people don't get the help they want. So they don't want you to do it. And you know, the thing that frustrated me very much was though I'm not well now and I can't work anymore, but I'm a very educated person, I understand how to do things, and I understand processes. And, you know, I worked for many, many years in a high-level job. And I thought to myself, well, if I can't do this, and I'm failing, and I'm very articulate, how on earth would someone that isn't as academically, you know, or mentally, as aware as I am? They don't stand a chance! It almost became a fight for other people as well, I was quite passionate that they weren't going to push people down, you know?"

She applied for MR, but the DWP would not change her overall award level, so she found the Advicenow guides and the PIP MR tool on the website at this point:

"I didn't know how, what, how to even challenge them. I did challenge them. So I did the mandatory reconsideration. And it came back with no change at all. Maybe actually, maybe a couple more points or something, maybe. And it wasn't until then I looked at your forms. I then adapted everything. Because then I went to tribunal. And I adapted everything according to the notes that you'd suggested. And with each of my conditions, and I did supply 400 and something pages of evidence, as well. They said they've never had it, it was literally like that big, it was massive! And they said they'd never had evidence like it and it was overturned in four minutes flat."

Tracy attributed the tribunal judge's response to the Advicenow guides and the PIP MR tool:

"I had my decision overturned by the tribunal judge in four minutes, and they said to me, 'that is pretty unknown'. And I know it was because of you guys because I would have gone into that meeting wrong. I would have gone in with this personal viewpoint. Four minutes, it took, and they said they'd never had that before. That was incredible! I was expecting to fight the whole day. And I didn't have to".

She explained that Advicenow set out how to structure her appeal for the tribunal:

"What it did for me was, so I was talking almost in a personal way to them talking about how it affects me, how my injuries and my illness affects me... They didn't really want to know the things that I was telling them. So what it did to me was when I looked at an example, for example, let's just take the medication again, it says that you need to get this many points, you need to

be doing this to get this many points you need. So if I knew straight away how many points because I could see what was wrong with me, so then I had to work towards that particular item. And it gave me examples. So, for example, it might have said, if you qualify for two points, you need to make sure you're using doses, well I do that, and I'd already told them that. So I wasn't lying, because it was in my documentation, but it just wasn't necessarily worded in that way. So it made me shrink it down and keep it very brief, and not be so personal with everything, it made me change my language."

She also talked about the impact that the DWP's original decision had had on her emotional health:

"And the other thing, which I mean, I actually burst into tears, but the person that was representing the DWP said to me, he couldn't apologise more for the way that I'd been treated. I mean, he was really quite humble, actually. And it made me cry because I thought you believed me: why didn't they? Why didn't they when... you know, he could see it was all there, and it was there. But I hadn't presented it in a way that they could find it. That was what it was."

Case Study 2

Geraldine was a qualified social worker, who'd worked with vulnerable adults as a manager for several years but had to leave work after her health condition deteriorated as a result of an operation. She'd applied for PIP initially, but was turned down and she felt that her first assessment was not conducted on the basis of evidence of her health conditions:

"And when they're writing things by saying, well, the health care worker who was doing the assessment said I looked of average weight and I wasn't, I was eighteen stone. I look dressed up, my daughter came with me actually, and I looked dressed, okay. And I thought 'what does that have to do with my condition?' To not dress up - have I got to look scruffy? Have I got to smell to kind of show that I'm in need, type of thing? They said that they wouldn't do mobility. So the walking wasn't anything, even though I was holding on to my daughter."

She also questioned the attitude of the assessor:

"I think sometimes they really misjudge and they do insult people's intelligence. Just because they you know, they need it for a short time or for however long they're needed, we're not stupid."

She had to fight to be able to take her case to tribunal:

"I just thought that was the worst thing about it, I think, I felt like I was trying to scam them. That's what came across, and I thought 'No!' And the more I wanted to get justice, so to speak. So I thought, 'what if it's not me?' There's so many people there. I think, to be able to tell somebody the truth of just how it is, that says more than any letter can say. And even the judge, because it did go to court the first time and she was a woman judge, which I was so glad about. ...And there were the two doctors at the side. They asked a couple of

questions, but not many, because she'd already said, "I don't even know why you're here. Ms. XXXXX, I mean this is so disgusting. You know, and she saved me a lot of embarrassment, really. So she just said, "I'm going to award it you and I'm also going to award you the mobilities."

However, she had to apply for PIP again a couple of years later:

"They refused to give it me, on the second time around, right. Nothing had changed, if anything, things had got worse. And it wasn't so much the refusal as what was said, because of the refusal. That was more damaging. So I asked for a mandatory reconsideration, and that was turned down also. And I thought, no, I need to fight this, because if I don't, who will? But I needed to get the format, right, and that's where your letter came in."

Her second assessment was conducted over the telephone:

"This was during the pandemic, and this was about the assessment really. Because there must be so many people that did it over the phone and it was horrendous, you know, as opposed to 40 minutes [it was] two hours on the phone? And the professional wasn't a qualified nurse."

She was turned down again at the MR stage, so at this point she looked online and found the Advicenow guide to challenging PIP and the PIP MR tool:

"It really helped me with what to do next. Because I thought okay, 'How am I going to do this?' So I needed to look at something that knew what I was trying to say. But in an authoritative law-abiding way, so to speak."

She said that the Advicenow guide helped her put her case better:

"I needed a guideline, I needed to know what they were looking for, and for me to express it step by step, basically. Because there's a format. I mean, it's like assignment writing: you can go around in circles if you don't know the format and the layout and all that."

When she took her case to tribunal, she used the generated MR letter to prepare:

"And then obviously, when the DWP knew I was going to court, that's when the court said to me, the DWP have said that they've made me an offer. So it was that same letter that was put into that, yes, because it had a lot of info that I put in, because the way you worded your questions was really good. You kind of pull the criteria apart."

However, despite the fact that her health and mobility had deteriorated since the first award, the DWP didn't offer her an award for mobility, as they had the first time:

"And mine wasn't a lower [award], it was actually not a part of the benefit. And I thought, you know, I want the mobility, I'm going to put them through misery that they put me through... So I just said, you know, I have to do this, because I'm doing it for me, if I don't stand up, if I don't, you know, I'm against a big system here. And they're accountable just like everybody else."

Eventually they conceded that she was also eligible for the mobility award:

“They couldn’t apologise enough. So I thought that was really, really good. And I could tell you he was nervous on the phone.”

Geraldine reported that the process of challenging her PIP had a significant impact on her mental and physical health:

“It was a lot. I was worrying about my financial situation. My mental health got worse, I was put on a stronger dose of fluoxetine (antidepressant) and obviously, feeling like that. So everything made everything worse. I have high blood pressure, I have diabetes, and all of it... I was in a bad place, a very bad place. But, you know, things like, you know, your Advicenow, and slowly getting back in there. And I’m, you know, I’m feeling more confident. I’m feeling you know, I can’t wait to get back out there, to help people basically.”

She also mentioned how it had affected her emotionally:

“It takes a lot of effort. It takes a lot of emotional direction, it’s draining. You know, this is what again....and this is a reason so many people do not do it. And that’s really got to be made out, you know.”

She recognised that the process of applying for PIP and challenging the decision was complex and demanding and that PIP claimants needed help to make their case better:

“There’s lots to do. I mean, we can’t get away from that because of what it is. But I did it in the end, you know, it’s a good few hours of sitting down, and everything like that. Because you know, you have your doctor’s notes, you have the hospital letters, and all those kinds of things. And so it takes a lot. And I’m not an academic. It can be really hard and taxing. This is why a lot of people do get people to do it for them and help them yes. But there’s not enough of those people.”

Case Study 3

Lisa has learning difficulties, PTSD and mental health issues. When she applied for PIP she was refused and was given no points at all. She found the Advicenow PIP MR tool and decided to request a MR:

“Yeah, the tool helped for sure. So no, I might not have done – certainly wouldn’t have without reading the guide – have sought additional help. Yeah, I think it was then like the one thing prompted another.”

She was hopeful that the DWP would change their decision at the MR stage, and she was also receiving help from a Citizen’s Advice caseworker:

Well, I did not want to go to tribunal, so I tried my best to write a really good letter. And that’s why I was grateful to you because that [letter] generator meant that I was able to be a bit more coherent than because I felt really emotional. And at least, you know, with it asking, you know, point blank questions, that was really helpful to me in terms of prompts. That’s exactly what I needed. And that was a lot more helpful I found in dealing with this CAB,

and, in terms of the tribunal stuff, I did not feel like I wanted to go ahead with that at all. The fact that I've got representation support is the only reason I'm going to carry on."

Lisa said she had to ring up several times to secure an acknowledgement from the DWP that her application was being reconsidered:

"So they made the decision. I got back to them within the four weeks that they've given. They didn't acknowledge it. And I rung them up two weeks later and stayed on the phone for an hour and talked to three different people for them to acknowledge it. And then it was a few weeks after that, that I got the additional two points in a letter."

As she had still not been awarded PIP, she decided to go to tribunal and used the Advicenow PIP MR tool to build her case:

"Generally speaking, it was really easy, well, I mean, it was in plain English. It had prompts because my memory's not great, so I found that useful. And examples that seemed relevant for me actually, as well. So yeah, yeah, it was good. It was really good. It was a lot better, as I say, than the Citizens Advice help. And that was, you know, from a person – I don't mean to be mean, but it is the truth."

At the time of the interview, Lisa was still waiting to go to tribunal, with support from her local Law Centre. She acknowledged that she had been fortunate to receive support from other advice organisations:

"And the thing is that if you need to have support to get support, you know, it fails to address the more vulnerable."

Lisa reported that the process of challenging the DWP's decision on her PIP application had negatively impacted her mental health:

But well, I mean, for me, having PTSD, it's been really triggering. And I felt suicidal at points. Well not necessarily super suicidal, but like I didn't want to exist, it's brought back the original trauma for me, you know, being disbelieved. Yeah, just being made to feel like I shouldn't be given any help or that I want more than you know, that I'm being unreasonable like, it's a weird feeling... it's brought back a lot of stuff for me.

She also said that she felt that her experience of the process revealed systemic failures:

"It was all very triggering for me, a lot of self-blame for things that I can't, you know, I can't control and systemic failures, definitely not. It is beyond my control. And unfortunately, this is more than systemic failure. It's like the system is doing exactly what it's built for, which is to penalize people who are in need, unfortunately."

Case Study 4

Ellen suffers from Multiple Sclerosis but had her original PIP claim turned down because she didn't realise she had to provide medical evidence about her health condition to support her claim:

"My main issue was that it said if I have any information for letters from the doctor or the neurologist, etc, it would help if I uploaded them, but I didn't know I had to. I think that was actually the first reason when I spoke to somebody – they said you haven't uploaded any medical evidence and so it didn't say I actually had to."

This was during one of the Covid-19 lockdowns, when GP surgeries were not open to in person appointments, which caused Ellen considerable anxiety and made it even more difficult for her to obtain the evidence required:

"So, I had to go away then and get a letter – I had to request a letter from my doctor. But they said because it was all around the COVID time and they weren't doing letters for anybody anymore, I'd have to go on a waiting list. And I was like, 'well, I need this for my claim'. But it was actually my MS nurse at [hospital] – when I explained it to her, because then it was causing me a bit of distress because I couldn't get the information, the evidence that you needed and I thought 'I can't force the hospital to write me one for you' certainly I think I had about two weeks, or something like that to have it all submitted by or they'd close my claim down. Anyway, I didn't manage to get it in time and then I think I had to have a telephone conversation with somebody as well and she looked again at my points and went through them and then it met the threshold."

She reported that this was not made clear in the initial claim form, which delayed her being given the benefit:

"It would have made it a lot easier for me if I'd have known at the outset that it is imperative that you have a doctor's letter, and that's not what it said in the documentation that I'd had, otherwise I would have got one a lot sooner. So I think that that was the main issue that held everything up for me and then I was only a couple of points short to begin with...I remember when you phoned up for a claim and you'd go through some details over the phone with somebody and they'd said to me at the time, "can we have access? Do you agree with us to have access to your medical records?" and I said 'yes, of course I do'... but because I'd given verbal access and stuff over the phone, that's another reason why I didn't think I needed to get something in writing myself."

She also commented that the questions asked on the form didn't ask her to delineate whether her condition affected her capabilities at different times of the day:

"I think I'd got judged originally as well or partly on what I could do in the morning. And not on what and when I did say to you need to look at this from the afternoon and how it affects me in the afternoon. But then I felt a bit bad almost because I thought maybe I have to be like this all of the time."

After Ellen used the Advicenow PIP MR tool, the DWP contacted her and overturned their original decision in her favour.

4 Conclusions

The Advicenow MR digital support tools are helping thousands of LiPs who have been poorly served by the PIP and DLA assessment system, and service users express high levels of satisfaction and trust in the service. Evidence from user surveys, feedback and service user interviews suggests that they have a profound impact on users' outcomes, legal capability and levels of stress arising from their experiences as LiPs in a formal tribunal process.

Users said that the MR digital support tools had helped them to successfully challenge the initial decisions on their awards through the MR process and, in some cases, in their Tribunal hearings. Most of those who had completed the process had obtained improved financial outcomes and also reported that using the tools and Advicenow guides helped mitigate some of the stress caused by a fundamentally flawed social welfare system making poor disability award decisions.

Users also reported significant improvements in their awareness of their rights, knowledge of legal processes and confidence, which are all key legal capability. As 78% of MR digital support tool users mentioned that they were likely to face a review of their awards within 3 years, their experiences of using Advicenow resources and support will stand them in good stead for the future. Two users who were interviewed also asked about getting involved in groups that challenged the systemic flaws of social welfare processes and practice, demonstrating the potential for developing their legal capability in the domain of engaging and influencing.⁶¹

Users reported clear systemic issues that resulted in poor initial decisions being made about their claims, and caused unnecessary financial hardship and stress until they were overturned at the tribunal hearing. This included:

- lack of clear information given to claimants about the criteria used to decide about PIP and DLA awards and the medical evidence required,⁶²
- inadequate assessment processes that did not apply to the disabilities or health conditions experienced by all claimants, and
- inaccuracies in reports made by assessors which led to poor initial award decisions that were overturned at the MR stage or at the tribunal hearing, wasting valuable and increasingly scarce resources and money.

⁶¹ Legal capability: the four key domains for evaluation in Sharon Collard et al *Public Legal Education Evaluation Framework* (Bristol: Personal Finance Research Centre, University of Bristol, 2011) <https://www.advicenow.org.uk/sites/default/files/uploads/2011/12/capabilities-table-in-colour-372.pdf>

⁶² Advicenow produce information on the points systems to address this need and it is now in their top 3 most popular resources: <https://www.advicenow.org.uk/know-hows/personal-independence-payment-pip-activities-descriptors-and-points>

Users also said that the poor decisions at the initial assessment stage mean that they have to go through the demanding process of MR and then often, due to continued poor decision making, to appeal and that this process is overly complex and stressful. The stress caused by having to navigate this complex legal process is exacerbated by the lack of detailed and accessible online information provided to claimants on GOV.UK on how to challenge their award decision, and how to present evidence at the tribunal hearing. The lengthy wait for a tribunal date if the DWP decision makers refuse to change the original award places further stress and financial hardship on LiPs.

The increase in PIP applications after the Covid 19 pandemic has put more pressure on welfare advice services that are already under pressure, so LiPs are less likely to be able to access advice on a face-to-face or telephone basis. It is disappointing that some of the major advice websites don't link to the Advicenow guides and tools on challenging PIP and DLA decisions, which would make them more accessible to people who need them and enable those claimants with more digital capability to challenge decisions without having to wait for support from other organisations. Users have clearly stated that the Advicenow guides and tools helped them decide whether to challenge their application result at the MR stage and, if necessary, proceed to appeal in the tribunal. For most users this led to them obtaining positive financial outcomes and reducing their stress levels.

The experiences shared by users in this research emphasise the need to promote both services more widely online via government, HMCTS and welfare advice websites. Recent data indicates that frontline advice services are increasingly overwhelmed by the scale of need precipitated by the Covid 19 pandemic and cost of living crisis, leading to a doubling of new PIP applications.⁶³ The GOV.UK webpages on challenging the DWP's initial award decision for PIP provide only basic information on the process, which may deter many new claimants who have not applied for disability benefits before from applying for a MR or, if their award is still unchanged, from proceeding to the appeal stage. If organisations in the VCSE sector work together, individuals could be referred to the level of support and resources that match their capability, ensuring that frontline advice services concentrate their scarce resources on the most vulnerable claimants who need direct help, whilst those claimants who are more digitally and legally capable could use our MR digital support tools.

This research shows the continuing value and significance of the MR tools and guides for those individuals claiming PIP and DLA benefits who are forced to navigate a complex and flawed system in order to access entitlements that they should have been given from the start. These interventions enabled users to make a better case at the MR stage or to move their case forward to a tribunal hearing, where they are more likely to have the award decision overturned in their favour.

By routinely embedding detailed evaluation of the impact of the service on the legal capability of service users as well as their outcomes, with guidance from independent academic experts, this research also adds to our knowledge of the experiences of LiPs in social welfare tribunals and informs future service development to improve the quality of that experience. This body of evidence gives Advicenow a unique standing within the legal advice sector and cements our role in influencing policy and practice to ensure that all LiPs are able to access justice in the social welfare arena.

63 DWP *Personal Independence Payment Statistics April 2013 to April 2023* (London: DWP) last updated 13th June 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-april-2023/personal-independence-payment-statistics-april-2013-to-april-2023#clearance-and-outstanding-times>

5 Recommendations and next steps

Government: the DWP and HMCTS

1. The findings contribute to a growing body of evidence that first-instance decision making of Personal Independence Payment and Disability Living Allowance awards by the DWP require substantial improvement. Recommendations for improvement include enhanced information and guidance by the DWP on the assessment process and criteria and sources of independent help and advice. A focus on providing better information and advice at the earliest stage should aim to enhance users' understanding of their eligibility, and how to pursue a claim, a mandatory reconsideration and an appeal. Detailed guidance on further and better use of independent medical assessments along with clear explanations of decision-making processes should be highlighted in the light of the substantial confusion expressed by service users.
2. Findings suggest assessments exhibit a continuing failure to follow guidance for assessors in the DWP Handbook (updated May 2024), specifically the requirement for independence in the assessment process.⁶⁴ The DWP should review decision-making outcomes to ensure they are based on independent assessment with due weight to GP and other related health and care professional evidence.
3. The DWP and HMCTS should ensure that enhanced information is provided to applicants about sources of independent information and advice, including providing links to the Advicenow digital MR tools at points most accessible to claimants, e.g., in communications sent by the DWP to unsuccessful PIP claimants, and letters or emails about tribunal hearings. This would reduce the number of appeals needed.
4. More transparency is needed around the decision-making process at the application stage and clearer information about the evidence the decision has been based on at the MR stage would reduce court backlogs and stress for claimants. The DWP should provide clear guidance about the criteria used to assess applications for PIP and DLA and the type of medical evidence that is required.

⁶⁴ DWP PIP Handbook (updated May 2024) London: DWP, May 2024: <https://www.gov.uk/government/publications/personal-independence-payment-fact-sheets/pip-handbook>

5. The DWP should utilise the lived experiences of disability claimants to inform improvements in the assessment process for disability benefits and to enable them to influence policy development in the social welfare arena.
6. The assessor's report should be available to claimants at the MR stage so that they can be challenged at that point.⁶⁵ Several users reported inaccuracies in the reports by medical assessors which led to award decisions that were later overturned at MR or appeal, resulting in financial hardship and avoidable stress.
7. The assessment questions should be revised, and assessors should prioritise evidence from health professionals who know claimants, to ensure that the experiences and limitations of all individuals with disabilities and health conditions are accurately and fairly assessed from the start, and to better inform the decision-making process.

Advicenow

1. Further promotion of Advicenow guides and Mandatory Reconsideration personalised legal support tools to advice and voluntary sector partners to help increase awareness amongst claimants new to the benefit process of their rights and the help available to them.
2. Further research is recommended to investigate why more users access the guides and view the early content pages but don't complete the tool. This should include consideration of challenges with logging on and exploring the reasons why users are unwilling or unable to set up user accounts in order to access the MR digital support tools.
3. Investigation is needed to ascertain why usage of the PIP and DLA MR digital support tools has not increased in line with a significant increase in new PIP claims and an increase in MR levels after the pandemic.
4. Enhanced collection and analysis of user data is needed to identify how to reach underserved communities. Methods should include enhanced digital capture alongside further qualitative work with disabled users leading design.
5. Long delays in process require further longitudinal qualitative research which requires service users' consent to contact them 12 months after their letter has been generated.

⁶⁵ At present, claimants only see assessor's reports before the appeal.

6. Further work to access wider funding sources to sustain and improve the MR digital support tools. As more people apply for disability benefits and MR and appeals continue to rise⁶⁶ and the cost-of-living crisis deepens,⁶⁷ the need to support LiPs will increase.⁶⁸
7. Advicenow should develop closer links with people with lived experience of claiming PIP and DLA in order to facilitate our understanding of how to reach potential users.
8. Advicenow should seek wider stakeholder engagement with advice providers who are unable to support MR or appeal or experience excess demand, to consider mechanisms for signposting to the tool to improve self-help outcomes.
9. Advicenow should integrate enhanced information and guidance for users to engage with and influence decision-makers, including complaints, to enable their voices to be heard, as part of the fourth domain of legal capability 'engaging and influencing':

“[the individual] is aware of the impact of the law and legal institutions on their lives and on the lives of others” and “Is aware of relevant processes, structures and institutions that can be used to influence and participate in decision making in order to achieve change.”⁶⁹

66 DWP *Personal Independence Payment: Official statistics to January 2022* (London: DWP) last updated 15th March 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-january-2022/personal-independence-payment-official-statistics-to-january-2022>

67 DWP have reported “unprecedented levels of new claims in recent quarters” in their most recent report on PIP official statistics *DWP Personal Independence Payment: Official statistics to October 2023* last updated December 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-october-2023/personal-independence-payment-official-statistics-to-october-2023#:~:text=Latest%20quarterly%20figures%20to%20October,22%2C000%20clearances%20for%20DLA%20reassessments>
Citizens Advice reported that the cost-of-living crisis got worse at the start of 2024 and the number of people they helped with crisis issues reached record levels: <https://www.citizensadvice.org.uk/policy/publications/cost-of-living-trends/>

ONS reported that 76% of adults surveyed in their *Opinions and Lifestyle Survey* in period 22 March to 2 April said their cost of living had increased: <https://www.ons.gov.uk/peoplepopulationandcommunity/wellbeing/bulletins/publicopinionsandsocialtrendsgreatbritain/31januaryto1february2024>

68 DWP *Personal Independence Payment: Official statistics to January 2022* last updated 15th March 2023 <https://www.gov.uk/government/statistics/personal-independence-payment-statistics-to-january-2022/personal-independence-payment-official-statistics-to-january-2022>

69 Legal capability: the four key domains for evaluation in Sharon Collard et al *Public Legal Education Evaluation Framework* (Bristol: Personal Finance Research Centre, University of Bristol, 2011) <https://www.advicenow.org.uk/sites/default/files/uploads/2011/12/capabilities-table-in-colour-372.pdf>

6 Appendices

6.1 Appendix 1. Advicenow pageview statistics

PROTECTED CHARACTERISTICS: Advicenow pageviews		2021-22	2022-23
1. AGE (data from Google Analytics)	18 - 24	42,408	45,213
	25 - 34	62,233	63,054
	35 - 44	50,433	54,089
	45 - 54	39,042	44,532
	55 - 64	26,874	30,660
	65 +	19,229	22,527
2. AGE (data from self-reporting survey on Advicenow)	Under 16	0	1
	16-24	1	1
	25-34	15	6
	35-44	34	20
	45-54	71	24
	55-64	82	35
	65-74	24	19
	75 or over	10	7
3. GENDER (data from Google Analytics)	Male	115,876 (46%)	134,109 (49%)
	Female	134,109 (54%)	137,268 (51%)
4. GENDER (data from self-reporting survey on Advicenow)	Male	82	48
	Female	152	64
	Non-binary	2	1
	Prefer not to say	11	6

(continued)

PROTECTED CHARACTERISTICS: Advicenow pageviews		2021-22	2022-23
5. DISABILITY (data from self-reporting survey on Advicenow)	Yes	83 (34%)	44 (37%)
	No	142	66
	Prefer not to say	20	9
ECONOMIC INEQUALITY			
1. HOUSEHOLD INCOME less than £1,540 per month after tax (data from self-reporting survey on Advicenow)	Yes	79 (51%)	57 (48%)
	No	68	35
	Prefer not to say	9	27

6.2 Appendix 2. Questions for online survey

We want to find out more about the impact of our PIP Mandatory Reconsideration tool and appeal guide. We will use this information to try to get funding for more tools and to make them better. To help us with this, we would be hugely grateful if you could answer the questions below.

Q1. Did you use our:

- PIP Mandatory Reconsideration tool
- How to win an appeal about a PIP decision

Q2. Whose PIP decision were you trying to get changed?

- My own
- A family member or friend's
- A client, service user or constituent

Q3. What is your award for mobility at the moment?

- Enhanced Standard No award

Q4. What is your award for care at the moment?

- Enhanced Standard No award

Q5. How helpful did you find the PIP Mandatory Reconsideration tool?**Please rate how helpful you found by ticking one box below:**

5. I could not have written the letter without it
4. I included things I would not have considered to put my case better
3. I understood more about what to put in my letter
2. I could have written the letter without it
1. It didn't help me at all

Q6. Do you think you would have asked for a mandatory reconsideration or appeal without our tool or guide?

- No (go to Q7)
- Yes (go to Q8)
- Maybe (go to Q9)

If No/Yes – Please select any of the reasons below

Q7. No options

- I didn't understand my rights to make an application
- I would have missed the time limit
- I didn't know how to go about the process
- I didn't have the confidence to apply
- I had another reason (please tell us about it)

Q8 Yes options

- I would have applied, this made little difference
- I would have applied but this helped me to put my case better
- I would have applied but I felt more confident after using the tool/guide
- I had another reason (please tell us about it)

Q9 Maybe – I would have put it off and may not have got round to it within time limit**Q10. Would you be willing for us to contact you again after 6 or 12 months to find out the outcome of your Mandatory Reconsideration request? We would ask you to complete a longer survey about this MR tool in order to improve it for future users.**

- Yes, I would be interested in being contacted about this at a later date

Email address: _____

- No, please don't contact me about this again.

6.3 Appendix 3. Interview Schedule for PIP and DLA MR tool

Context	1. What level of PIP had you been given, if any? Mobility? Care? Why did you want to challenge the decision?
	2. Did you get any advice before coming to Advicenow? How helpful was that advice?
Advicenow guides	3. How did you find out about Advicenow? Did you use the Advicenow guide to appeal a PIP decision? If so, were they helpful/in what way? Did the guide help you to understand your situation better? Did the Guide help you decide what to do next about your PIP decision? What if anything did you do after reading the guide
PIP/DLA MR tool	4. When did you decide to use the PIP/DLA MR personalised legal support tool? Before you looked at the Advicenow guide or afterwards?
Who is using the tool?	5. Did you use the tool on your own or did someone else help you?
When/how do people use the tool?	6. How easy did you find it to set up an account for the Tool? Did you actually use the tool as soon as you'd set up your account? If not, why was that?
Using the tool	7. How easy did you find it to use the tool? Did you complete the letter in one go, or come back to it? Did you create the letter after filling it out? Did you send the letter you created to the DWP? Was the tool helpful? In what way? Did the tool encourage you to ask for a reconsideration?
Outcomes	8. What decision did you get after using the tool? Is this the outcome you wanted? If not, what were you hoping for? Did you think about appealing the decision? If you didn't, why was that? (e.g., was the timing impacted by delays to case/court delays?) If you appealed to a tribunal, what was the decision/ How has this affected you financially, if at all?
Emotional readiness	9. How did you feel about challenging your PIP decision? How did your feelings affect your decision to generate and/or send the MR letter?

Impact of PIP tool on health of users	10. What impact has applying for PIP had on your health (mental or physical)? Have you suffered from stress as a result? How did using the PIP tool or guide (?) affect that stress?
Confidence	11. How confident did you feel about challenging your PIP decision before you used the Guides/PIP tool? How did the PIP guide/tool affect your confidence? Would you challenge a decision about benefits in the future after using the Letter Tool?
Impact on Legal Capability	12. Were you aware before you used Advicenow that you have rights and can challenge decisions about PIP? Had you already looked for advice to help you do that? How did using the Advicenow guides or the tool affect your awareness about your rights?
User Satisfaction	13. How can we improve the service?
Anything else?	14. Is there anything else you want to tell us about your experience of using the PIP tool?

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