

Turned down for DLA/AA/PIP? Think you're not getting enough?



Introduction

This guide is for anyone who thinks the Department for Work and Pensions (DWP) have made the wrong decision about their claim for Disability Living Allowance (DLA), Attendance Allowance (AA) or Personal Independence Payment (PIP). We want to help you stand up for yourself and get what you are entitled to.

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

This guide will be particularly helpful for you if you don't have an adviser. Because of cuts to funding for advice, most people will have to sort out most of their appeal themselves or with the help of their family and friends. (We will explain where you may still be able to get advice on page 5.)

This guide looks long, but don't be put off – you will only need to read a few pages at each stage.

We have included information about how to appeal the new Personal Independence Payments in this guide because we don't want you to be left without help. However, at the time of writing, nobody had yet had a PIP appeal. If you have learnt anything from your experience that you think we should include in this guide, please do let us know. See the back cover for details of how to send us your feedback.

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Nora's story

My friend helped me complete the appeal form. We had to write down all the problems I have, going into every little detail – right down to how I need somebody to cut my toenails. My friend said we had to spell out every thing, or they wouldn't know why they were wrong.

My doctor wrote a letter to confirm what I said. And my daughter helped me keep a record of all the things I needed help with.

When the day came to go to the hearing, I was very nervous. They asked me a lot of questions – some of which seemed a bit personal, but I suppose it was ok.

After a few minutes wait, they agreed I should have been receiving it all along.

I use the money to pay a woman to come and help me cook and do my hair and things. It was definitely worth it. Now I don't have to ask my daughter for help all the time, and I can just enjoy her company when she's here.

”

Nora, 79

'They've got it wrong!'

They've got it wrong!

If you made a claim for DLA, AA or PIP and you didn't get the result you had hoped for, you don't have to give up.

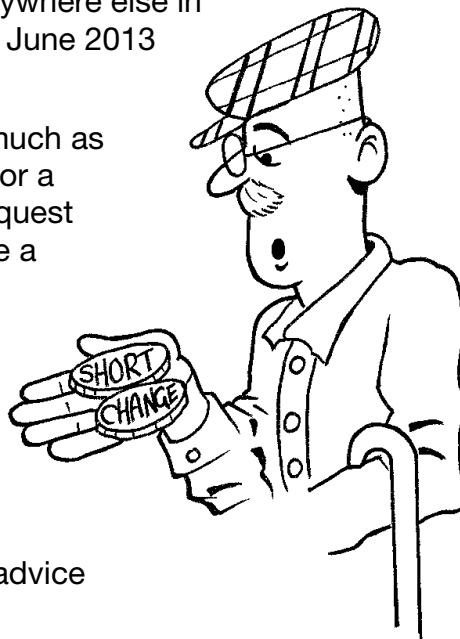
You have three options:

- 1** You could ask the benefits department to look at their decision again. They will call this a 'reconsideration'. This is a good idea if you have any new evidence you can send them. But it can take 3 to 4 months – which is a long time to wait if it's unlikely they will change their mind. If they don't change their decision, you can still try option 2. (From April 2013 for PIP and from October 2013 for AA and DLA, everyone will have to do this before they can do option 2).
- 2** You could appeal their decision. This means three experts who do not work for the DWP will look at your claim to see if the right decision was made. Appeals can be a little bit stressful, and take much longer, but they are much more likely to be successful. They can be stressful but this guide will help you. The DWP will always look at the decision again (option 1) as the first stage of an appeal.
- 3** Or, if your condition has got worse since the date of their decision and you were refused benefit altogether, you could make a new claim. If you live in most parts of Merseyside, Cumbria, Cheshire or North East England all new claims from April 2013 will be for PIP. If you live anywhere else in the country, all new claims made from 10th June 2013 will be for PIP.

If you were given some benefit but not as much as you think you should get, you need to ask for a supersession. From October 2013 if you request a supersession you will be required to make a claim for PIP instead.

This is important because PIP has no equivalent to the lower rate care component, so fewer people will be entitled to PIP. For many people in this position it would be better to appeal and stay on DLA for as long as possible than move to PIP. If you are in this position, get advice (see 'How to find an adviser' on page 5).

Between 2015–2018 everyone aged between 16–64 will have to apply for PIP rather than stay on DLA.



'They turned me down flat'

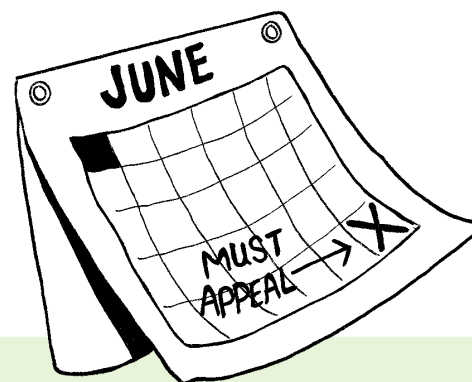
You may feel that you should just give up. After all, the DWP has said that you are not entitled, so maybe you're not. But they may be wrong – they often are. If so, you may be entitled to a lot more help than you are getting – and everybody should get what the law says they are entitled to. It is up to you what you choose to do, but remember you have nothing to lose.

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

You may feel that you shouldn't rock the boat. The decision could be changed for the worse as well as for the better. For example, if you've been given a low rate, it is possible that they will decide that an error was made and that you are not entitled to any help at all. On the other hand, you could be entitled to a lot more help than you are getting. If you can, see an adviser (this is an expert who can give you advice about your claim – see 'How to find an adviser' on page 5). They will be able to tell you how likely this might be for you.

'I had to claim again and they gave me less than they did before'

You may still have a good case for the amount you used to get, but you may not have. That may be because you need less help than you used to, or it may be because the law has changed or that you have moved from DLA to PIP. If you are in this position, it is particularly important that you get advice (and not from the DWP!). See 'How to find an adviser' on page 5.



Time limits

You need to act quickly as the time limits can be quite strict. You have one month from the date of the letter they sent you to appeal or ask them to look at it again. If you miss the deadline, see page 14.

If you need more time, phone the DWP and ask for a 'statement of reasons'.

This is an explanation of their decision. It's unlikely to tell you much, but it does give you another 14 days before the deadline.

If you are waiting to see an adviser but can't get an appointment before the month is up – ask for a statement of reasons (if 14 days will be enough) or for an appeal and say that you will give your reasons later.

If you are really not sure what to do – you may as well appeal. You can always withdraw it later.

How to find an adviser

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

Start by looking to see if there is an independent advice centre or Citizen's Advice Bureau that helps with benefits problems near you (look in your Yellow Pages, or see 'Useful contacts' for details of their website).

Next, check if your local council has a welfare rights service. In some cases they will be able to represent you. Phone the council and ask for 'welfare rights' or check in your local library.

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

Next check if there is a member of the DIAL network of disability information and advice services near you.

Failing that, you may be able to get help from an adviser over the phone.

Citizens Advice can now provide advice over the phone to people in Wales, and is in the process of rolling this out over different areas of England. The Disability Law Service has a helpline that provides independent legal advice for disabled adults, their families and carers.

Civil Legal Advice, (previously known as Community Legal Advice) is a national advice line for England and Wales, paid for by legal aid. If you are entitled to legal aid, they may be able to help you prepare your case and draft statements and letters for you. You can find out if you can get legal aid to help with your problem at www.gov.uk/legal-aid.

There are also lots of charities who run advice services for particular groups – for example, Age Concern has local advice services for older people, Action on hearing loss has a service for people who are deaf or hard of hearing, and Mind have some local advice services for people with mental health problems. These organisations are often particularly good because they will already understand your condition and will have experience of helping people in a very similar situation.

See 'Useful contacts' on pages 31–34 for details of all the organisations mentioned above.

If you still can't find an adviser, don't worry – this guide will help.



They've got it wrong!

How DLA, AA and PIP work

Whether or not you are entitled to DLA, AA or PIP is decided on how your illness affects you and what help you need – not on your diagnosis.

What rate you get is based on specific things which can sometimes seem very unfair. For example, you may find lots of things hard but are still able to do them, or only need help with things that aren't counted.

When you are thinking about your case and whether or not you want to appeal, you have to look at what the criteria actually are – not what you think would be fair.



Attendance Allowance

Whether you are entitled to Attendance Allowance is based on whether you need help from another person to do every-day things like washing and dressing, enjoying pastimes, staying safe, or if you need help at night.

It doesn't matter whether or not you get any help – lots of people manage on their own – what matters is if you should really have help. If doing daily activities like getting up or washing causes you pain, takes you a long time, puts you or somebody else in danger, or if you simply don't do it, then that counts as needing help.

These benefits are awarded at different rates. What rate you get depends on what you need help with and how often.

- To get the higher rate of AA, you must need repeated help at night *and* during the day, or someone with you day and night to help you stay safe.
- To get the lower rate for AA you must need frequent help during the day, or someone with you most of the time to help you stay safe (and not endanger others), or help at night more than once or for more than about 20 minutes.

DLA

Whether you are entitled to DLA is based on whether you need help from another person to do every-day things like washing and dressing, cooking a proper meal, enjoying pastimes, staying safe, or if you need help at night.

It doesn't matter whether or not you get any help – lots of people manage on their own – what matters is if you would benefit from help. If doing daily activities like getting up or washing causes you pain, takes you a long time, puts you or somebody else in danger, or if you simply don't do it, then that counts as needing help.

These benefits are awarded at different rates. What rate you get depends on what you need help with and how often.

- To get the higher rate for care, you must need frequent help at night *and* during the day, or need someone to keep an eye on you during the day and night to make sure you do not hurt yourself or other people.
- To get the middle rate for care, you must need frequent help during the day, or for more than about 20 minutes at night, or someone with you most of the time to help you stay safe.
- To get the lower rate for care you must need help for about one hour (in one go or spread throughout the day), or need help to cook a proper meal.



DLA also has a 'mobility payment' that deals with ability to walk and go places. You are likely to be entitled to the high rate of this mobility payment if you cannot walk or are virtually unable to. For example, if you struggle with even very short journeys such as walking around a supermarket. The lower rate of the mobility payment is for people who cannot go to places they don't know without help from somebody else.

They've got it wrong!

PIP

Personal Independence Payments is a new benefit that will replace DLA for people aged 16–64 years old. Personal Independence Payments are worked out using a slightly strange points system. For example, if you need help from another person to wash your hair, you get 2 points, if you need help to get into the shower or bath you get 3 points etc. You can only score one set of points from each activity (for example, washing), so you just use the highest one.

You need 8 points to get the standard rate of the care component (this is paid at the same rate as middle rate care component of DLA) or 12 points for the enhanced rate (paid at the same rate as the high rate care component of DLA). Similarly you need 8 points for the standard rate of the mobility component and 12 points for the enhanced rate.

The good people at Benefits and Work have created an online tool that will help you work out what rate you should be getting. You can use the results to work out if the DWP have given you the right decision and if they haven't, what you need to explain to get the right decision. You can find it here: www.benefitsandwork.co.uk/personal-independence-payment-pip/pip-self-test

Alternatively, you can use the list of daily living activities and descriptors we have included on pages 38–41 to help you get useful evidence from your doctor, social worker, care worker, or other professionals.

See 'Useful contacts' (pages 31–34) to find more detailed information. Some of the most useful information will be aimed at people with your disability or illness. Information about how to fill in a claim form will be very useful, as it will explain what is counted and the sorts of things you should focus on.

'They say I don't need much help at all! How did they work that out?'

It can sometimes be very hard to understand how the DWP made their decision. The letter they send rarely explains very well, but it will say what they based their decision on.

They will usually look at a report from your GP or a doctor they sent to see you, as well as your claim form. It may be that you haven't put enough detail on your claim form. Or it could be that they don't accept what you have said, because of what is in the other reports.

The Process

They've got it wrong!

Step 1

- You get a letter telling you the result of your claim. You have been told that you are not entitled to anything or you think you have been given the wrong rate.
- You have one month to ask for an appeal or for the DWP to look at it again. (If one month has already passed, see 'What if I've missed the deadline?' page 14.)

Step 2

- Ask for the DWP to look again at their decision – see page 10 for details of how. (Until April 2013 for PIP and October 2013 for DLA/AA, you can choose to skip steps 2 and 3 and go straight on to Step 4 if you prefer. This might be a good idea if you don't have any new evidence to offer straight away. After these dates everyone will have to ask the DWP to look again at the decision before asking for an appeal).
- The DWP will look at your claim form again to see if they can change the decision.

Step 3

- The DWP will tell you their decision. If their decision has been changed and you are happy with it, you can stop here. Otherwise you have 1 month to ask for an appeal. (If one month has already passed, see 'What if I've missed the deadline?' on page 14).

Step 4

- Ask for an appeal (see page 11 for details of how).
- The DWP will look at your claim form again to see if they can change their decision. If they can, they will write to you with a new decision. If not, your appeal will be sent to the HM Courts and Tribunal Service.

Step 5

- the DWP will send you a large bundle of papers (this can be very intimidating, but don't panic, it basically contains the reasons why the DWP came to the decision they did and also contains all the evidence used). This will also be sent to the HM Courts and Tribunal Service. The HM Courts and Tribunal Service will then send you a form. You must fill in the form and send it back within 14 days. See page 15 for our advice.

Step 6

- You need to prepare for your appeal and get evidence. See pages 18–23 for details.

Step 7

- You will be told the date of the hearing. Ideally, you should send in your evidence a week or two in advance.

Step 8

- Your appeal will be heard by an independent panel, called a First-tier Tribunal. They will make a new decision. See page 24 for details of what will happen and advice about what to do on the day.
- If you were successful, you will usually receive your money in 4–6 weeks.

They've got it wrong!

How to ask the DWP to look at their decision again

You can ask over the phone or in writing, but it's better to do it in writing as it's easier to make sure you have said everything you need to say.

You must do it within one month of the date on the letter.

You should give them as much detail as you can about why their decision was wrong. The sorts of things you should include are the same as if you are asking for an appeal – see the list below. It is worth putting in the effort now as if you are successful, it would mean you get your money faster.

If you have any more evidence that you think will help (for example, a letter from your doctor, or social worker) send that too.

What next? If you have not heard back after 12 weeks you should ring them and find out what is happening. If they have changed their minds, congratulations! Your benefit will be backdated to the date they received your original claim form.

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



Children

If you want to change a decision about your child's claim, you need to explain what needs your child has compared to other children the same age. And any evidence you get from Doctors or others needs to do the same.

It is best to spell everything out as the DWP or tribunal may not know when children could normally be expected to do things. For example, if your child needs to be preventing from running into the road when other children their age are aware of road dangers, explain what you have to do, what would happen if you weren't holding on to them, and explain that other 8 year olds do not need this.

It may not be possible, but it is worth trying to get help from an adviser to prepare for the appeal. It can be very upsetting to have to explain all the difficulties your child has in detail and so it is usually best done by someone more remote. See 'Useful contacts'.

How to ask for an appeal

You need to tell them in writing that you wish to appeal within one month. The best way is by using the special form (called GL24), that comes at the back of their leaflet 'If you think our decision is wrong' (see 'Useful contacts' for a link to it on the web).

If you want to appeal a decision about PIP, or if you are appealing a decision about DLA or AA after the beginning of October 2013, send your appeal request directly to HM Courts and Tribunals Service (see 'Useful contacts'). If you are appealing a DLA or AA decision before October 2013, send your appeal request to the DWP office that sent you the decision (it is on the top of the letter).



Give your name, address, and National Insurance number and include the date of the decision you are appealing (this is the date on the letter they sent you). Send it to the address at the top of that letter. If you can, keep a photocopy.

On the form or letter you need to explain *why* their decision is wrong. Give them as much detail as you can.

If you are asking for a revision or appeal of a DLA or AA decision...

... you should include:

- **What the symptoms or details of your condition are *and* describe the problems they cause.** Remember, they probably don't know anything about your disability, and how it affects you or what help you should have. Don't just say that you have problems with your sight, or mental health etc – explain how it affects you day-to-day.

For example, a serious visual impairment might mean that you need help to get around inside or outside to avoid walking in to things. Or, your mental health condition might mean that you need a lot of reminding and encouragement to cook for yourself, or help to cook safely.

Don't be tempted to make light of your difficulties, even if you find some of the issues embarrassing, it is important that they understand how your condition *really* affects you.

If your condition varies, explain what it is like on a bad day.

- **If you can't go to places you don't know on your own, explain why.** This might be because you need help finding your way, or it might be because something might happen (you might have a seizure or a panic attack), or because you might put yourself or others in danger. Spell out exactly why somebody else is needed, and what they could do for you. If you never try to go to places you don't know on your own, explain why you don't.

- **If anyone provides care for you, say what they do.** This might mean physically helping you to get up, and to wash, and getting you food, or 'nagging' you to get up, and to wash or eat something. If you need anyone's help to take your medication (this might be by finding it and making sure it is the right one, reminding you to take it, or making sure you don't take too much) tell them, and say how frequently you are supposed to take it.

- **If you have ever hurt yourself or put yourself in danger as a result of your condition** – perhaps because you fell or had an accident, or hurt yourself on purpose, you need to put this down too. It is important that they know because some of the help you need may be in order to prevent the same thing happening again. If it has happened more than once, tell them how many times similar things have happened, and how having somebody with you could have stopped it happening or helped you afterwards.

- **If you have ever put someone else in danger as a result of your condition** (even if you didn't actually hurt them) you need to say so. For example, if you have hurt other people during a blackout (or might have), or if you heard voices telling you to hurt someone.

If you are asking for a revision or appeal of a PIP decision...

They've got it wrong!

- ... use the self-test available on the Benefits and Work website. **www.benefitsandwork.co.uk/personal-independence-payment-pip/pip-self-test** This will show you what rate you should be getting but also why you are entitled to that rate. You then need to address each thing you get points for and explain why you need that help.

For example, if you cannot go to unfamiliar places without help from another person, assistance dog or mobility aid, explain why. If you never try to go to places you don't know on your own, explain why you don't. Spell out exactly why somebody else is needed, and what they could do for you.

Or if you need help to dress or undress part of you, explain why you need help. Can you not reach, or is it painful, or does it take so long that you just don't do it.

Or if you need to be supervised to cook, explain why you need this supervision. Explain what might happen if you don't get it. If anything bad has ever happened while you were unsupervised, you need to put this down too. It is important that they know because some of the help you need may be in order to prevent the same thing happening again. If it has happened more than once, tell them how many times similar things have happened, and how having somebody with you could have stopped it happening or helped you afterwards.

- Don't be tempted to make light of your difficulties, even if you find some of the issues embarrassing, it is important that they understand how your condition *really* affects you.
- If your condition varies, explain what it is like on bad days and what it is like most days. For PIP you only get the points if you have this problem at some point during the day on more than half the days in a year. Except where you have two problems that get you points and between them they cause you problems for more than 50% of the time. For example, if for, on average, 3 days a week you can't put your top on by yourself and on one day a week you can't put your trousers or shoes on yourself.



They've got it wrong!



'What if I've missed the deadline?'

It is important not to delay – if you can get your appeal form to them within the month you should. If you don't have time to say everything you want to say before the deadline, you can tell them that you will send more information later.

If you've missed the deadline, you can still ask to appeal. If the delay was unavoidable or a result of your disability (for example, if you were unable to deal with it until now because you need help to deal with your post) it will help if you explain that. You can also appeal after the deadline if you have a good chance of winning, but they do sometimes say no. Your appeal will only definitely not be accepted if 13 months have passed since you were sent the decision.

What next?

When they receive your appeal form, the DWP will look again at their decision to see if it should be changed. If they do change it, they will write to tell you what they now think you are entitled to. If you don't think they are right this time either, you can ask for a new appeal. This time you are appealing this latest decision, so you have another month to tell them you think they are wrong and why, and it all starts again.

If they don't change their decision, you probably won't hear anything for several weeks. Then you will get sent a very big pack of papers and they will send your appeal to the independent HM Courts and Tribunal Service. The HM Courts and Tribunal Service will then send you a form.

'I've received a form... What do I do?'

It is very important that you send this form back within 14 days. If you don't your appeal may stop. If you can't send it within that time, send it as soon as you can, and explain that the delay was caused by your disability. It is very easy to complete. It asks you if you:

- want to withdraw your appeal.
- want to go to the hearing.
- have a representative.
- are willing to be given a date for your hearing at short notice.
- have any further evidence, and if so when you will send it in.
- will need any sort of communication support at the hearing.
- will need them to make any other special arrangements.

We explain what you need to know in order to make these decisions below.

This form also tells you which tribunal centre is dealing with your appeal. Keep it safe.

Don't be alarmed if the tribunal centre is far away. It may be that your hearing will be held somewhere nearer you, and that the tribunal centre is just organising it. If you are worried, phone and ask.

Do you want to withdraw your appeal?

Don't tick the box unless you don't want it to go ahead.



Do you want to go to a hearing?

The form asks if you want to go to a hearing so you can put your case to the Tribunal. We strongly advise you to say yes, even if you don't have a representative. This is a face-to-face meeting. You go at a particular time on a particular day, and tell the three members of the panel face-to-face how your disability affects you.

The alternative is a 'paper hearing', when the panel look at your claim form, appeal letter and any other evidence again on their own. You don't meet them and they have no opportunity to ask you questions. It will usually happen very quickly so you won't have time to get more evidence.

Almost everybody, when given these two options, wants to choose the paper hearing – because it seems less scary.

I've received a form...
What do I do?

However, you are *much* more likely to win if you go and speak to them face-to-face. It gives them a chance to meet you and see and hear for themselves how your disability affects you, and gives them the chance to ask questions.

Remember, your claim form has already been looked at twice and each time the DWP have made the wrong decision. It may be that there simply isn't enough information in the papers to support your case.

Going to a hearing isn't like going to court. In fact, it usually looks like a rather boring office and everybody is wearing normal clothes. You will sit on one side of the table and the three members of the panel will sit the other side. They usually smile and ask you questions gently. You can take somebody with you for moral support. In some areas, hearings are sometimes heard in court buildings, but don't be put off. It will still all be quite informal.

If you really can't go to a hearing because of your disability, you may be able to get the panel to come to you. You will need a letter from your GP.

If you really can't bear to go to the hearing, consider saying yes anyway. If you don't go on the day they will make a decision based on the papers anyway, but this way you will get time to get more evidence. If you can't go, it can be helpful if a close friend, family member, or health professional (such as a CPN) attends in your place.

Do you have a representative?

This means do you have an adviser to come with you and represent you on the day.

If you have managed to find one, well done! They are becoming very hard to find. If you don't have a representative, don't worry. The most important thing is that you go to the hearing. Nobody knows more about how your condition affects you than you.

Are you willing to be given a date for the hearing at short notice?

You should get at least 14 days notice of the hearing, unless you agree to accept less. It is up to you whether you do this.

If you say that you do not need 14 days notice, make sure you get all the evidence you need ASAP.

Do you need an interpreter?

If so, you have a right to a professional interpreter. Give them the details of what you need. If you can sometimes cope, but sometimes need help, ask for help. It is very important that you can say everything you want to say, and can understand everything that is said, at the hearing.

I've received a form...
What do I do?

Do you need a signer?

If you do, give them the details of what you need. If you can sometimes cope, but sometimes need help, ask for help. It is very important that you can say everything you want to say, and can understand everything that is said, at the hearing.

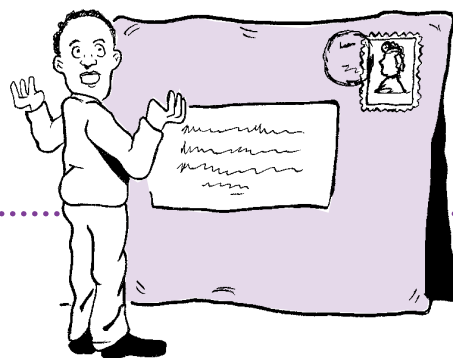
Do you need any other special arrangements?

This might include any special transport to get you there, hearing loops, or if you need the building to be accessible in a wheelchair.

Do you have further evidence?

It is usually possible to get further evidence (perhaps from a GP or social worker, or evidence that you write yourself) – and this is often very useful. We'll explain how to go about this in the next few pages. For now, just write on the form that you will get further evidence, and that you will send it in as soon as possible. Don't set yourself a deadline.

Ideally, you should send any evidence at least a week before the hearing – but if it only arrives last minute, you should send it as soon as you can, or even take it with you on the day.



'I've received a huge pack of papers! What do I do?'

Don't be alarmed by the number of papers. It is just copies of everything that the DWP based their decision on.

In some parts of the country the appeal papers and form are still coming in the same envelope, so (if you haven't already received it) check if the form is in there. If it is, make sure you send it back within 14 days. If it isn't, don't worry. The HM Courts and Tribunal Service will send it out soon.

Keep the papers safe. You will need them to prepare for your hearing. You should start preparing now. The next section explains everything you need to do.

I've received a form...
What do I do?

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

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

If you have not already tried to get help and advice do so now (See ‘How to find an adviser’ on page 5). Some advisers may be able to help do some or all of this preparation for you. If you are lucky enough to find someone who can help with the preparation, make sure you are clear which things your adviser is going to do for you, and which you need to do yourself.

What do I need to do before the hearing?

When will the hearing be?

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

Getting help

If you are not getting any professional help to prepare for the hearing, you might want to ask somebody else to help you. You may not need any help, but it might stop it from feeling too stressful. It might be particularly useful if you are not very good with paperwork or deadlines. If you do think it might be useful, think about who you could ask – do you have a family member, friend, or someone who helps you who is good with paperwork and organising things?

Support groups

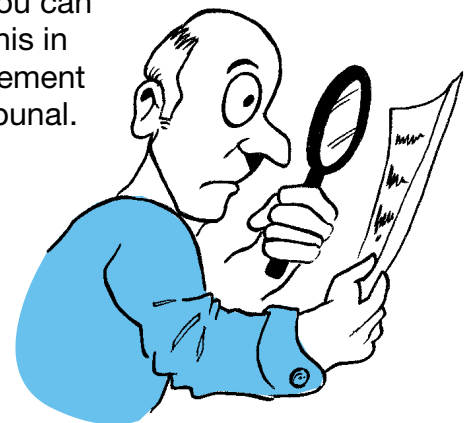
Support groups can sometimes be very helpful. There may be other people there who have had the same problems, who can give you emotional or practical help.

Appeal papers

Look at the big pack of papers that you were sent. Go through them and look for anything you don’t agree with.

The most important part is the reports from any doctors. If you saw a doctor sent by the DWP, go through his/her report – is there anything that isn’t true? Did the doctor ask you the right questions and listen to your answers? If your condition is better or worse on different days, did the doctor understand that?

Make a note of all the things that are wrong. If you can, say why they are wrong. You can include this in your statement to the tribunal.



Getting evidence

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

The most useful evidence will explain how your illness or disability affects you, and the help you need. This is quite unusual, so your doctor/social worker etc may not understand that. Look at page 35 if you are appealing a DLA or AA decision or page 37 if you are appealing a decision about PIP. This is a guide for your doctor, social worker, or anybody else writing evidence for you. When you ask them for evidence to support your appeal, show them these pages. It will help them to write evidence that will be really helpful to you.

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

If you have been assessed by Occupational Health for any aids or adaptations it may be useful to request a copy of their assessment.

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



What do I need to do before the hearing?

Before you ask anybody for evidence – read this!

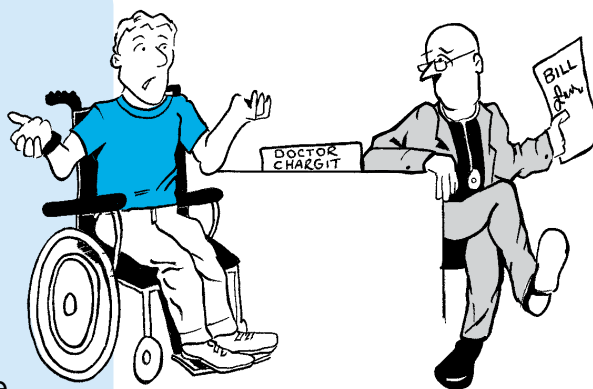
You are appealing the decision the DWP made on a particular date (on the top of the letter). You need to prove how your condition was at that time, not how it is now. Write the date of the decision you are appealing in the little blue box on page 35 for DLA/AA or page 37 for PIP, before you ask anybody for evidence.

Paying for medical evidence

GP's and other medical professionals are allowed to charge for evidence. However, many won't do this – particularly if they know you cannot afford it.

If your doctor suggests that he or she will charge you, tell them that you only need a brief note from them, and that it could be handwritten if this is quicker. Reassure them that it will only take the time of an appointment. Show them page 35 or 37 – so that they are sure of what you need from them.

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



Diary

You should think about keeping a diary of the help you need each day. It will help the tribunal panel to get a proper understanding of your situation. It is particularly helpful if your condition isn't the same every day. Keep a diary for a month if you can (but a shorter time will also be helpful). It can be very brief. For example – 'Monday – Joints and back very painful today. Needed help to fasten my bra, and put socks and shoes on, as I couldn't bend down. Marie had to help me downstairs'.

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

If you are appealing a decision which relates to your ability to walk it is a good idea to get someone to help you measure how far you are able to walk without severe discomfort, and how long it takes you. The tribunal will often ask quite specific questions about how far you are able to walk.

Be realistic

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

What do I need to do before the hearing?

Evidence from your carer/ the person that helps you

If there is somebody who helps you a lot (this might be somebody you pay, or might be your partner, a family member, or a friend), they may be able to write some very useful evidence too. Ask them to write a letter to the tribunal panel explaining what help they give you and how often. Show them the section for doctors on page 35 or 37 – it may help them to remember everything.

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

Is there any other evidence that you have?

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

If you are applying for a child, and your child has a Statement of Educational Needs or any other assessments, consider sending them as evidence as they can contain valuable information.

Get in touch with your local Occupational Therapy team

If you haven't had help from an Occupational Therapy team in the past, get in touch with your local team now. They may be able to help you with aids and adaptations to make things easier around the house. Sometimes, if you haven't been in touch with one before your appeal hearing, the panel can decide a simple adaptation in your home would mean you didn't need help (and therefore don't need DLA/AA/PIP).

Write a statement

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

For more advice on how to write a statement and what to put in it, see 'How to write a statement for DLA or AA' on page 42, or 'How to write a statement for PIP' on page 45. You can also read Rose and Spencer's statements and see what they put in theirs.

What to do with the evidence

Read the evidence through – does it support your case? If it doesn't, you don't have to send it to the panel (but if they ask if you had any evidence you didn't send them, you have to tell the truth). If you don't think the evidence is useful it may be worth going back to the person who wrote it and discussing it with them. Is there anything they can add?

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

How will you get to the hearing?

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

Expenses are often limited to the amount it would cost to come by public transport – if you need a taxi, phone and check if they will pay for that.



What do I need to do before the hearing?

What will happen at the hearing?

You can go alone or take a friend or family member with you for moral support.

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

When you go into the room (it usually looks like a big, empty office) there will usually be a big table in front of you. You (and anyone who goes with you) will sit at one side of the table and the panel will sit on the other side.

The person that sits in the middle of the panel is the Chair or Judge. They are a solicitor who should know a lot about benefits. One of the other panel members is a doctor; the other is someone who knows a lot about disability. At least two of the three of them have to agree to the decision. The panel should introduce themselves and explain what will happen.

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

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

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

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

Your hearing might be postponed

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

At the end of the hearing

The panel will usually make the decision that day. You will be asked to go to the waiting room while the panel discuss your case. This usually takes between 10–30 minutes. You will then be asked back into the room and told the decision. They will give you a written outline of their decision as well.

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

What do I need to do before the hearing?

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

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

It is a good idea to follow up the phone call with a letter and to keep a copy – that way, if anything goes wrong, you can prove you told them.

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



How do I stay calm?

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

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

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

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

What do I need to do before the hearing?

'What should I do on the day?'

- If you think it might help, ask a friend or family member to come with you for emotional support. They might also be able to help by reminding you of things you have forgotten. If you do ask a friend, show them the box 'For friends and relatives' on page 27.
- Make sure you arrive in plenty of time.
- Don't dress up or make a big effort with your appearance. It is important that the panel see you as you are on a normal day. Otherwise, they might get the impression that you don't need help, even if you do.
- The panel may be running late and so you might have to wait. If you have made any notes of what you want to say, use this time to go over them. Try to keep calm (see page 23). There will usually be water available.
- Many people find they get very emotional at the hearing. It doesn't matter if you get upset. It won't make any difference to your chances. Remember – you can ask for a break to compose yourself.
- Be aware that it is possible that you will be watched from the moment you arrive. For example, if you have said you have trouble getting in and out of chairs they will watch you as you sit down, or how you move around. If you are having a good day, and your condition is normally worse, make sure you tell them.
- If the person who helps you a lot has come with you to give evidence they are sometimes asked to wait outside until the panel is ready to speak to them. This doesn't happen often but just in case it does, you need to be prepared to go in alone to start with. This will not happen if they have just come with you to give you emotional support.
- If you had asked for any help with communication or translation and it is not available, you should insist on having the hearing another day.
- If you sent them any evidence before the hearing, check that they received it.
- If you don't understand a question, ask them to repeat it or put it another way. If you still don't understand, tell them that.
- If they say something that isn't right, make it clear that it is not true. For example, if they say "You don't have much trouble with walking do you?" make it clear if you do have trouble with walking.
- Don't worry about using the 'right' language or 'buzz words'. It is much better to use your own words. If you think they haven't understood something you have said, say it again in a different way.
- If somebody has helped you on the day (perhaps by physically helping you to get up and dressed, or by encouraging you to get yourself ready and keeping you calm) – be sure to tell the panel. Even if you didn't get any help as such, but needed to get a taxi because of your problems walking or going to places you don't know – tell them.

What should I do on the day?

Similarly tell them if you needed help to read or understand the signs when you got to the tribunal centre. They will often ask you about how you got there or if you had any problems this morning, but if they don't ask try to make sure you bring it up.

- Don't make light of your condition. It's tempting to gloss over the difficulties you have, particularly if you find them embarrassing, but you will only harm your case if you do. Be as frank about your condition as you can be, and explain the help you really need rather than how you manage. Remember, it doesn't matter what the panel think of you – they would be wrong to judge you badly because of your disability, and you are never going to see them again!
- Try to make sure you don't exaggerate the problems that you have either. If you do this, the panel might not believe you when you are not exaggerating.
- Try to answer every question as broadly as you can. If you just give short answers, the panel won't be able to get a better understanding of your situation. So, try to give longer answers and be willing to explain things. For example, if they ask if you need help to get washed in the morning, don't just say yes or no. Tell them if you do, and if you need help with anything else in the morning. If you are appealing a PIP decision, you will need to spell out exactly what bits of your body you need help to wash and why. If you don't need help because you don't usually have a wash in the morning, explain why you don't.



- If you find you haven't said everything you want to say because they haven't asked the right question – tell them anyway. It is important that you say everything. A clever tactic is to make notes about what you want to tell them and tick them off as you say them. Make sure that they are all ticked off before you leave. If you have taken somebody with you for moral support – this is a very useful thing for them to do. If you are appealing a PIP decision, take a list of everything you think you should have been given points for.
- If your condition goes up and down and you need different amounts of help on different days, you will need to make this clear. It is best if you can say roughly how often you need help with each thing, rather than saying 'sometimes'. For example, 'My condition is bad for three weeks out of every four. For those weeks my joints are very painful and I cannot walk very far or stand'. If you have kept a diary of your needs (see page 20) you should be able to use that to work out how often you need help with different tasks.

What should I do on the day?



Morien's story

I had to appeal my daughter's DLA decision after it got put down to only the low rate of care. Suzy has a visual impairment and learning difficulties and still needs help day and night.

I didn't want to go to the hearing. I was nervous and I didn't want to take yet another day off work, but I'd been told we would have a much better chance if we did.

It was quite a long wait but once it got started it was all right. They introduced themselves and explained what was going to happen. They were quite friendly.

They asked me what help Suzy had needed this morning. I explained she had been really tired because she was up half the night. She has night terrors and takes a long time to calm down. I explained how I'd had to do most of her dressing for her, and brushed her teeth but she can wash her face and brush her hair herself. I explained the help she needs to have breakfast and what a battle it is sometimes to get her to eat anything. I tried to remember to explain why that was more than most nine year olds need. I went into quite a lot of detail, even talking about helping her put her seat belt on and the things I do to stop her taking it off while we're going along.

I'd made a list of all the things she needed extra help with and kept it in my hand. At the end I asked them to wait for a few seconds so I could check I'd said everything. When I had, they asked me to go back to the waiting room.

When they called me back in, they told me that they had given me high rate care and low rate mobility. We went out for pizza on the way home to celebrate!

Morien, 41

What should I do on the day?

What to take with you on the day

- Take copies of any evidence you have sent in beforehand.
- If you have any new evidence that you think will be useful that you haven't already sent in, take that and hand it in when you arrive.
- If you are taking any medication, take it with you so that the panel can see it. Do not take old medication.

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

For friends or relatives

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

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

What should I do on the day?

‘What happens after the hearing?’

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

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

The DWP also has the right to appeal to the Upper Tribunal if they think the tribunal panel did something wrong. This rarely happens. If it does happen, they will write and tell you. You won’t receive the money until your appeal has been heard again.



What happens after the hearing?

Jargon buster

Adviser

This is a benefit expert who can give you advice about your claim. They may also be able to help you prepare for the hearing. If you are lucky, you may be able to find an adviser to be your representative at the hearing (see below).

Appeal

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

Attendance Allowance (AA)

This is a benefit for people over 65 who need help with their personal care because of their disability or long-term illness.

Carer

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

Clerk to the Tribunal

This is the person who organises the hearing and deals with the paper work.

Department for Work and Pension (DWP)

This is the government department that deals with most benefits, including DLA and AA. It used to be called the Benefits Agency.

Disability Living Allowance (DLA)

This is a benefit for people under 65 who need help with their personal care or have walking difficulties because of their disability or long-term illness. It is being replaced for people aged 16–64 years with the Personal Independence Payment (PIP). By 2018 DLA will be for under 16s only.

Enquiry form

This just means the form they send you with the big pack of papers. They might also call this the 'TAS1'. See page 15.

First-tier Tribunal

This is the new name for the panel of three experts who do not work for the DWP who will hear your appeal to see if the DWP made the right decision.

HM Courts and Tribunal Service

This is the government department that organises the panel and the hearing.

Hearing

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

Personal Independence Payment (PIP)

This is a new benefit being brought in to replace DLA for people aged 16–64. By 2018 everyone aged between 16–64 who used to get DLA will have to apply for PIP. PIP is for adults who need help with their personal care or have walking difficulties because of their disability or long-term illness. Whether you get PIP and how much is worked out using a points system. Fewer people will be entitled to PIP than DLA.

Reconsideration (or Revision)

This means the DWP will look at their decision again. See page 3.

Representative

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

Supersession

This means having your claim looked at again because your condition has worsened since the date of the decision.

TAS1

This is the form they send you to see if you want to continue with your appeal. They might also call this the 'enquiry form' (see above).

Tribunal Judge/Chair of the Tribunal

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

Upper Tribunal

This is like a higher court. If you weren't successful in your appeal, you might be able to appeal to the Upper Tribunal, but you can only do this if the panel made a mistake with the law. See page 28.

Useful contacts

Find the appeal form

On the internet:

www.dwp.gov.uk/docs/gl24dwp.pdf

DWP Disability Benefits Helpline

Helpline: 08457 123 456

Monday to Friday 8am–6pm

Textphone: 08457 224 433

Email: DCPU.Customer-Services@dwp.gsi.gov.uk

Find further information about appeals

HM Courts and Tribunals Service

The HM Courts and Tribunals service is the government agency responsible for the administration of all kinds of appeals. Benefit Appeals come under the section known as the Social Security and Child Support Tribunal. You can find details about appeal venues and how to get to them, as well as useful information about the appeal process.

www.justice.gov.uk/tribunals/sscs

Your appeal will be organised by staff at one of the centres below.

Birmingham

Tribunals Service

SSCS

Administrative Support Centre

PO Box 14620

B16 6FR

0845 4083500

ascbirmingham@hmcts.gsi.gov.uk

Cardiff

Tribunals Service

Eastgate House

Newport Road

Cardiff CF24 0YP

0300 123 1142

sscsa-cardiff@hmcts.gsi.gov.uk

Leeds

Tribunals Service

York House

York Place

Leeds LS1 2ED

0300 123 1142

sscsa-leeds@hmcts.gsi.gov.uk

Liverpool

Tribunals Service

36 Dale Street

Liverpool L2 5UZ

0300 123 1142

sscsa-liverpool@hmcts.gsi.gov.uk

Newcastle

Tribunals Service

Manorview House

Kings Manor

Newcastle upon Tyne NE1 6PA

0300 123 1142

sscsa-newcastle@hmcts.gsi.gov.uk

Sutton

Tribunals Service

Copthall House

9 The Pavement

Grove Road

Sutton SM1 1DA

0300 123 1142

sscsa-sutton@hmcts.gsi.gov.uk

Useful
contacts

Find advice and help with your appeal whatever your disability

Citizens Advice Bureau (CAB)

Citizens Advice Bureaux help people resolve their legal, money and other problems by providing free information and advice. You can find your local CAB by going to:

www.citizensadvice.org.uk/index/getadvice

Depending on where you live, they may also be able to give you advice over the phone. If they can't give you advice you will hear a recorded message.

For Wales call 08444 77 20 20

For England call 08444 111 444 or check your local bureau's contact details using the search box on their website.

TextRelay users should call 08444 111 445

The Disability Law Service

The Disability Law Service is a national charity that provides confidential and independent legal advice for disabled adults, their families and carers.

Helpline: 020 7791 9800
Monday to Friday 10am–5pm

Minicom: 020 7791 9801

Website: **www.dls.org.uk**

Email: advice@dls.org.uk (If you email them you must include your name, your postal address, your telephone number and details of your appeal, including any deadlines. They will try to get back to you within 7–10 working days.)

DIAL

DIAL is a network of disability information and advice services run by and for disabled people. Find your nearest by phoning the helpline or using the search on Scope's website **www.scope.org.uk/services/local-groups/dial-uk**

Helpline: 01302 310 123

Text Phone: 01302 310 123. Please use voice announcer.

Civil Legal Advice

Civil Legal Advice (previously know as Community Legal Advice) is a national advice line for England & Wales, paid for by legal aid. The website **www.gov.uk/legal-aid** will help you find out if you can get legal aid to help with your problem, or if not, provide you with possible alternative sources of help and assistance.

Benefits and Work

Benefits and Work provide a number of accurate and helpful guides to claiming and appealing DLA and PIP to their members. However membership costs £19.45 a year.

www.benefitsandwork.co.uk

Disability Rights UK

Disability Rights UK have a series of factsheets on DLA, AA and PIP. These are quite detailed as they are aimed at advisers but some people find them very helpful.

www.disabilityrightsuk.org/factsheets.htm

Local Authorities

It is always worth checking if your local council has a welfare rights service as they will be able to advise you about your appeal. In some cases they will be able to represent you. Phone the council and ask for 'welfare rights' or check in the local library.

For more details on how to find an adviser see 'How can I find an adviser?' on page 5.

Further help for older people

Age UK (formerly Age Concern and Help the Aged)

Age UK is a large charity working with and for older people. It has a network of local services across the country.

Helpline: 0800 169 6565. 7 days a week from 8am–7pm.

Useful factsheets about DLA and AA:
www.ageuk.org.uk/money-matters/claiming-benefits/disability-benefit/?paging=false

Further help for deaf and hard of hearing people

Action on hearing loss

Action on hearing loss is a charity providing support for people with hearing loss and tinnitus.

Telephone: 0808 808 0123
Textphone: 0808 808 9000
Fax: 020 7296 8199
Email: informationline@rnid.org.uk

Search their website (www.actiononhearingloss.org.uk) for useful factsheets called 'Disability Living Allowance', 'Attendance Allowance', and 'Challenging DLA and AA decisions'.

Further help for blind or partially sighted people

RNIB

RNIB is a charity working with and for blind or partially sighted people.

Helpline: 0845 766 9999
Monday to Friday 8.45am to 5.30pm

Email: helpline@rnib.org.uk

Useful information about challenging or appealing a DLA and AA decision:

www.rnib.org.uk/livingwithsightloss/yourmoney/benefits/older/attendance_allowance/pages/challenge_decision_dla_aa.aspx#H2Heading3

www.rnib.org.uk/livingwithsightloss/yourmoney/benefits/working/dla/pages/appeal_decision_dla_aa.aspx

Action for Blind People

Action for Blind People is a charity which provides support and advice for blind and partially sighted people. They have local action teams all over England. Find one near you on their website

<http://actionforblindpeople.org.uk/resources/local-action-teams>

Useful information about DLA and AA:
<http://actionforblindpeople.org.uk/about-us/downloads/?category=7>

Further help for people with mental health conditions

MIND

Mind is the leading mental health charity in England and Wales. Your local Mind service may be able to help you. Use the search to find out if there are any Mind services near you that can provide advice. www.mind.org.uk/help/mind_in_your_area

Useful
contacts



Further help with children's claims

Contact a family

Contact a Family is a charity working with and for families with disabled children.

Helpline: 0808 808 3555

Monday to Friday, 9.30am–5pm

Textphone: 0808 808 3556

Email: helpline@cafamily.org.uk

Useful factsheet about DLA for children:
www.cafamily.org.uk/media/379427/dla_factsheet.pdf

The charities listed above that deal with specific disabilities will usually provide help to children with those disabilities (for example, RNIB will be able to advise on claims for blind or visually impaired children).

Find another charity

There may be other charities that can help you that are not listed here. Often charities set up to help with your illness or disability are a good place to start.

Guidestar UK is a website that will help you find appropriate charities in your area.

www.guidestar.org.uk

You could also look in your Yellow Pages, or ask at your local library.

Guide to writing useful evidence for **Disability Living Allowance** and **Attendance Allowance** appeals

Give this page to your Doctor or somebody you are asking for evidence from

This page is written for doctors, social workers, CPN's, occupational therapists, and other professionals who might be able to tell the appeal panel what they need to know. It explains how to write helpful evidence for this kind of benefit appeal.

Evidence from doctors and other professionals helps the tribunal to come to the right decision more than anything else. Your evidence doesn't need to be long or typed, but it would be most useful if it included everything you are aware your patient/client needs help with.

Whether your patient/client is entitled to DLA or AA is decided by how much help they need. They may not get this help, many people 'manage', but these benefits are based on help they should have in an ideal world.

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

Start by confirming any diagnosis and any treatment that they receive.

Then you need to go into the detail. If they cannot walk even short distances without discomfort, or if they are very slow, please say.

Equally, if you are aware that they have difficulty going out on their own to places that are unfamiliar, please say that. They should be able to get to their local shop or GP surgery alone – but if they would need help to find their way, become anxious, or might put themselves in danger if they had to go to another town alone, the Tribunal needs to know that.

Next, look at the help they need in the home. As far as you know, do they need physical help, prompting, or encouragement to:

- get up or go to bed
- get washed and have a bath or shower
- go to the toilet
- get dressed and undressed
- move about indoors

(continued)

Give this page to your Doctor or somebody you are asking for evidence from

- stay safe
- cook a proper meal (not just beans on toast)
- communicate with other people (this includes reading, hearing, and speaking)
- take part in leisure activities (meeting friends, reading, watching TV etc).

If they *can* do any of these things on their own but it takes them a very long time, causes them pain, or may put them (or somebody else) in danger the law sees this as needing help.

Do they need help overnight, to stay in bed, go to the toilet, calm down if they get distressed, etc?

If you have any concerns that your patient doesn't look after themselves very well it is very helpful to say so. Do you have any reason to believe that they don't always wash or eat properly? Do they often miss appointments? Please do not leave things like this out for fear of causing offence as it will help their case.

If you are aware that they have been hurt, or could have been hurt, as a result of their condition, you should say so. Perhaps they have fallen, had violent seizures, or self-harmed.

If they have trouble taking their medication, remembering to take it, or sometimes purposefully don't take it, it would be very useful if you said so.

Do you have any reason to believe that, if left entirely alone for long periods, they might be a danger to themselves or somebody else? If you are aware of a time when they have posed a danger to themselves or somebody else, it would be most useful to include this.

Lastly, does their condition fluctuate? If it is bad on some days but better on others, it would be useful to make that clear.

If the person you are writing evidence for is a child – you need to compare what their needs are against the needs of another child the same age.

Guide to writing useful evidence for **Personal Independence Payment** appeals

Give this page to your Doctor or somebody you are asking for evidence from

This page is written for doctors, social workers, CPN's, occupational therapists, and other professionals who might be able to tell the appeal panel what they need to know. It explains how to write helpful evidence for this new kind of benefit appeal.

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

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

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

If your patient could do some of these things but not **reliably, safely, repeatedly** or in a **timely fashion** it counts as being unable to do it. For example, if they can stand and walk for 200 meters, but they can only do it a few times in a day, it may hurt them, they might sometimes fall, or it takes them twice as long as someone else, the law sees this as not being able to walk for 200 metres.

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

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

(continued)

Daily living activities and descriptors

Activity 1. Preparing food

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

Activity 2. Taking nutrition

- | | |
|---|----------|
| a. Can take nutrition unaided. | Score 0 |
| b. Needs either (i) to use an aid or appliance to be able to take nutrition; or (ii) supervision to be able to take nutrition; or (iii) assistance to be able to cut up food. | Score 2 |
| c. Needs a therapeutic source to be able to take nutrition. | Score 2 |
| d. Needs prompting to be able to take nutrition. | Score 4 |
| e. Needs assistance to be able to manage a therapeutic source to take nutrition. | Score 6 |
| f. Cannot convey food and drink to their mouth and needs another person to do so. | Score 10 |

Activity 3. Managing therapy or monitoring a health condition

- | | |
|---|---------|
| a. Either (i) does not receive medication or therapy or need to monitor a health condition; or (ii) can manage medication or therapy or monitor a health condition unaided. | Score 0 |
| b. Needs either (i) to use an aid or appliance to be able to manage medication; or (ii) supervision, prompting or assistance to be able to manage medication or monitor a health condition. | Score 1 |
| c. Needs supervision, prompting or assistance to be able to manage therapy that takes no more than 3.5 hours a week. | Score 2 |
| d. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 3.5 but no more than 7 hours a week. | Score 4 |

Give this page to your Doctor or somebody you are asking for evidence from

- e. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 7 but no more than 14 hours a week. **Score 6**
-
- f. Needs supervision, prompting or assistance to be able to manage therapy that takes more than 14 hours a week. **Score 8**
-

Activity 4. Washing and bathing

- a. Can wash and bathe unaided. **Score 0**
-
- b. Needs to use an aid or appliance to be able to wash or bathe. **Score 2**
-
- c. Needs supervision or prompting to be able to wash or bathe. **Score 2**
-
- d. Needs assistance to be able to wash either their hair or body below the waist. **Score 2**
-
- e. Needs assistance to be able to get in or out of a bath or shower. **Score 3**
-
- f. Needs assistance to be able to wash their body between the shoulders and waist. **Score 4**
-
- g. Cannot wash and bathe at all and needs another person to wash their entire body. **Score 8**
-

Activity 5. Managing toilet needs or incontinence

- a. Can manage toilet needs or incontinence unaided. **Score 0**
-
- b. Needs to use an aid or appliance to be able to manage toilet needs or incontinence. **Score 2**
-
- c. Needs supervision or prompting to be able to manage toilet needs. **Score 2**
-
- d. Needs assistance to be able to manage toilet needs. **Score 4**
-
- e. Needs assistance to be able to manage incontinence of either bladder or bowel. **Score 6**
-
- f. Needs assistance to be able to manage incontinence of both bladder and bowel. **Score 8**
-

Activity 6. Dressing and undressing

- a. Can dress and undress unaided. **Score 0**
-
- b. Needs to use an aid or appliance to be able to dress or undress. **Score 2**
-
- c. Needs either (i) prompting to be able to dress, undress or determine appropriate circumstances for remaining clothed; or (ii) prompting or assistance to be able to select appropriate clothing. **Score 2**
-

Give this page to your Doctor or somebody you are asking for evidence from

- d. Needs assistance to be able to dress or undress their lower body. **Score 2**
- e. Needs assistance to be able to dress or undress their upper body. **Score 4**
- f. Cannot dress or undress at all. **Score 8**

Activity 7. Communicating verbally

- a. Can express and understand verbal information unaided. **Score 0**
- b. Needs to use an aid or appliance to be able to speak or hear. **Score 2**
- c. Needs communication support to be able to express or understand complex verbal information. **Score 4**
- d. Needs communication support to be able to express or understand basic verbal information. **Score 8**
- e. Cannot express or understand verbal information at all even with communication support. **Score 12**

Activity 8. Reading and understanding signs, symbols and words

- a. Can read and understand basic and complex written information either unaided or using spectacles or contact lenses. **Score 0**
- b. Needs to use an aid or appliance, other than spectacles or contact lenses, to be able to read or understand either basic or complex written information. **Score 2**
- c. Needs prompting to be able to read or understand complex written information. **Score 2**
- d. Needs prompting to be able to read or understand basic written information. **Score 4**
- e. Cannot read or understand signs, symbols or words at all. **Score 8**

Activity 9. Engaging with other people face to face

- a. Can engage with other people unaided. **Score 0**
- b. Needs prompting to be able to engage with other people. **Score 2**
- c. Needs social support to be able to engage with other people. **Score 4**
- d. Cannot engage with other people due to such engagement causing either (i) overwhelming psychological distress to the claimant; or (ii) the claimant to exhibit behaviour which would result in a substantial risk of harm to the claimant or another person. **Score 8**

Give this page to your Doctor or somebody you are asking for evidence from

Activity 10. Making budgeting decisions

- | | |
|--|---------|
| a. Can manage complex budgeting decisions unaided. | Score 0 |
| b. Needs prompting or assistance to be able to make complex budgeting decisions. | Score 2 |
| c. Needs prompting or assistance to be able to make simple budgeting decisions. | Score 4 |
| d. Cannot make any budgeting decisions at all. | Score 6 |

Mobility activities and descriptors

Activity 1. Planning and following journeys

- | | |
|--|----------|
| a. Can plan and follow the route of a journey unaided. | Score 0 |
| b. Needs prompting to be able to undertake any journey to avoid overwhelming psychological distress to the claimant. | Score 4 |
| c. Cannot plan the route of a journey. | Score 8 |
| d. Cannot follow the route of an unfamiliar journey without another person, assistance dog or orientation aid. | Score 10 |
| e. Cannot undertake any journey because it would cause overwhelming psychological distress to the claimant. | Score 10 |
| f. Cannot follow the route of a familiar journey without another person, an assistance dog or an orientation aid. | Score 12 |

Activity 2. Moving around

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

How to write a statement for DLA or AA

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

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

Rose's Statement

1 Explain why you are writing. →

I am writing to you to explain my reason for appealing the decision to award me the lower rate of care of DLA.

2 Tell them what rate you think you should be entitled to. If you don't know, just say 'I believe I am entitled to more'. Go to pages 6–7 for more information about the different rates. →

I am appealing the decision as I believe that I am entitled to the middle rate of care. I have ulcerative colitis and severe depression and this means that I need a lot of help during the day.

3 Explain the main symptoms or difficulties you have because of your illness or disability. →
Remember to explain how they affect you.

I find moving around painful and hard because I have pain in my limbs, and am unsteady on my feet. I need to go to the toilet frequently, and afterwards I feel sick and exhausted. I often soil myself.

Because of my depression, I often can't face getting up, so I stay in bed – sometimes all day, except when I have to go to the toilet.

4 If you have difficulty walking, it is most useful to talk about distances in terms that mean something to you. For example, it is better to say 'Walking around the community centre causes me pain' than 'I can only walk for 50 metres'. →

Just walking from my room to the bathroom, or up or down the stairs causes me pain and can make me very tired.

5 If you feel better on some days than on others, explain what help you need on both. If you can, say how frequently you have better days and bad days. →

On better days (approximately 3 days a week) I will get up and go downstairs to sit in a chair. I never do very much because I am very tired. When my sister is with me she helps me to get up and go downstairs.

(continued)

6 If you can, spell out what help you get – or what help you would get in an ideal world. →

Explain what problems you have with each part of looking after yourself.

I am not steady on my feet and getting into the bath is very painful and feels dangerous, so I don't do it unless my sister is there to help me.

I cannot wash my hair because it causes a lot of pain in my arms, so I need help. I cannot dry myself properly because I cannot bend to reach my legs or feet.

Usually I just wash my face.

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

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

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

Last year I fell when trying to get out of the bath – I wasn't badly hurt, but it shook me up.

8 Is there anything you don't do because you don't have the help you need? →

Some days I don't wash at all because I don't have any help.

9 If there is any other evidence that backs up what you are saying, refer to it. →

The letter from my social worker, Karen Beardsley, confirms this.

10 If not getting the help you need causes other problems, it is very useful to say so. They won't make the connection for themselves. →

Being dirty makes me feel depressed, so I don't like to go out or see anyone.

11 It is important that they understand how often you need help. So if there is something you need help with, say how often it happens. →

Because of my colitis, I have to go to the toilet 5 or 6 times during the day. Most of the time I do get to the toilet in time, but sometimes – approximately twice a week – I don't make it.

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

Even when I do get to the bathroom on time, because of the blood and mucus, I often need to wash myself and change my clothes afterwards.

It's painful for me to wash and dress without help and I'm often very tired and do not have the energy.

(continued)

13 If you have any problems cooking, or if you don't really cook for yourself properly, tell them and explain why. →

I can't cook a proper meal for myself. Even opening a tin and putting the hob on is painful. I make a microwave meal or some toast, or don't eat at all.

14 If anyone helps you by reminding or encouraging you to do things, tell them about it. →

My sister cooks for me sometimes, and phones me most days to remind me to eat or encourage me to make something.

If you don't get this help, but need someone to remind you or encourage you to do something, tell them that.

15 If you disagree with anything in the papers they sent you, you need to tell them what was wrong and why this isn't right. →

The report from the DWP doctor said I could cook a proper meal, but that isn't true. I haven't even tried to cook properly since I dropped a pan of boiling water on my foot last year, and hurt myself.

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

How to write a statement for PIP

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

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

Spencer's Statement

1 Explain why you are writing. →

I am writing to explain my reason for appealing the decision to refuse me an award of PIP.

2 Tell them what rate you think you should be entitled to. If you don't know, just say 'I believe I am entitled to more'. →

I am appealing the decision as I believe that I am entitled to the standard rate of the care component and the enhanced rate of the mobility component. I have severe epilepsy and depression.

3 Explain the main symptoms or difficulties you have because of your illness or disability. →

I get little or no warning of seizures and have frequently been hurt when they occur. After a seizure, I feel terrible and 'foggy' for about four days afterwards.

Remember to explain how they affect you.

Because of my depression and because of the lethargy caused by seizures, I often can't face getting up, so I stay in bed – sometimes all day, because I know I won't get hurt if I have a seizure there.

4 If you feel better on some days than on others, explain what help you need on both. If you can, say how frequently you have better days and bad days. →

I have 3–6 seizures a month on average. Immediately after a seizure I feel very disorientated and confused, and I can be aggressive. I also feel very lethargic and I can't think straight for about 4 days afterwards. I feel depressed every day.

5 Explain what descriptors you meet and why you should get those points. →

I cannot cook a simple meal without supervision. I have hurt myself in the past while trying. On different occasions I have dropped a pan of boiling water on my foot, cut myself, and left the gas on due to my fogginess. If I had a seizure while cooking alone it could be even more dangerous. I don't cook alone.

(continued)

5 (continued)



Due to the fogginess and due to my depression I need prompting to eat anything most days. I rarely eat more than once a day when my brother pops in to help me. On days when he doesn't come I will just eat biscuits or toast.

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

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

I cannot go out anywhere at all without help from another person because of the seizures. I need someone with me to help me stay safe and to help me afterwards because I am so disorientated and confused. I do not even go to the corner shop on my own.

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



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

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

Three years ago I fell down the stairs during a seizure and broke my collarbone. I have had to have stitches in my head another time and have burnt myself or been left with more minor injuries countless times. I can be aggressive while I am disorientated or confused immediately after a seizure. I have once punched a woman who came to try to help me.

7 Is there anything you don't do because you don't have the help you need?



Some days I don't wash or eat at all because I don't have any help.

8 If there is any other evidence that backs up what you are saying, refer to it.



The letter from my social worker, Steve Scott, confirms this.

9 If not getting the help you need causes other problems, it is very useful to say so. They won't make the connection for themselves.



Being dirty makes me feel depressed and worthless.

(continued)

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



I sometimes wet myself when I have a seizure and I need help to even realise sometimes and to get into clean clothes afterwards.

11 If you disagree with anything in the papers they sent you, you need to tell them what was wrong and why this isn't right.



The report from the DWP doctor said I could cook without help but that isn't true. I have been hurt too many times and I'm afraid I might leave the gas on again, so I don't cook unless someone is here to help in case I have a seizure.

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

The information in this guide applies to England and Wales only.

The law may be different if you live in Scotland or Northern Ireland.

The law is complicated. We've simplified the rules to DLA, AA and PIP in this guide to give you a basic idea of how they work. Please don't rely on this guide as a complete statement of the law. We recommend you try to get advice from the sources we have suggested.



advicenow.org.uk

This information is produced by Advicenow. You can find lots of user-friendly information on a range of different issues on the Advicenow website.

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Marcel Berlins, *The Guardian*

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Advicenow is an independent, not for profit website dedicated to helping everyone to solve their law-related problems.

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