

Amaze FACT SHEET Updated Nov 2018

RECONSIDERATIONS & APPEALS FOR PIP & DLA

This fact sheet has been written by parent carers for parent carers



If your child's claim for DLA or PIP is turned down, or you don't get the result you expected, don't give up. Over 50 per cent of decisions are overturned when you ask another decision maker to look at the claim again and over 70 per cent of appeals are successful.

You can also ask for a review if your child is receiving the benefit at a lower rate and his or her condition alters and they need more help, or if the decision was correct at the time but circumstances have changed.

The DWP can look at any part of the award again, even a part you are happy with. So, to make the best of this opportunity, it's important to seek advice before asking for a decision to be looked at again.

Asking for a reconsideration

When you ask another decision maker to look again at the claim, this is called requesting a reconsideration. The DWP must do this if you ask and you must go through this process before you can appeal.

The outcome letter will explain what to do next if you do not agree with a decision and the date by which you need to reply. The first thing to do is contact the DWP: you can do this over the phone. We think it's best to follow up your call with a letter.

Say what it is that you do not agree with and why. It may be that you feel your child should be entitled to a different rate of either the mobility or care component, or both. Or maybe you disagree with the length of the award.

If you did not keep a copy of the claim, ask for a copy of everything you've submitted so far, as well as any extra reports requested by the DWP. Ask for a Statement of Reasons as well.

You only have 28 days from the date on the letter to tell the DWP that you disagree with a decision but if you ask for a 'Written Statement of Reasons' you get an extra two weeks.

Although sometimes these reasons have enraged some of us, having a more detailed written response can make sense of how the DWP came to their first decision. Responding to each of their points, however bizarre, can be a useful way to structure your reply.

Go through all the paperwork carefully. Amaze can help you look again at what you wrote and help you think about what would make your claim stronger. The DWP tend to give some weight to what schools say, so have you included a recent report about the extra help your child gets? Has any evidence been overlooked? Do you need extra reports to support what you say?

Write giving detailed reasons why you disagree with the decision and stick to timescales. Try to send your response by Special Delivery.

The DWP has 13 weeks to look at the claim again. But they may take much less time: so let them know if it will take you some time to gather extra information. Your right to appeal a DLA or PIP decision only arises once a different decision maker has reviewed all the information and you have the outcome in writing. Hopefully, the first decision will be revised in your child's favour and you won't need to go to appeal. If it isn't, all is not lost!



RECONSIDERATIONS & APPEALS



Whether or not the decision is changed, you will get a Mandatory Reconsideration Notice. You will need this to appeal. You now have one calendar month to submit your appeal.

Appeals

Appeals are made directly to an independent Tribunal. You will need to fill in an SSCS1 Notice of Appeal. You can download this from the gov.uk website or by ringing the DWP on 0800 121 4600 to get one posted out.

Say clearly what part of the decision you disagree with and why. You may already have stated your reasons in your reconsideration request, so include this again with the form. Be sure to keep a copy of everything you send. Send it back within the timescale, ideally by Special Delivery.

You will get a pre-hearing questionnaire. It's best to opt for a face to face hearing, as your chances of an outcome in your child's favour are much greater if you do. You do not need to take someone like a solicitor with you. Experience of DLA and PIP appeal tribunals tells us parents and carers are generally best placed to 'tell it how it is'.

If you don't want to attend in person, you can submit an appeal in writing or send a representative to act on your child's behalf. But if you have a campaigning spirit and find it easy to speak from the heart, it's worth doing it yourself.

If you have any more or new supporting evidence, send it in at least a week before the hearing. If you only get a report the day before, take it with you and explain about this - the Tribunal understands that you might have waited a long time for an assessment. In our experience the Tribunal panel will accept evidence on the day.

Remember, the Tribunal will want to know how things were at the time you put in the claim. Appeals can take a year to be heard, so make time to read through your 'bundle' of papers several times. What's important is how things were at the time you made the claim so take the time to refresh your memory. This doesn't mean new evidence won't be taken into account. Time limits for reviews and appeals are short so always get advice as quickly as possible.

If you are on a very low income, Money Advice Plus or the Citizen's Advice Bureau may be able to help you with an appeal. You can look up sources of help at the library or visit Brighton & Hove City Council's website.

Ask about

- **Support from Amaze** - Amaze SENDIASS helpline workers can give you advice on DLA and PIP applications. You may also be able to get more tailored advice about challenging decisions or appealing from our expert DLA/PIP Project. Call **Amaze** on **01273 772289** or email sendiass@amazesussex.org.uk
- **Possability People** - can help with challenging decisions on adult benefits including PIP and may be able to support you through PIP appeals. Call **01273 894050** or email advice@possabilitypeople.org.uk.
- **Support from local organisations** - **Citizen's Advice Bureau** can give help with benefits claims. Call **01273 223951** or visit www.brightonhovocab.org.uk. **Money Advice Plus** can offer advice and support with debt and benefits. Call **0800 988 7037** or visit www.moneyadviceplus.org.uk
- **DLA Benefits helpline** (0800 121 4600) – for general help and advice on DLA
- **Contact** - for disability benefits advice. Call **808 808 3555**, or email helpline@cafamil.org.uk.



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Further reading and useful links

- **'What is DLA? 'What is PIP?'**– Download these and other benefits fact sheets at amazesussex.org.uk/resources/fact-sheets
- **'Money Matters' section of Amaze's website** for detailed information on all disability benefits at amazesussex.org.uk/parent-carers/info-advice-parent-carers/money-matters
- **'Claiming Disability Allowance'** - Download Contact's guide to claiming DLA at contact.org.uk/advice-and-support/benefits-financial-help/benefits-and-tax-credits
- **Disability Living Allowance (DLA) overview** – <https://www.gov.uk/disability-living-allowance-children>
- **Cerebra's DLA Guide** - www.cerebra.org.uk/sitecollectiondocuments/books/dla_guide.pdf

