

## RECONSIDERATIONS & APPEALS FOR PIP & DLA

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



If your claim for 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 80 per cent of appeals are successful.

You can also ask for a review if you are receiving the benefit at a lower rate and your condition alters and you 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 you should be entitled to a different rate of either the mobility or daily living 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. Most important, ask for a copy of the healthcare professionals report. This is what the assessor writes up after the face to face meeting.

You only have 28 days from the date on the decision letter to tell the DWP that you disagree with some part, or all of the decision. If you ask for a copy of the health care professional's report you get an extra two weeks.

Although sometimes the healthcare professional's report and the decision maker's conclusions have enraged some of us, having a more detailed written response can make sense of how the DWP came to their first decision.

Be clear and write about any inaccuracies, misreporting or dubious conclusions in the decision-making process and/or the face to face assessment. Responding to each of their points, however bizarre, can be a useful way to structure your reply.

The DWP tend to give a lot of weight to what the healthcare professional has written. Is that report fair and accurate? If your reports and assessments give a different view about how much help you need to carry out daily living activities, plan and undertake a journey or move around, now is the time to draw on these. Write giving detailed reasons where you disagree and how this is consistent with your needs as described in your mental health, health or care plan, or assessments.

Look back at our factsheet 'Tips for Claiming PIP and the descriptors for each activity. In our experience it is not unusual for ATOS or DWP to have misapplied the descriptors and points system.

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Now is the time to state clearly which descriptor you believe best fits your circumstances and therefore how many points you should have been awarded for a particular activity.

Stick to timescales. But remember you only have to ring DWP to request a mandatory reconsideration. You can follow up your request in a detailed letter a bit later. When you write, 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 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 favour and you won't need to go to appeal. If it isn't, all is not lost!

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 SCS1 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 and send in your supporting evidence. Be sure to keep a copy of everything. Send it back within the timescale, ideally by Special Delivery.

In our experience it can be worth sending DWP a copy of your Appeal submission with a brief letter explaining that you are doing this as a matter of courtesy. This gives DWP another informal opportunity to change their decision.

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 favour are much greater if you do. You do not need to take someone like a solicitor with you. Experience of PIP appeal tribunals tells us claimants and their supporters 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 behalf. But if you have a campaigning spirit and find it easy to speak from the heart, it's worth doing it yourself. Our experience is that the Tribunal panel are well prepared, well informed and fair.

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 your local authority website.



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### Ask about

- **Support from Amaze** - If you are under 25 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 a poor decision. Call **Amaze** on **01273 772289** or email [sendiass@amazesussex.org.uk](mailto: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](mailto:advice@possabilitypeople.org.uk).
- **Support from local organisations** - **Citizen's Advice Bureau** can give help with benefits claims. Call **01273 223951** or visit [www.brightonhovecab.org.uk](http://www.brightonhovecab.org.uk). **Money Advice Plus** can offer advice and support with debt and benefits. Call **0800 988 7037** or visit [www.moneyadviceplus.org.uk](http://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@cafamily.org.uk](mailto:helpline@cafamily.org.uk).

### 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](http://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](http://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](http://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](http://www.cerebra.org.uk/sitecollectiondocuments/books/dla_guide.pdf)

