

PIP RECONSIDERATIONS & APPEALS

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



If your child's claim for Personal Independence Payment (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.

Be aware though, the Department for Work & Pensions (DWP) can look at any part of the award again, even a part you are happy with. So it's important to seek advice before asking for a decision to be looked at again.

If you are not happy with the PIP outcome

Wait for the Decision Notice. If you have rung DWP to chase a PIP outcome, and are disappointed, wait for the Decision Notice. 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. It's important to stick to timescales. You need to alert DWP that you wish to challenge a decision within a month of the date on the letter.

Contact DWP quickly to find out more. The Decision Notice may help you understand how the DWP has made its conclusions. Equally, it may leave you feeling more perplexed and frustrated. Even though a PIP Decision Notice is laid out activity by activity, with a descriptor and a score for each, this is still too little detail if you disagree with any part so you will need to find out more. The first thing to do is contact the DWP: you can do this over the phone but it's hard to know just how accurately what you say will be recorded. So, we think it's best to follow up your call with a letter.

Ask for a copy of the healthcare professional's report. This is what the assessor will have written up after a telephone consultation or a face-to-face meeting. If you ask for a copy of the health care professional's report, you get an extra two weeks to tell DWP that you disagree with some, or all, of their decision. You can request a Mandatory Reconsideration at a later date, but any change in decision may not be backdated.

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.

Do your research again. While you are waiting for the DWP to respond, 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. Now is the time to get clear about which descriptor you believe best fits your circumstances and therefore how many points you should have been awarded for a particular activity.

Asking for a Mandatory Reconsideration

It may be that having done your research into how rates are awarded, and seen the healthcare professional's report, you are now satisfied that your (or your child's) PIP award is fair.

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If you believe a decision is unfair, however, now is the time to ask for a Mandatory Reconsideration. This is when another decision maker looks at your or your child's claim and all the evidence again.

Stick to timescales. But remember you only need to ring DWP to request a mandatory reconsideration. You can follow up your request in a detailed letter a bit later.

Making your case

Examine the healthcare professionals report in detail. 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 (or your child) 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 the needs described in your (or your child's) mental health, health or care plan, or assessments.

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

Draft your response in a systematic way, activity by activity. Make reference to exactly what the decision maker has written, and counter this with what was written on the claim pack, what was said at the assessment, and mostly importantly, supporting written evidence, for example a paragraph from your child's EHC plan, that is consistent with your argument.

You can use a highlighter pen in different colours to indicate what is untrue or misleading in the decision letter, and again highlighting the evidence in supporting documents.

A mandatory reconsideration letter might be longer than the young person's original claim.

This is because they incorporate the decision-maker's views and quotes from reports and assessments. This might seem like a lot of work, but we think it's worth presenting your case as robustly as you can. If the DWP does not make a different decision in the young person's favour, a detailed request for a mandatory reconsideration makes lodging an appeal to tribunal very straightforward.

Use Special Delivery. When you have written your Mandatory Reconsideration request letter and have collated another set of evidence, to be sure it all arrives safely, we advise posting this 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 you need more 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. If you are not happy with the decision, you will need this to appeal.

Once you have a Mandatory Reconsideration Notice 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 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 Citizen's Advice may be able to help you with an appeal. You can look up sources of help at the library or your local authority website.

Ask about

- **SENDIASS** - If you are under 25, Amaze provides the **Special Educational Needs and Disability Information, Advice and Support Service** in Brighton & Hove and East Sussex. We offer free, impartial information and advice around anything to do with SEND. Visit <https://amazesussex.org.uk>, call 01273 772289 or email sendiass@amazesussex.org.uk.
- **Amaze DLA/PIP project** offers information and advice around making PIP claims to parent carers and young people with SEND. We do this via online workshops, written resources and more targeted support to families facing additional challenges and to young people. Get details of our workshops at <https://amazesussex.org.uk/events>. Call Amaze on 01273 772289 or email sendiass@amazesussex.org.uk.
- **Getting support from your social worker, support worker or shared lives carer** - They may be able to help you complete the form.



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Support from other disability organisations

- **Possability People** can give disabled adults and parent carers support with making claims for PIP. Call 01273 894050 (Brighton & Hove) or 01424 234460 (East Sussex).
- **Assert** may be able to support young people with high functioning autism and Asperger's Syndrome with making a claim. Contact **Assert** via www.assertbh.org.uk.

General benefits and financial advice

- **HARC (Hastings Advice and Representation Centre) Benefits Advice Line** - If you live in Eastbourne, Hailsham, Seaford, Hastings or Rother you can get free advice and support from PIP application to appeal. Call 0333 344 0681 or their general advice line on 01424 428375.
- **Newhaven Advice Hub and Information Centre** - If you live in the Lewes district you can get benefits advice on 01273 516032
- **Citizen's Advice** can give help with benefits claims. Call 08082 787815 (Brighton & Hove) or 03444 111 444 (East Sussex). Or visit www.citizensadviceeastsussex.org.uk or www.cabrightonhove.org.
- **Money Advice Plus** can offer advice and support with debt and benefits. Call 0808 196 3699 (Brighton & Hove) or 01323 635999 (East Sussex) or visit www.moneyadviceplus.org.uk
- **PIP enquiry line** - 0800 121 4433 for general help and advice on PIP
- **Transport help** - You may be able to get a Blue Badge or a disabled parking bay outside your house. Visit www.brighton-hove.gov.uk/parking-and-travel/parking/blue-badge-scheme-and-disabled-parking or www.eastsussex.gov.uk/social-care/blue-badges. Or you may use the mobility component of your PIP or DLA award to lease a car or scooter via the **Motability** scheme. Call 0300 456 4566 or visit www.motability.co.uk

Further reading and useful links

- **'What is PIP?' and 'PIP Face-to-face Assessments'** - Download these Amaze/Reaching Families fact sheets at <https://amazesussex.org.uk/resources/fact-sheets/>
- **Personal Independence Payment: guide to making a claim** - Helpful guide from Disability Rights UK which includes the scoring system for the 12 activities. www.disabilityrightsuk.org
- www.gov.uk/pip/overview - Personal Independence Payment info on government's website

