

Appeals

The Appeal

- Today we will be focusing on appealing decisions made by the DWP regarding Personal Independence Payment claims.
- Quarterly Statistics: Ministry of Justice Tribunal Statics Quarterly April to June 2021 showed 62% had the initial decision revised in favour of the claimant (down from 70% in 2020)

When to Challenge

A claimant can appeal any decision made about their PIP claim. Some of the most common reasons are:

They were not awarded PIP

They got a lower level of PIP than they expected

They think their PIP award should last for longer



When to Challenge

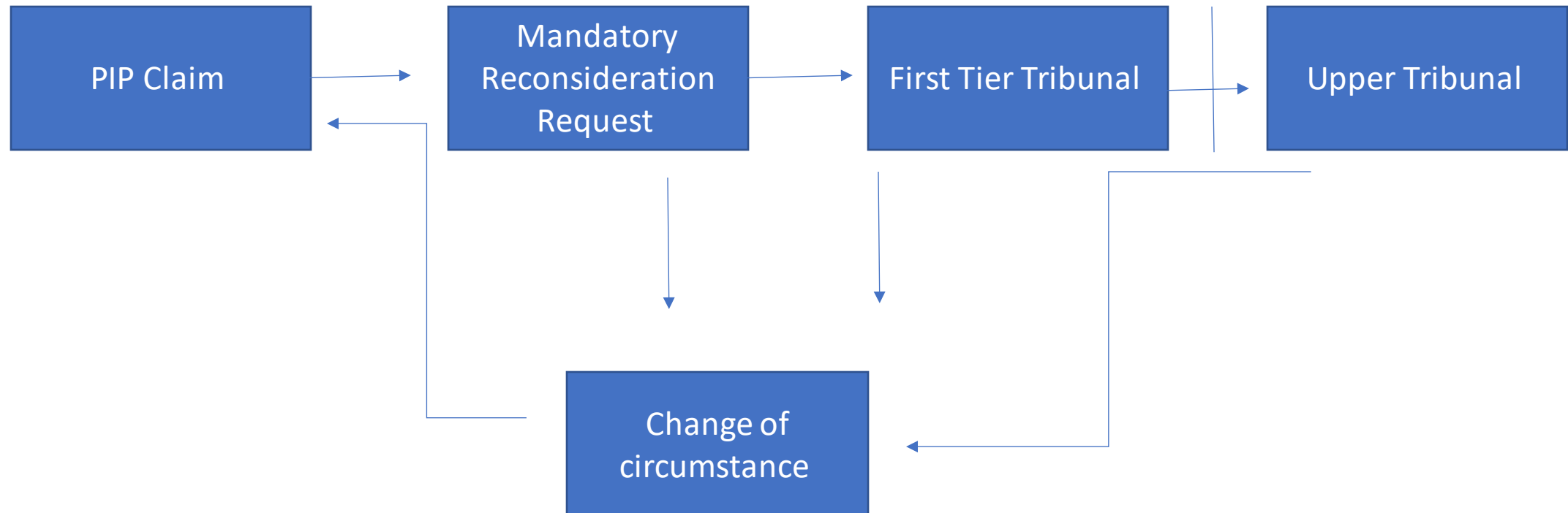
- **Worth knowing**
- It can take a long time to get to a tribunal hearing - how long it takes will vary depending on where the claimant lives.
- The process can be draining but it's worth remembering that more than half of people who appeal their PIP decision win at a tribunal.



Case study

Leona and Timmy

The Appeal



The Appeal

We would assist Timmy and Leona by:

- Helping to draft documents
- Researching the law and finding grounds for review
- Assisting Timmy with gathering evidence
- Helping Timmy and Leona to prepare for the hearing
- Providing Advocacy during the hearing

The hearing

Three Panel Members:

- The judge
- The medical professional
- The disability specialist



The Hearing: Giving Evidence

- Focus on examples around the date of the decision
- Answer the questions fully (don't feel trapped by the questions)
- Witness credibility is important – the claimant will need to accurately represent themselves

The Hearing: The Representative

- We are not allowed to give evidence
- Our role is to ask questions that enable the claimant to give full evidence and ensure that the claimant has a fair hearing

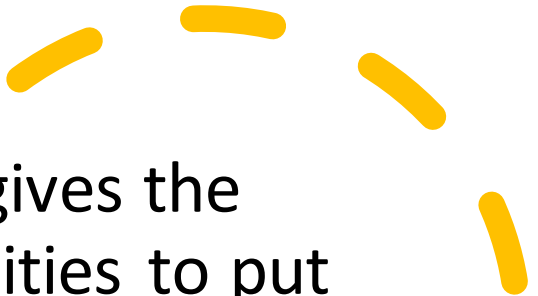


Case study

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Why it's important to attend

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- Having an oral hearing gives the claimant more opportunities to put their case forward and have a better chance of winning.

The claimant's role

- Seek advice as soon as they have a deadline and as soon as they can.
- If they missed the deadline, they can still send in the SSCS1 form, but in Section 5 they'll need to explain why it's late (for example, if they were in hospital). The tribunal board will look at why the form was late and decide whether they'll allow the appeal.
- Gather and submit medical evidence
- Track the appeal
- Prepare for the appeal – they will need to think of examples that show how their condition affected them around the date of the initial decision



Questions?

