

**Citizens  
Advice &  
Rights  
Fife**



**Independent advice for our community**

## **Appealing a DWP Benefit Decision at Tribunal**

**The guide has been designed to help you prepare for your appeal. If you feel that you need help, you should let us know at the earliest opportunity.**

**Citizens Advice & Rights Fife offers a Client Representation Service that is free, confidential and staffed by a team skilled in welfare benefits.**

**An appointment can be arranged with a member of the team to discuss the merits of your case and possible representation.**

**If you need help call us as soon as possible on 0345 1400 095 or Text Service for the Deaf Community 0787 2677 904, Monday to Friday, 8.30am - 4pm or via or via webchat at:**

**<https://www.cabfife.org.uk/>**

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## **Should I appeal?**

If you have received your mandatory reconsideration decision and the Department for Work and Pensions (DWP) have not changed their mind or if the decision has changed and you still disagree with it, you can appeal.

If you have been awarded your benefit but at a lower rate than you think is right, it is important to remember, that if you appeal, your award could be reduced or taken away. You will need to carefully consider whether you wish to risk your award.

The process of appealing a benefit decision can be time consuming. You must also be prepared to be questioned in detail about your everyday life and illness or disability.

An appeal can be withdrawn at any stage before the hearing is held. So by lodging your appeal, you are not doing anything that cannot be undone later.

## **When can I appeal a decision?**

If you want to challenge a decision about a benefit claim from the DWP you must ask for a [mandatory reconsideration](#) (MR) of the decision before you can make an appeal.

If you are not happy with the outcome of the reconsideration, you can appeal to Her Majesty's Courts and Tribunal Service (HMCTS). Your appeal will be heard by an independent tribunal called '**The First Tier Tribunal**'.

## **Time Limits for Appealing**

You must appeal within **one month** of the date on the letter telling you the outcome of the reconsideration.

If you miss the deadline, HMCTS can still accept your appeal up to **13 months** after the decision was sent, however you must give good reasons why it was late. The DWP can object to the reasons given and if this happens a judge would have to decide if the appeal can be accepted.

## **How to lodge your appeal**

To appeal, a **Personal Independence Payment, Employment Support Allowance** or a **Universal Credit** decision you need to fill in form **SSCS1PEU**.

You can complete this [online](#), or [download a copy](#) and send to [HMCTS](#).

If you are disputing **any other benefit decisions** you should complete form **SSCS1**. You **cannot** complete this online. You must [download a copy](#) and send off to [HMCTS](#).

## **Completing the SSCS1PEU or SSCS1 Form**

HMCTS have created a useful step by step guide:

[How to appeal against a decision by the Department for Work and Pensions on PIP, ESA or UC](#)

[How to Appeal against a decision made by the Department of Work and Pensions](#)

## Grounds for Appeal

This is the most important part of your appeal form. You need to give specific reasons why you disagree with the decision.

A good place to start is by looking at your decision letter and mandatory reconsideration notice and list each of the statements you disagree with and why.

Describe any evidence you have sent to the DWP and how it supports your reasons for disagreeing with their decision. You do not have to send any evidence again but you can submit any new evidence.

If you run out of space, you can attach a separate piece of paper. Make sure any additional sheets of paper have a note of your **Name** and **National Insurance Number** in case they get separated.

## Sending the Form

Check you have completed all the relevant sections before sending the form. Make sure you send to the correct address.

For **SSCS1PEU** forms send to:

**HMCTS Benefit Appeals**  
**PO Box 12626**  
**Harlow**  
**CM20 9QF**

For **SSCS1** forms send to:

**HMCTS Appeal Centre**  
**PO Box 27080**  
**Glasgow**  
**G2 9HQ**

When the DWP send the outcome of their reconsideration, they will include **2 copies** of the mandatory reconsideration notice. **One copy of the mandatory reconsideration must be enclosed with the SSCS1PEU or SSCS1 and sent to HMCTS.**

If the decision is about Universal Credit, the DWP will **send the notice to your online account**. The mandatory reconsideration notice will need to **be printed and a copy sent with the appeal form**.

## **After you send the form**

After you send the appeal, HMCTS will check to see that you have attached your MR notice and that your appeal is in time. If there is a problem they will contact you explaining what the issue is. You will need to reply otherwise your appeal could be 'struck out'.

If your appeal is accepted you should receive an acknowledgement letter. You should also receive a copy of the DWP's response, within 28 days. This is called the '**appeal bundle**'. It will explain how the DWP came to their decision. HMCTS will also let you know what happens next and give details of when and where your tribunal will be.

## **The Appeal Papers**

The papers in the appeal bundle are prepared by the DWP in a set order. They can often be more than 100 pages long, but they are usually in the following order:

**Schedule of evidence** - this is the cover page and contents

**Claimant details** - your personal details and NI Number

**Decision appealed** - confirmation of what you are appealing

**Summary of facts and decision maker's submission** - this is the DWP's explanation of why it believes the decision is correct.

**Acts and regulations relied upon** - this is a list of the relevant laws used to make the decision.

**Claimant's grounds of appeal** – this is taken from the SSCS1 appeal form you completed

**Copies of any other documents relevant to appeal** - this will be the evidence used in making the decision.

**Documents related to the case** - these will be in chronological order and include a copy of the claim form, the report from any medical assessment, any supporting letters and further evidence.

## **What to look for**

When looking at the papers you should look for anything that is wrong. If you had a **medical assessment**, check the report carefully. Highlight or note anything that you consider to be wrong in the report and explain how it varies from what happened. You can back up your argument with **supporting evidence**. This will help the tribunal make the correct decision.

You should also check the summary of facts and the decision maker's submission. Check if the decision maker has made any assumptions about your health and presented them as facts. Also look at whether the decision maker has ignored important evidence about you or your health, which undermines their case.

If you have a representative they will go through these points with you; if not try to make notes to remind you of what to say at the hearing. You should also note any page numbers for each point you are arguing for the tribunal to refer to.

## **Additional Evidence**

Once you have looked over the appeal papers you may wish to gather further evidence of your own.

**Medical Evidence** - your GP or other health care professionals may be willing to write a letter for you about your health or a specific issue, however be aware that health professionals are not obliged to do this and may refuse. Some may be willing to support you, but can only if you pay a charge.

**Non-Medical Evidence** - is there evidence that can be provided by friends, relatives, carers or support staff? For example do they help you with certain tasks or have they witnessed you fall?

**Photographs** - as tribunals are not allowed to carry out physical examinations, photographs can be a useful way of evidencing a health condition, if there is no medical evidence to support it. For example, if the report says you have no muscle wastage in your leg, a photo may contradict that opinion.

## How to submit additional evidence

Send copies of your additional evidence to the tribunal service in plenty of time with a simple letter giving your name, National Insurance Number, address and appeal reference number.

## Preparing for the Hearing

If you chose an oral hearing the tribunal service will send you a hearing date. You should be given at least **14 days' notice**, unless you agreed otherwise on your appeal form.

The letter will also give you the name of the doctor who sits on the panel. The tribunal service must avoid conflicts of interest. If you know the doctor you must notify the tribunal service straight away, even if you only realise on the day of your hearing.

Check the date is suitable for you and if you have any, your representative and witnesses. If the date is not suitable, **you must notify the tribunal service immediately**. They should offer you a new date. If they refuse to change the date, you should write to them straight away, explaining why you will not be attending and asking for the hearing to be **postponed**. If the tribunal refuse you can request an **adjournment** on the day. If the tribunal proceed without you, you can apply for the decision to be 'set aside'. Another judge would then decide whether to treat the tribunal's decision as if it had not been made.

## Writing a submission

Written submissions are used to set out your case or to challenge particular aspects of the DWP's case. Most claimants don't produce a submission and it is not something that you have to do but it may be helpful to the tribunal for you to set out a brief summary of your case. It doesn't need to be more than two sides of A4, but it would be helpful to include information such as:

- The DWP decision
- What your health conditions are

- The award you consider you meet the criteria for
- Brief information about how you meet the criteria e.g. the points you think you should score and why.

There is no set format for submissions. A letter will do. It is also worth numbering paragraphs so that the tribunal can refer to them if needed. Subheadings can also make a written submission clearer.

If you do wish to provide a written submission, you are usually required to do so within one month of the date on the decision maker's letter, however many tribunals use discretion and accept late submissions.

## **Witnesses**

Hearings are short, usually less than an hour and there is not a lot of time to hear witnesses. It may be better for them to provide a written testimony instead. Think carefully about whether your witness will be able to provide in depth evidence about you, for example if they are a carer or partner. If they are, then they would make a good witness.

## **The Hearing**

Due to the Covid-19 pandemic tribunal hearings are currently held remotely. You can choose whether the hearing is held by telephone or video conference. If you will find it difficult to undertake a remote hearing, for example, you don't have the equipment for a conference call, you should inform the tribunal service. You can find contact details of your tribunal [here](#).

## **Telephone hearings**

The Tribunal Service will call you at the time of the hearing and may call from an unknown number. If you use call barring services, you will need to turn these off. You will hear a welcome message inviting you to join a conference call. At the start of the hearing, the judge will introduce themselves and explain how the hearing will work and what

you need to do. You may also need to have access to a computer or tablet device to be able to receive additional documents on the day.

Click [here](#) for further information on how to join the hearing by telephone.

## **Video hearings**

If your hearing is happening by video, the court or tribunal will tell you what video platform is being used. When you know the platform, follow the appropriate link for guidance on joining the video hearing and testing your equipment.

Click [here](#) for further information on how to join the hearing by video.

## **Before the hearing**

Be ready at least 20 minutes before the hearing and make sure you have fully charged or plugged in the device you are using to join and have to hand any documents you will need. If you are joining by video, you must also:

- have something plain behind you, like a blank wall
- sit with light in front of you, so your face is not in shadow
- make sure your face and shoulders are visible

## **During the hearing**

The tribunal consists of three people: a judge, who is legally qualified, a doctor and a third member with knowledge of disability issues. There can sometimes be a presenting officer from the DWP, who will explain how they arrived at their decision.

There is no set procedure for the hearing, but usually the tribunal will start with introductions. There is also usually an explanation of why the tribunal has been called and what is going to happen.

The tribunal will look at how your condition affects you by asking you questions. You may also be questioned by a presenting officer and representative, if you have one. The tribunal will want to focus on the issues that are in dispute, so they may not ask you about all aspects of your disability. They may ask you probing questions as they try and ensure they don't miss anything.

At the end of the hearing the judge should allow you to ask any questions or make any final comments. If they don't and you feel there are points you need to mention, then politely ask to make a few final points.

### **The Decision**

The judge may leave the telephone or video call for a short time to think about their decision. You will either receive the decision on the day, or, the decision will be sent to you by post afterwards.

Sometimes hearings are adjourned because the tribunal decides it needs extra information or would like to see more medical evidence. The tribunal would set a new date for the hearing and give instructions for what must be done before then.

### **The Appeal is Allowed**

If you are successful in your appeal, it can be helpful to send a copy of the decision to the DWP. This can speed up the payment of your award. Otherwise, you will have to wait for HMCTS to notify the DWP and this can take some time. If your appeal was for a new claim, your award should be backdated to when you originally applied.

### **The Appeal is Refused**

If you are unhappy with the tribunal's decision, you can appeal to the Upper Tribunal, however only if the First-Tier Tribunal's decision is wrong on a point of law. To check this, you must ask the judge for a '**statement of reasons**' for the decision within one month of the

hearing. This is a full record of the hearing, which the judge has to send to you.

If after reading through the **statement of reasons**, you believe the decision is wrong on a point of law, you can appeal to the Upper Tribunal. For further information on appealing to the Upper Tribunal, click [here](#).

## **Contact Us**

We are aware that the appeals process can seem rather daunting. CARF has a team of specialist Client Representation advisers who offer advice on challenging benefit decisions and **may** provide representation at First Tier and Upper Tier tribunals.

If you would like further information on the services the team provide contact us.

## Useful Information:

### Citizens Advice & Rights Fife:

03451 400 095, Monday to Friday  
from 8:30am – 4pm  
Text Service for the Deaf  
Community 0787 2677 904  
Online information and webchat  
[www.cabfife.org.uk](http://www.cabfife.org.uk)

### HMCTS

Glasgow Tribunal Service  
20 York Street  
Glasgow  
G2 8GT  
[sscsa-glasgow@justice.gov.uk](mailto:sscsa-glasgow@justice.gov.uk)  
[0300 790 6234](tel:03007906234)

### Upper Tribunal (Administrative Appeals) (Scotland)

George House  
126 George Street  
Edinburgh  
EH2 4HH  
0131 271 4310  
[ossc@ossc-scotland.org.uk](mailto:ossc@ossc-scotland.org.uk)