



# Appeal Tribunals: Information and Self-Help Pack

**Dalkeith Citizens  
Advice Bureau**

## Introduction

As part of the service, our team offers tribunal representation by staff who have been trained in benefit Appeal work. However, there might be times that, due to high demand for the service, we are unable to provide a representative. In addition, you may feel that you do not need a representative and would prefer to proceed with the Appeal without representation. We can also refer you to the Midlothian Council Welfare Rights Service.

This pack is designed to help you navigate through the various stages of the Appeal process – from when you receive the initial award decision to the options available to you after the Appeal itself.

There are **four** main sections:

1. The initial stages of the Appeal
2. Preparing for the Appeal
3. Tribunal procedures
4. After the hearing

At the end of the pack, you will find further information and examples of how to write an Appeal submission as well as the type of questions you might be asked during the hearing.

We hope you find this a useful resource. However, if there are any parts of it you do not understand, or if you have any questions, please do not hesitate in contacting us.

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# Section 1: Initial States of the Appeal

## 1.1 How does the system work?

Normally, people will make a claim for benefit on the appropriate paper form or online. Once this is submitted, a decision is made by a Department of Work and Pensions (DWP) officer, called the **Decision Maker**. If you are unhappy about the result of the benefit decision, you are entitled to challenge that decision.

## 1.2 How can a decision be challenged?

You can challenge a decision in the first instance by requesting Mandatory Reconsideration (see section 1.6 below.) If Mandatory Reconsideration is unsuccessful, only then can you lodge an Appeal with the Independent Tribunal. The following sections take you through both the Mandatory Reconsideration and Appeals processes.

## 1.3 Who can challenge a decision?

- The person who has claimed the benefit (also known as “the claimant”.)
- An appointee – someone chosen to act on another’s behalf and is claiming for them.
- Someone acting on behalf of a person claiming Disabled Living Allowance (DLA), Personal Independence Payment (PIP) or Attendance Allowance (AA), if they are Appealing about whether the person is terminally ill.

## 1.4 Requesting written reasons for the decision (A Statement of Reasons.)

Not all benefit decisions come with a full explanation of the decision. However, you can request a written explanation (known as a “Statement of Reasons,”) of the decision on your claim. You must do so **within one month** of the date of the decision (not a month from when you received correspondence telling you about the decision.)

The Statement of Reasons should be sent to you within **14 Days** of your request being received. If they take longer, any related timescales can be extended. The Statement will not normally include copies of medical reports and other evidence used, but you can also request copies of these. It is not essential to request reasons, but you may find it helpful for challenging the decision to know the basis on which it was made.

## 1.5 Rights of Appeal

It is possible to Appeal against most benefit decisions. When doing so, remember that:

- There is a strict time limit for Appealing (normally 1 month from the date at the top of the decision letter)
- Certain information must be provided for the Appeal (see 1.8 below.)
- The Appeal must be in writing, and preferably on the appropriate form.

## 1.6 What is Mandatory Reconsideration?

Mandatory Reconsideration (MR) procedures were introduced by the Department of Work and Pensions (DWP) in 2013. You cannot Appeal a decision until outcome of MR is known. **See the table under 1.7** below for more information and links to the forms needed for MR.

Mandatory Reconsiderations give the opportunity for you to discuss the disputed decision and provide any additional information to a DWP Decision Maker. This can be done by phoning the appropriate **DWP helpline** or **in writing**. If you decide to make the request over the phone, remember to **note the date, time and with whom you spoke**. We recommend though that you request MR in writing, keep a copy of information before sending it **recorded delivery**.

Providing additional information and evidence is key to getting the decision changed.

There is no time limit for the Decision Maker to make their decision. Therefore, while waiting for the outcome, you may wish to seek advice on benefits from the Citizens Advice Bureau (CAB) or another advice agency.

If the Decision Maker does not change the decision in your favour with information you have provided, they will attempt to contact you by telephone up to a maximum of 3 times to tell you and discuss the matter with you. They will then send the decision to you in writing to formally notify you.

Some benefits do not require Mandatory Reconsideration (see table in 1.7 below.) But for those that do, the MR process must be complete before you have a right to Appeal.

## 1.7 How to Appeal *after* Mandatory Reconsideration

The Appeal must be:

- In writing.
- On the correct form (in most cases, it is form SSCS1, but check the table below).
- Submitted within the time limit (usually 1 month from the **date of the letter** informing you of the outcome of Mandatory Reconsideration.)
- Should have a copy of the Mandatory Reconsideration outcome letter attached (although this is not strictly required.)

You can download a copy of Form SSCS1 and guidance on completing it from <https://tinyurl.com/Benefit-Appeal>. (Links to other forms are in the table below.)

The process, and what you need to send, varies depending on the Benefit that is involved. The final column in the table below explains what you should do for each of these.

Type of benefit	For Mandatory Reconsideration	To Appeal decision after Mandatory Reconsideration (or if the benefit doesn't require MR)
<p>Jobseeker's Allowance (JSA)</p> <p>Employment &amp; Support Allowance (ESA)</p> <p>and</p> <p>Universal Credit (UC)</p>	<p>Request this by phone via the DWP helpline for that benefit, or</p> <p>Complete the Mandatory Reconsideration form CRMR1, available with guidance here: <a href="https://tinyurl.com/MR-Form-and-Guide">https://tinyurl.com/MR-Form-and-Guide</a>.</p> <p>Print, sign and send form to address at the top of your decision letter.</p>	<p>Complete Appeal form SSCS1, available from this page: <a href="https://tinyurl.com/Benefit-Appeal">https://tinyurl.com/Benefit-Appeal</a></p> <p>Print, sign and send it with a copy of the Mandatory Reconsideration letter within 1 month of the date on the letter to: <i>HMCTS SSCS Appeals Centre, PO Box 27080, Glasgow G2 9HQ</i></p>
<p>Budgeting Loans</p>	<p>(Mandatory Reconsideration does not apply to Budgeting Loans.)</p>	<p>Write to Jobcentre Plus and ask for a review within 28 days of the original decision.</p>
<p>Child Benefit</p> <p>and</p> <p>Guardian Allowance</p>	<p>Complete the Child Benefit and Guardian Allowance Mandatory Reconsideration form CH24A which is available from <a href="https://tinyurl.com/MR-Child-Benefit">https://tinyurl.com/MR-Child-Benefit</a></p> <p>Print, sign and send the form to the address at the top of your decision letter.</p>	<p>Complete Appeal form SSCS5 available from this page: <a href="https://tinyurl.com/Appeal-HMRC">https://tinyurl.com/Appeal-HMRC</a></p> <p>Print, sign and send it with a copy of the Mandatory Reconsideration letter within 1 month of the date on the letter to: <i>HMCTS SSCS Appeals Centre, P O Box 27080, Glasgow G2 9HQ</i></p>
<p>Housing Benefit</p>	<p>(Mandatory Reconsideration does not apply to Housing Benefit.)</p>	<p>Contact your local council for advice on how to Appeal.</p>
<p>Personal Independence Payment (PIP)</p>	<p>First, discuss the decision with the Department for Work and Pensions (DWP). (PIP Enquiry line – 0800 121 4433, Textphone 0800 121 4493, Mon-Fri, 8am to 6pm.)</p> <p>If you are still unhappy, make a formal request to have the decision looked at again through Mandatory Reconsideration.</p>	<p>Complete Appeal form SSCS1, available from this page: <a href="https://tinyurl.com/Benefit-Appeal">https://tinyurl.com/Benefit-Appeal</a></p> <p>Print, sign and send it with a copy of the Mandatory Reconsideration letter within 1 month of the date on the letter to: <i>HMCTS SSCS Appeals Centre, PO Box 27080, Glasgow G2 9HQ</i></p>
<p>Tax Credits</p>	<p>Try resolving the issue by phone or online with HMRC first. Details of how to contact HMRC are here: <a href="https://tinyurl.com/Tax-Helpline">https://tinyurl.com/Tax-Helpline</a></p>	<p>Complete Appeal form SSCS5 available from this page: <a href="https://tinyurl.com/Appeal-HMRC">https://tinyurl.com/Appeal-HMRC</a></p>

Tax Credits (continued)	If the issue is still unresolved, request Mandatory Reconsideration using form WTC/AP, available here: <a href="https://tinyurl.com/MR-Tax-Credit">https://tinyurl.com/MR-Tax-Credit</a>	Print, sign and send it with a copy of the Mandatory Reconsideration letter within 1 month of the date on the letter to: HMCTS SSCS Appeals Centre, PO Box 27080, Glasgow G2 9HQ
Scottish Welfare Fund  and  Crisis Grant Community Care Grant	Contact your local authority by letter/phone and request a review.	

### 1.8 Information to provide when Appealing

It is not enough to simply say you disagree with a decision. You must explain **why** you think the decision is wrong. Wherever possible, it is helpful to include supporting information and evidence along with the Appeal. This may also help with getting a decision changed before the Appeal stage. That *can* happen, even up to the day before the Appeal date.

**Examples:**

*“The DWP says I have been overpaid because I failed to disclose that my wife was working part-time, but I wrote to them as soon as she started work and told them how much she would be earning.”*

*“I have been informed that I cannot get the care component of DLA, but I disagree with this decision because it does not take into account the full extent of my condition and difficulties. I need a lot of help due to my incontinence of bowel and bladder.”*

### 1.9 The time limit for Appealing

The Appeal must be made within **1 calendar month** following the date of the decision stated on the letter informing you of the decision. The time limits for Appealing are very strict so it is important to leave enough time for the process.

### 1.10 Late Appeals

If the time limit for Appealing a decision has passed, you can still seek permission to Appeal. This can be difficult and no Appeal is allowed outside and absolute time limit. The absolute time limit is one year, plus one month after the date on the letter informing you of the outcome. That means 13 months in total from the date of the decision.

In addition to the information required on the Appeal form, you also must explain why your application is being sent late. This should include any details of “special circumstances.” Examples of this might be the following:

- The person who is Appealing (called the appellant), their spouse or a dependent has died or has suffered a serious illness.
- The person who is Appealing (the appellant) is not resident in the UK.
- Normal postal services were disrupted.

***The Appeal will not be accepted if you simply say you were not aware of the time limits.***

A late Appeal will only be allowed where it has a reasonable prospect of success, and it is in the *interests of justice* for it to be allowed. This means the Decision Maker or the Tribunal Judge thinks it is fair to allow the late Appeal.

### **1.11 The procedure once an Appeal has been lodged**

Appeals are dealt with by **Appeals Officers**, who are specialist decision-makers. They will look at the decision again to see if they can change it. If the Appeals Officer cannot change the decision (which happens in most cases), they will prepare a **full submission** which explains the reasons why the decision cannot be changed.

Copies of the full submission are sent to the following:

- The person claiming the benefit (the claimant).
- Any named representative they have.
- Her Majesty’s Court and Tribunal Service (HMCTS).

Normally, the next correspondence you will receive will be either further evidence or a letter informing you of the Appeal Date. When the date has been fixed, you, your representative (if you have one) and Tribunal members will be notified. HMCTS will usually give 2 weeks’ notice. However, you can, if you wish, agree to a shorter notice period.

If the date you are given is not convenient, you may be able to request a **postponement**. You must do so in writing to the Tribunal Clerk, giving sufficient reasons. The address will be on the letter forming you of the Tribunal. Tribunal Clerks are legally qualified panel members and have the power to grant, or refuse, a request for postponement.



## Section 2: Preparing for the Appeal

### 2.1 The objective of your Appeal

Your main objective is to convince the First Tier Tribunal to allow your Appeal, and decide in your favour. The argument you put forward to the Tribunal is your **submission**.

The First Tier Tribunal will then have to weigh up what you have said in your submission against what is said in the Decision Maker's submission. In doing so, they must follow a logical process of reasoning. Failure to do so means that they are wrong in law.

### 2.2 The Appeal papers

The Decision Maker's submission will be laid out as follows:

*Section 1:* Your personal details

*Section 2:* The decision you are Appealing against

*Section 3:* The Appeal (what you have said in the Appeal form)

*Section 4:* The facts of the case

*Section 5:* The Decision Maker's submission (i.e. issues raised by the Appeal)

It then sets out the law upon which the decision was based and the reasons for the decision.

The rest of the papers contain all the documents related to the Appeal (e.g. your claim pack, any medical reports or further evidence, etc.) When you receive the papers, they may seem quite daunting.

It is good to start with the schedule at the front of the bundle of documents named **Relevant Information**. This gives a description of the documents contained in the pack with the appropriate page numbers to help you find them, like a Table of Contents.

We recommend that you take time to read through all the papers carefully and note down:

- Any information that is factually **incorrect**,
- Any information that **contradicts** other information in the pack,
- Information that is not backed up with **evidence**,
- Any **other** points with which you disagree.

In addition, it is good to start collecting evidence of your own to support your arguments and counter what has been said by the Decision Maker.

## 2.3 The importance of evidence

Evidence can be very important in an Appeal as it can be used to support your case. It can also be used to establish any facts that are in dispute, or to back up (corroborate) what you have said in your claim pack / Appeal.

It can take quite a long time to get the evidence you need, so it is good to start collecting it as early as possible.

The First Tier Tribunal that will hear the Appeal **can only consider evidence about your condition or situation at the time of the decision you are Appealing**. As there could be several months, or longer, between the date of the decision and the Tribunal hearing, make sure all the evidence you provide relates specifically to the period the Tribunal will consider.

Types of evidence that may be helpful include letters, statements and/or reports from:

- GPs or other health care practitioners
- Specialist clinicians or Consultants
- Social workers or health visitors
- Teachers
- Educational psychologists, counsellors, therapists
- Support workers

Some doctors may charge for providing such evidence. As an alternative, you can request copies of your existing medical records free of charge, as is your right under current Data Protection law.

Try to send any evidence you have to the Tribunal Service as early as possible. This will give them enough time to consider it. You can take evidence with you to the Tribunal on the day of the hearing, but this may result in the case being adjourned if the Tribunal judge does not think there will be enough time to consider it.

Make sure you also read over any evidence before submitting it to ensure it will be helpful to your case. If it is not helpful or relevant, don't include it.

## 2.4 Preparing a written submission for your Appeal

It is helpful to prepare a written summary of your case to give to the Appeal Tribunal. This is called a **written submission**. Although there is no legal requirement for you to provide a written submission, most Tribunals like to receive one to help them understand the situation. Try to provide this at least seven (7) days before the hearing. It can be an effective way to put your case before the First Tier Tribunal and can:

- Enable you to focus on the main issues.
- Help you remember the main points.
- Encourage the Tribunal to concentrate on the main issues of your Appeal.
- Provide you with your own record of the Appeal.
- Ensure you get your points across in the hearing even if you forget or “freeze up.”
- Enable you to raise the important issues with the Tribunal panel.
- Give a clear structure to your arguments and evidence.

Please see the example of a written submission in Appendix A of this pack.

## Section 3: Tribunal proceedings

### 3.1 Arrival at the Tribunal venue

When you arrive, the first person you usually see is the clerk or receptionist. They should explain the Tribunal procedure to you. They will also take any extra papers or evidence you have brought with you to give to the panel. You can also discuss reimbursement of your travel costs for the day with them.

When the Tribunal is ready to start, the clerk will escort you to the hearing room. You will be asked to sit in the middle seat in the room.

### 3.2 Members of the First Tier Tribunal and other people present

Depending on the type of Appeal, the panel for the First Tier Tribunal will consist of one, two or three members. One will be the Tribunal Judge, who is legally qualified. Normally, they will chair the hearing.

Depending on which benefit you are Appealing, other panel members will be as follows:

**Employment & Support Allowance:** Two members - the Tribunal Judge and a medically qualified panel member.

**Disability Living Allowance, Attendance Allowance, PIP:** Three members - the Tribunal Judge, a medically qualified panel member and usually, a representative who is disabled.

**Industrial injuries Disablement Benefit or Severe Disablement Allowance:** Two or three members – the Tribunal Judge, a medically qualified panel member and often a nurse (present to assist the medically qualified member with the medical examination that usually forms part of the process.)

In some circumstances, there may also be a financially qualified panel member.

The clerk to the Tribunal is also often present, but their function is solely administrative and they take no part in the proceedings.

A **Presenting Officer** (PO), also known as the Secretary of State's representative, may attend the hearing. Their main role is to advise the Tribunal to arrive at the correct legal decision. However, they are not present at all hearings.

You may wish to take a friend or family member with you into the hearing. They can attend as an **observer** and will not normally speak, unless the Tribunal decides to ask them questions. Or they can attend as a **witness**. After the Tribunal has heard information you have provided, they will invite the witness to give evidence how your disability affects you.

### 3.3 Procedure of the First Tier Tribunal

The Tribunal Judge determines the procedure of the hearing, in accordance with the rules of **natural justice**, which means:

- The hearing is conducted in an orderly manner,
- Each of the parties has an opportunity to state their case (including you),
- Each of the parties is given the chance to ask questions,
- The atmosphere of the hearing is friendly and not intimidating.

It is the responsibility of the Tribunal Judge to ensure this happens. The First Tier Tribunal should conduct itself in such a way that enables you to make the best use of your opportunity to Appeal a decision.

In general, it may follow one of 3 formats:

- You (the appellant) arguing your case first, then the Presenting Officer responding.
- The Presenting Officer putting their case first, then you (the appellant) responding.
- The First Tier Tribunal addressing the issues point-by-point with you (the appellant) and the Presenting Officer addressing each one in turn.

Because there is not always a Presenting Officer in the hearing, the Tribunal will often just hear from you – the appellant.

First Tier Tribunals must balance the need for formal procedure with an informal atmosphere. The panel must only ask questions relevant to information you have provided in your Appeal. The Tribunal need not consider any issues that are not included in your Appeal, although it is often possible for you to raise new matters after the original Appeal has been submitted.

**Please see Appendix B for examples of the types of questions that might be asked.**

### 3.4 Adjournments

In certain situations, the First Tier Tribunal may decide to **adjourn** the hearing. This often happens when they feel they need further information to come to a decision. It can mean a short break in the hearing or that it stops and is postponed to a later date (in which case you will receive a new date.) Some of the reasons a hearing may be adjourned include:

- To request a medical examination if this has not yet been done.
- To enable you (the appellant) to find someone to attend and represent you.
- To get a Presenting Officer to attend.
- To obtain more evidence and clarify certain facts.
- To consider fresh evidence.
- To seek legal advice.

### 3.5 The First Tier Tribunal's decision

Once all the evidence has been heard, the First Tier Tribunal will normally have enough information to come to a decision. The Tribunal Judge usually asks everyone but the Tribunal members to leave the room so they can discuss the case and reach a decision. Sometimes, if the Tribunal needs to clarify an issue, the parties will be called to the hearing room for further questioning.

Once the First Tier Tribunal has reached a final decision, it will ask all parties to return to the hearing room. The decision is then normally announced orally, and you will also receive a written copy (the **Decision Notice**) signed by the Tribunal Judge.

Occasionally, the First Tier Tribunal will be unable to reach a decision immediately after the hearing. If this is the case, the outcome will be sent to you as soon as is reasonably practical, which is usually within 2 – 3 days.

### 3.6 Tribunal Hearings via phone or video

During the period of Covid 19 restrictions, many hearings are being conducted by phone or video link. If this happens, you are unlikely to receive the Tribunal's decision on the day. The option of face-to-face tribunals is slowly returning in most areas, where it is feasible.

## Section 4: After the hearing

### 4.1 If you have won your Appeal

The decision will be reported back to the relevant office within DWP or HMRC that deals with your claim. This is so you can receive any arrears and benefits to which you are now

entitled. If there was a Presenting Officer at the Appeal, it is their duty to do so. However, this is mostly done by the Tribunal clerk, who should send the decision within 2 working days.

It may take several weeks for the Tribunal's decision to be implemented. If the Decision Maker is considering an Appeal against the decision, they do have the right to delay payment of the benefit you are entitled to receive.

**Remember:** If you are awarded certain benefits by the Tribunal, you may then be entitled to other benefits as well. So, after a successful Appeal, you should seek further advice from your local Citizens Advice Bureau or another appropriate advice agency.

## 4.2 If you have lost your Appeal

There are still several options available after an unsuccessful Appeal. The ones discussed in this guide are:

- Applying to have the decision set aside.
- A further Appeal to the Upper Tier Tribunal Chamber.
- Making a fresh claim for benefit

Before taking the next steps, you should request the following:

- The **full statement of written reasons** for the Tribunal's decision.
- The Judge's **record of proceedings**.

To get these, you must write to the Tribunal clerk and request them within one (1) calendar month from the date of the decision.

If you have lost your Appeal, we suggest you seek more advice from the CAB or another advice service before pursuing the matter further.

## 4.3 Applying to have the decision of the Tribunal set aside

A Tribunal agree to correct or set aside a decision. A **set aside** cancels the original decision and a new Tribunal will then hear the case again. You can apply for this if you believe the correct procedure was not followed.

You must apply within one (1) calendar month, *either* from the date you were given or sent notice of the Tribunal's decision, *or* from the date you were sent the full statement of written reasons for the Tribunal's decision, whichever is the latter (see 4.2 above.)

Make the application in writing to the Tribunal Clerk. The grounds you can state for requesting set aside are as follows:

- A relevant document was not received by the appropriate time by either of the relevant parties to the Appeal.
- One of the relevant parties to the Appeal was not present at the hearing.

If you did not request an oral hearing, the judge will only grant a set aside where the “interests of justice manifestly so require.” What this means is they will only grant a set aside so a new Tribunal can hear the case again, because they think it is fair to both sides.

#### 4.4 Appealing to the Upper Tier Tribunal

It is not possible to Appeal against the First Tier Tribunal’s decision just because you disagree with it. You can **only** Appeal if you identify some way the First Tier Tribunal was wrong in law. Examples might include:

- The law was wrongly interpreted.
- The Tribunal did not provide adequate reasons for the decision or give satisfactory findings of fact.
- The decision is not supported by evidence.
- The decision they reached does not follow the findings of fact.
- The Tribunal breached the rules of natural justice (which means the procedure was unfair to one of the parties – for example the client was not given an opportunity to state their case fully, or was unreasonable refused the chance to postpone.)

Because the process is quite complicated, **we recommend seeking advice** from the Citizens Advice Bureau, Welfare Rights Office, a solicitor or other appropriate advice organisation.

Before an Appeal can be made, you must first obtain **permission to Appeal**. This is done by writing to the Tribunal that made the decision, giving your reasons for Appealing.

Her Majesty’s Court and Tribunal Service (HMCTS) must receive the request within one (1) calendar month of the date on which you were sent reasons for the decision, not the date on which you received them. The application is then passed to a Tribunal Judge, who will decide whether or not to grant leave to Appeal to the Upper Tier Tribunal.

If the Judge **refuses leave**, you must then apply to the Upper Tribunal for leave to Appeal using form UT1. You will have one (1) calendar month to do this after the date you were sent written notice of the refusal of leave from the Judge.

If you are granted leave to Appeal, either by the Judge, or the Upper Tribunal, the procedures will be both lengthy and complicated. This is why we advise seeking advice and assistance before proceeding further.

#### 4.5 Submitting a fresh claim for the benefit

You may be able to do this even if you are also Appealing the original decision of the First Tier Tribunal. The Citizens Advice Bureau can assist with this if required.

# Appendix A: Sample Format for a Submission for a Personal Independence Payment Appeal

**Name:**

**Reference Number:**

**National Insurance Number:**

**Date of Appeal**

## Personal Profile:

It is a good idea to include short facts informing the panel of the background to your situation and difficulties, the current problems and/or conditions you have, and any operations, procedures or examinations relevant to your Appeal.

Also, you should briefly explain to the Tribunal why you are Appealing and outline the decision you are asking them to reach, for example an award of Daily Living Component and the Mobility Component at the desired rate.

## Medication:

List all medicines you are taking including dosages, what it is for and how often you take it.

## Mobility:

In this section detail any difficulties you have with your mobility and getting around. You should include any problems you have related to:

- How often you must stop while walking and why you must stop (eg. pain, breathless, dizzy, etc.)
- Whether or not you must hold onto something when walking or when you have stopped.
- How much pain you experience it and where you feel it.
- How long you must rest when you stop and why you must do it.
- Whether or not you need a walking aid (e.g. a walking stick or walking frame.)
- Any falls, stumbles or trips you have had while walking on pavements, steps, uneven ground, slopes, etc.
- Whether or not you stagger or lose your balance (and the circumstances when you do.)
- If you cannot follow directions, or get lost when going outdoors (especially in unfamiliar places.)
- Any difficulties you have coping with traffic or feeling unsafe in crowds.



## Daily Living:

In this section, list any issues you have with attending to your bodily functions and any care needs you may have. You should include any issues you have in relation to the following:

<b>Daily Living Activities</b>	<b>Examples of issues or difficulties a person might have with these.</b>
Preparing food	Need prompting or encouragement to prepare a simple meal, issues using a conventional cooker, cooking above waist height, difficulties standing at a cooker or chopping food/peeling/cutting food, unable to select ingredients without help, unable to open tins or packets, need supervision or help with food preparation, need special appliances to aid cooking, difficulty remembering to turn off cooker, kettle, etc.
Eating and drinking	Need encouragement to eat, difficulties peeling, chopping, cutting food to eat it, unable to lift or hold cup or utensils, need specific kind of cup or mugs, unable to tell if food is out of date, risks related to hot food and burns, etc.
Managing treatments	Need prompting or reminding, supervision or practical help taking medications correctly and at the right times, need dose box or other tools to help with taking medication, difficulties with managing other treatments (e.g. nebuliser, oxygen, inhaler, etc.)
Washing and bathing	Need prompting to wash, manual issues with reaching and holding flannel to wash face, hands, body, difficulties with cleaning teeth or brushing/combing/washing hair, difficulties getting in and out of bath or shower, unable to stand in shower, need supervision to have a bath or shower, needing supervision or help to shave, etc.
Going to the toilet	Loss or reduced bladder and/or bowel control, risk of soiling bed, furniture or clothes, mobility limited or other reasons for not being able to get to the toilet in time, needing help to change catheter bag or stoma, need assistance getting to toilet at night and/or wiping after toileting, need to use bedpan or commode, and need help with these.
Dressing and undressing	Need prompting to change clothes, assistance with putting clothes on and taking them off, need appliances to dress like shoehorn or sock pullers, difficulties choosing appropriate clothing, difficulties keeping clothes clean.
Communicating	Challenges with communication due to sensory issues, health conditions, cognitive issues, uses hearing aids or other appliances to enable communication.
Reading	Difficulty understanding written information, unable to see text, literacy issues, needs someone to read and explain documents, etc.
Mixing with other people	Finding mixing with people challenging, needs prompting and/or social support to engage, difficulties with speaking to unfamiliar people due to anxiety or another issue, challenges relating to others, etc.
Making budgeting decisions	Needs prompting or encouragement to deal with bills, banking, calculating figures, unable to manage on financial affairs, etc.

## Other matters

Use this section to outline any other matters that you think would help your Appeal that you have not included elsewhere.

For example, if you have had any accidents, or near misses where you have or could have caused harm to yourself (e.g. stumbling, falls, tripping, burns, spills, etc.)

Although there are no rules about the length of your submission, try to be as brief as possible (perhaps 1-2 sides of A4), especially if you plan to present it to the Tribunal on the day of your hearing. Tribunals will have limited time to read it. A submission that is too long may result in the hearing being postponed or adjourned to allow the Tribunal time to read it.

It is advisable to send the submission at least **seven (7)** days before the Appeal Hearing if possible.

## Appendix B: Examples of Personal Independence Payment Appeal Tribunal Questions

It is common for a member of the First Tier Tribunal to take a leading, or dominant role with regard to questioning you during the Appeal. Sometimes this is the Tribunal Judge, but often it will be the medically qualified member, or the member who is disabled who asks most of the questions.

Questions will be mainly related to the following three (3) areas. Examples of types of questions you may be asked are set out below.

### Medical Condition

- What medication do you take and how often do you take it?
- Do you use any medical aids or gadgets?
- What is your doctor's diagnosis, who have you seen about it and what have they advised?
- Do you have pain or other difficulties and can you describe them (eg. where feel pain)?
- Are you having any other treatments or getting any other help for your condition (eg. physiotherapy, acupuncture, counselling, etc.)
- Do you have any other problems associated with your condition?

### Mobility

- What is your home like and how do you get about in it (e.g. are there stairs?)
- Do you experience any effects or difficulties while walking (e.g. breathless, pain, etc.)
- How often do you go outdoors? Where do you go and how far can you walk?
- Do you need to stop while walking outdoors, and why do you have to stop?  
How did you get to the Tribunal today?
- Do you need someone to help you when you go outdoors? Why do you need them?
- Have you had any falls, stumbles, dizzy spells or episodes of collapsing?
- Do you feel pain or discomfort when walking outdoors?

### Attention and Supervision Needs

- Are you able to prepare and cook a meal for yourself? If not, why not?
- Who usually prepares and cooks meals for you?
- If there is no one available to cook a meal for you, what would you do?
- Do you have any special aids or equipment to help with daily living activities?
- How do you get to the toilet, do you need help and/or help with toileting?
- Do you need help to wash, bathe or otherwise look after your hygiene and appearance?
- Do you need help getting into the bath or shower?
- Does someone help you look after yourself? Can you say why you need their help?
- Does anyone live with you who helps, and how do they help you?

## Useful contacts

Her Majesty's Court and Tribunal Service (HMCTS)  
The Glasgow Tribunals Centre  
20 York Street  
Glasgow G2 8GT  
Tel: 0300 790 6234

Upper Tribunal (Administrative Appeals Chamber)  
George House  
126 George Street  
Edinburgh  
EH2 4HH  
Tel: 0131 271 4310

Dalkeith Citizens Advice Bureau  
2-8 Buccleuch Street  
Dalkeith  
Midlothian  
EH22 1HA  
0131 660 1636

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**Dalkeith & District Citizens Advice Bureau, 8 Buccleuch Street, Dalkeith, Midlothian EH22 1HA**

Tel. 0131 660 1636, Email: [bureau@dalkeithcab.org.uk](mailto:bureau@dalkeithcab.org.uk). Web: [www.DalkeithCAB.org.uk](http://www.DalkeithCAB.org.uk)

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