

## Welfare Benefits: Appeals

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This factsheet explains what you can do if you disagree with a decision about your benefits. It explains how to appeal to a tribunal.



KEY POINTS

- You must appeal to the tribunal service within 1 month of the date on the Mandatory Reconsideration Notice or decision by your local authority.
- The tribunal will look at all the information that you, the Department for Work and Pensions (DWP) or local authority (LA) give. They will decide if the decision should change or stay the same.
- If you decide to appeal, you will need to prepare the appeal yourself. There may be a service in your area to help you with this appeal.
- You may find it useful to give information to the tribunal service before your hearing.

### The section covers:

1. [The appeals process](#)
2. [Preparing your appeal](#)
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5. [Can I appeal against my council tax support or housing benefit decision?](#)
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You must ask for a mandatory reconsideration from the DWP or Local Authority before you can appeal to a tribunal. You can find more information about **Welfare benefits: mandatory reconsideration** at [www.rethink.org](http://www.rethink.org). Or call our General Enquiries team on 0121 522 7007 and ask them to send you a copy of our factsheet.

## 1. The appeals process

You can only appeal to the tribunal if you have:

- asked the Department for Work and Pensions (DWP) or local authority (LA) for a mandatory reconsideration, and
- you have a Mandatory Reconsideration Notice.

You do not need a mandatory reconsideration notice to appeal a housing benefit decision

You have to appeal straight to the tribunal service. This is called 'direct lodgement'. The DWP will not send your appeal to the tribunal.

To make a direct lodgement you have to send the tribunal:

- one copy of your Mandatory Reconsideration Notice, and
- a letter about your appeal or the SSC1 appeal form, which you can get here:

[www.justice.gov.uk/downloads/forms/tribunals/sscs/sscs1.pdf](http://www.justice.gov.uk/downloads/forms/tribunals/sscs/sscs1.pdf)

We recommend that you send the form rather than a letter. This will make sure you send the tribunal service the information it needs for the appeal.

The form will ask if you want to have a paper or oral hearing. A paper hearing means that the tribunal will look at your case without you being there. An oral hearing means you have to go to a tribunal. You are more likely to be successful if you have an oral hearing.<sup>1</sup> You should fill in the form and send it to:

**Address:** HMCTS, SSCS Appeals Centre, P.O Box 1203, Bradford BD1 9WP

The tribunal will tell the DWP you are appealing. The DWP should respond within 28 days and should send you copy of this.

You might get a lot of paperwork from DWP. Do not feel that you need to go through it all at once. Read through it at your own pace. You may have your tribunal hearing in a few weeks or months. It can be a long wait.

### **What are the time limits?**

You have 1 month to submit your appeal from the date on the Mandatory Reconsideration Notice.

If you miss the 1 month time limit because of special circumstances, you can ask the tribunal to accept your appeal late. For examples if you or your partner were seriously ill at the time, you may ask the tribunal to accept a late appeal. You can't ask for this if it is more than 13 months since the original decision.<sup>2</sup>

## **2. Preparing your appeal**

### **How can I find support for my appeal hearing?**

You may try and get help with your appeal from a specialist welfare rights adviser at your local Citizens Advice Bureau, independent advice agency or your local authority's welfare rights service, if they have one.

You can usually find details of local services in the telephone book, Yellow Pages or on the internet.

### **What if I have to represent myself?**

If you can't find a local organisation to help with an appeal, you will have to represent yourself at the hearing. Appealing and representing yourself may sound overwhelming but you can do it.

The tribunal system is set up so that people can represent themselves, and people do this every day. Be prepared and understand the process to help your chances of success.

You can also ask a friend or family member to help you prepare.

### **Getting supporting evidence**

Try to get evidence for your appeal. You can send evidence with your appeal form, but don't worry if you can't get the evidence in time. You can send it after you've sent the form. You can give evidence to the tribunal on the day of the hearing, but it is best to send it before. If you have a lot of evidence on the day the tribunal panel will need time to read it, and this could delay the hearing.

The tribunal will not contact your GP, psychiatrist or any other medical professional to ask for evidence. You need to speak to them yourself and ask them for evidence. You can ask them for a letter or report that backs up your claim. Be aware that some medical professionals will charge you for a letter or report. If you can't afford this, or it would be difficult to pay then make this clear to the medical professional.

There are some template letters you can use for evidence at the end of this document.

If a carer or relative has information about your condition they can also send this to the tribunal before the hearing.

Make copies of the medical evidence and bring it with you to the tribunal, just in case anything is missing on the day.

### **Setting out your arguments in writing**

You can set out your arguments for the tribunal in writing. This is called a 'submission'. You do not have to do this, but it can help to focus the tribunal on the matters that are important to you in the appeal. You can

simply go to the tribunal hearing and give your evidence orally instead of writing a submission.

To be successful at your hearing you need to show the tribunal that you meet the criteria for the benefit. By explaining in writing how you meet the criteria, you can make your situation clearer than if you only explained in person.

Try to avoid criticising the DWP or the service that assessed you. You should stick to facts and explain why the decision is wrong.

When writing your submission, do not feel that you have to complete it in one go. Splitting the submission into different issues and focusing on one at a time can help.

The tribunal panel will only look at evidence and examples about your condition at the time the decision about your benefit was made. For example, if the DWP made their decision in December 2014 and your hearing is in May 2015, the tribunal can only think about how your health affected you in December 2014. If your illness has got better or worse since then, think about how it was at the time.

### **Tips for writing your submission**

You should:

- look at the criteria for the benefit you are applying for,
- explain what you disagree with the DWP's decision and why,
- split up your submission so that it deals with each of your points one-by-one,
- point out supporting evidence that backs up your argument, and
- write in plain, simple English and don't use legal jargon. It should be clear and make sense.

Send your submission to the tribunal service before the hearing.

If you decide not to make written submissions, try to make notes before the appeal hearing and take them with you so that you remember everything you want to say. It can be easy to forget something important because of the stress of a hearing.

### **Joe's Submission: Limited Capability for Work and Work Related Activity**

The DWP awarded me 0 points for my awareness of hazards or danger. I was assessed as not needing supervision to keep myself safe. This is not true, and I believe I should have been awarded 15 points.

I need supervision to keep myself safe the majority of the time. I needed this supervision at the time when the original DWP decision was made, and I still need it now. For example, I always need to be supervised when taking my medication. I take the wrong amounts if I am not supervised.

This is confirmed in a letter from my GP, Dr Roberts, dated 12<sup>th</sup> April 2013, which I have stapled to my submission. In the letter Dr Roberts confirms that I need someone with me when I take medication.

The statement by my partner Ms Jane Smith, dated 10<sup>th</sup> April 2013, confirms that she has to supervise me when I take medication every morning and evening. I have stapled this to my submission.

This is why I believe that I should have been awarded 15 points when assessed on my awareness of hazards or danger.

### **Making arrangements for the tribunal**

If you need a translator or have any communication problems, tell the tribunal a few weeks before your hearing to give them time to arrange support.

If you would like someone to come with you, ask them a few weeks before the tribunal so they can make sure they are available.

It is important to plan how to get to the tribunal. Make sure you know where the venue is and you have worked out how you will get there.

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## **3. Going to the hearing**

### **What happens when I get to the tribunal building?**

Your letter from the tribunal will say when and where your hearing is. You should tell reception when you arrive.

You may have to wait in a separate room. The judges involved in the tribunal will try and make sure that hearings run on time but there can be delays. You could bring something to read and some snacks. There might not be anywhere to buy food or drink.

A tribunal clerk will ask you if you have any last minute evidence that you want to give to the judges. If you have any questions about procedures for the tribunal, you can ask the clerk.

## **What is the appeal hearing like?**

A tribunal is not like going to court and is less formal. The people who decide the case are called 'the panel'. They will be wearing suits, not robes or wigs. The tribunal is not in a court room and there will be no witness box or jury. The tribunal will sit around a table. The panel may have computers on the table. There may be a tribunal clerk who sits at the back of the room.

In Disability Living Allowance (DLA) or Personal Independence Payment (PIP) appeals there will be:

- a judge,
- a doctor, and
- someone called a 'disability member'. They could be a social worker, nurse or occupational therapist or anyone else who understands disabilities.

For Employment and Support Allowance (ESA) appeals there will be:

- a judge, and
- a doctor.

They will ask you questions and take notes about what you say. The panel are trying to work out the facts and will not be aggressive or accuse you of anything.

If your appeal is complicated, there might be someone from the DWP at the hearing. They are called a presenting officer and their job is to represent the DWP and put their case across. They can ask you questions about your condition, illnesses or situation. You have to answer any questions they ask you. They can make legal arguments to the tribunal.

## **How long will my hearing last?**

The hearing will last around 30 to 40 minutes. Everyone will speak in everyday English and should not talk about the law or use jargon unless they have to. The tribunal will be based on the facts of your claim. You do not need to know the law to represent yourself.

## **When will they tell me their decision?**

The tribunal will usually tell you their decision on the day. They will ask you to step out of the room while they decide. If they cannot make a decision on the day they will send the decision to you by first class post.

If you disagree with the tribunal's decision, ask for written reasons. You need specialist welfare benefits advice if you want to challenge a tribunal decision, because you can normally only appeal it if they have got the law wrong.

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#### **4. Tips for representing yourself**

##### **Take your time. Ask for more information or a break if you need to**

The panel will ask you questions about your illness and how it affects you. You should take your time when answering. If you do not understand the question, ask them to repeat it or to explain it.

It is important to be polite to the panel. If you feel that you are finding it difficult to stay calm or you are becoming upset you can ask the panel for a short break.

##### **Answer the questions as fully and as honestly as you can**

When giving your answers, be open and honest. It can be hard to talk about medical problems and the help that you need. You can plan what you will say about issues you find difficult to talk about. You can practice saying it out loud. Or you may want to write it down in your written submission and then make the tribunal aware of it during the hearing.

##### **Give specific examples**

It may be helpful to bring notes and examples so you remember what you want to say.

The panel probably ask you to describe your typical day. It can be hard to describe a 'typical' day if your mood or health can be different from day to day. Try to explain this to the panel. Let them know what you can do on a good day and a bad day and how often you have bad days.

##### **Take along a friend or relative**

You can take along a friend, carer, or relative for support. They can help you during the tribunal by asking you questions. They can remind you of things you may have forgotten, but they cannot speak for you. You have to answer the questions yourself. If someone tries to talk to the tribunal for you the judge will probably stop them.

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#### **5. Can I appeal against my council tax support or housing benefit decision?**

##### **Council tax support**

Your local authority is responsible for all council tax, exemptions and discounts in your area. Every local authority has their own appeal process. You can ring your local authority and they will be able to tell you.

If you do not agree with a council tax decision, you should contact your local authority and tell them you are appealing against the decision. You will have to fill in their appeals form, and they can explain the process.

You can send any evidence, which supports your reason for appealing with the form. This may include:

- bank statements,
- proof that people are living at other addresses,
- proof of your disability,
- invoices and receipts that show money has been spent on essential items, or
- any other evidence that proves the decision they have made about you is incorrect.

They should respond in two months. If they feel their original decision was right and do not agree with your appeal then you can appeal to the Valuation Tribunal Service (VTS). If you want to appeal to the VTS, you need to do this within two months of the local authority's decision.<sup>3</sup>

At appeal, you have to send an appeal form and the following information:

- name and contact details,
- address of the property,
- why you feel you should have a discount or exemption,
- the time period you think is relevant,
- the date the local authority told you their decision (together with a copy of the decision letter).

You can do the appeal online on the VTS website or contact them and they will send you the form.

### **Valuation Tribunal Service (VTS)**

**Telephone:** 0300 123 2035,

**Address:** 2nd Floor, 120 Leaman Street, London, E1 8EU

**Email:** [VTWhitechapel@vts.gsi.gov.uk](mailto:VTWhitechapel@vts.gsi.gov.uk)

**Website:** [www.valuationtribunal.gov.uk/Home.aspx](http://www.valuationtribunal.gov.uk/Home.aspx)

You need to keep paying your council tax during the appeal period. If you are successful and your council tax bill is reduced they will take into account the amount you have already paid.

When you send in your appeal form, the VTS will send you a guide to what happens during the appeal process. When they have set a date for your appeal they will send you a Notice of Hearing which tells you when your hearing will be. If you cannot make this date, you can ask them to reschedule it.

You can contact the VTS who will give you advice about how to prepare for the hearing. Take evidence with you to the hearing and explain why you do not agree with the decision. You can bring someone with you and they can speak for you. You can send someone to speak for you if you don't go. If you want to do this, you need to send the VTS a letter telling them about this before the hearing date.

The hearings are open to the public and you may find it useful to go to someone else's tribunal first so that you are familiar with the surroundings and process.

## **Housing benefit**

If you don't agree with your housing benefit decision you can ask the local authority to look at their decision again or appeal. You can do both at the same time. If the local authority decides that their original decision was right, you can continue with the appeal. If they change their decision you can withdraw the appeal.

If you want to appeal you need to fill in your local authority's appeal form. The letter about your decision will tell you where to send your appeal. You may have to send it back to the local authority or directly to the Tribunal. Read the Appeals section of this factsheet for more information about appealing to a tribunal. You normally have one month to appeal or to ask the local authority to look at their decision again.



## 6. Sample letters

### Example letter to ask a health care professional for evidence to challenge a Limited Capability for Work or Limited Capability for Work Related Activity decision

To: *(add name of professional)*

Address: *(add address of professional)*

Date: *(add date)*

Dear Sir/Madam *(delete as applicable)*

#### Request for medical evidence

Name: *(add your name)*

Address: *(add your address)*

D.o.B: *(add your date of birth)*

I am appealing a decision about my entitlement to Employment Support Allowance (ESA) / Universal Credit *(delete as appropriate)* and I am writing to ask if you would offer some evidence which may help my case. Evidence from medical professionals can be extremely useful in helping decision makers at the Department for Work and Pensions (DWP) make correct decisions. .

I would be very grateful if you could answer the questions that you think are relevant to my condition from the list below and return them to me in the envelope provided. (Please be aware that I am not in a position to pay for any report or information) *(Insert if applicable)*.

The appeal is about a decision made in *(add date mm/yy)* so I would be grateful if you could provide information based on how my condition affected me at that time.

The questions focus on my mental health rather than my physical health. But if you have information regarding my physical health, please include this at the end of the form.

Yours sincerely

*(add your name)*

Please state what condition(s) I suffer from and what medication(s) and treatment(s) have been prescribed.

Can you look at the questions below and add some information for the ones you think are relevant for me.

1. How is my ability to learn simple tasks (e.g. setting an alarm clock or operating a washing machine) affected by my medical condition(s)?
  
2. How is my awareness of everyday hazards, (e.g. Boiling water or sharp objects), affected by my medical condition(s)? Does this pose a significant risk to my safety or others?
  
3. How is my ability to initiate and complete personal tasks affected by my medical condition(s)?
  
4. How is my ability to initiate and cope with change affected by my medical condition(s)? Does this affect my ability to manage my day to day life?
  
5. How is my ability to get to places affected by my medical condition(s)? Do I need supervision to get to familiar or unfamiliar places?
  
6. How is my ability to cope with social engagement affected by my medical condition(s)? Am I caused distress by social engagement and does this preclude social engagement?

7. How is my behaviour affected by my medical condition(s)? Do I show signs of aggressive, uncontrolled or disinhibited behaviour? And could this be considered unreasonable in a workplace?
  
8. If I am required to attend work focused interviews or job programmes. Would this have a detrimental affect on my health? If yes, how would I be affected?
  
9. Is there any other information that you think is relevant?

Signature

Date

Hospital/Surgery Stamp

Thank you very much, in advance for any help you can provide towards my appeal

**Example letter to ask a health care professional for evidence to challenge a decision about Personal Independence Payment (PIP).**

To: *(add name of professional)*

Address: *(add address of professional)*

Date: *(add date)*

Dear Sir/Madam *(delete as applicable)*

**Request for medical evidence**

Name: *(add your name)*

Address: *(add your address)*

D.o.B: *(add your date of birth)*

I am appealing a decision about my entitlement to Personal Independence Payment and I am writing to ask if you would offer some evidence which may help my case. Evidence from medical professionals can be extremely useful in helping decision makers at the Department for Work and Pensions (DWP) make correct decisions.

I would be very grateful if you could answer the questions that you think are relevant to my condition from the list below and return them to me in the envelope provided. (Please be aware that I am not in a position to pay for any report or information) *(Insert if applicable)*.

The appeal is about a decision made in *(add date mm/yy)* so I would be grateful if you could provide information based on how my condition affected me at that time.

The questions focus on my mental health rather than my physical health. But if you have information regarding my physical health, please include this at the end of the form.

Yours sincerely

*(add your name)*. .

Please state what conditions I suffer from, and what medications, treatments and therapies have been prescribed or recommended.

Can you look at the questions below and add some information for the ones you think are relevant for me.

**When answering the relevant questions please think about my ability to perform each activity safely, to an acceptable standard, repeatedly (as necessary) and within a reasonable time. Please indicate where I am unable to perform these activities without either physical help, or someone prompting me to carry out the activities.**

To what extent do my condition(s) affect my ability to prepare food?

To what extent do my condition(s) affect my ability to take appropriate nutrition?

To what extent do my condition(s) affect my ability to manage therapy or monitor my health condition?

To what extent do my condition(s) affect my ability to wash or bathe?

To what extent do my condition(s) affect my ability to manage my toilet needs or incontinence?

To what extent do my condition(s) affect my ability to dress or undress?

To what extent do my condition(s) affect my ability to communicate verbally?

To what extent do my condition(s) affect my ability to read and understand signs symbols and words?

To what extent do my condition(s) affect my ability to engage with other people (who I both know and do not know) face to face?

To what extent do my condition(s) affect my ability to make budgeting decisions?

To what extent do my condition(s) affect my ability to plan and follow journeys (both those that are familiar and unfamiliar to me)?

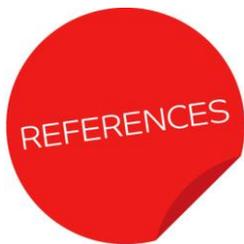
To what extent do my condition(s) affect my ability to physically move around?

Signature

Date

Hospital/Surgery Stamp

Thank you very much, in advance for any help you can provide towards my claim



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<sup>1</sup> Child Poverty Action Group. *Welfare Benefits and Tax Credits Handbook 2017/2018*, 19<sup>th</sup> edition. London: Child Poverty Action Group; 2017. Page 1335.

<sup>2</sup> Reg 6 (3c), *The Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations 2013*. SI 2013/381. London: TSO; 2013

<sup>3</sup> Valuation Tribunal Service. *Council Tax Reduction*. <https://www.valuationtribunal.gov.uk/your-appeal-type/council-tax/council-tax-reduction/> (accessed 19 May 2017).

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This factsheet is available  
in large print.

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## Rethink Mental Illness Advice Service

Phone 0300 5000 927

Monday to Friday, 9:30am to 4pm  
(excluding bank holidays)

Email [advice@rethink.org](mailto:advice@rethink.org)

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### Did this help?

We'd love to know if this information helped you.

Drop us a line at: [feedback@rethink.org](mailto:feedback@rethink.org)

or write to us at Rethink Mental Illness:

RAIS  
PO Box 17106  
Birmingham B9 9LL

or call us on 0300 5000 927.

We're open 9:30am to 4pm  
Monday to Friday (excluding bank holidays)



Leading the way to a better  
quality of life for everyone  
affected by severe mental illness.

For further information  
on Rethink Mental Illness  
Phone 0121 522 7007  
Email [info@rethink.org](mailto:info@rethink.org)



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[www.rethink.org](http://www.rethink.org)

### Need more help?

Go to [www.rethink.org](http://www.rethink.org) for information on symptoms, treatments, money and benefits and your rights.

### Don't have access to the web?

Call us on 0121 522 7007. We are open Monday to Friday, 9am to 5pm, and we will send you the information you need in the post.

### Need to talk to an adviser?

If you need practical advice, call us on 0300 5000 927 between 9:30am to 4pm, Monday to Friday. Our specialist advisers can help you with queries like how to apply for benefits, get access to care or make a complaint.

### Can you help us to keep going?

We can only help people because of donations from people like you. If you can donate please go to [www.rethink.org/donate](http://www.rethink.org/donate) or call 0121 522 7007 to make a gift. We are very grateful for all our donors' generous support.