

RECONSIDERATIONS AND APPEALS FOR PIP & DLA

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



If your child's claim for DLA or 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 70 per cent of appeals are successful.

You can also ask for a review if your child is receiving the benefit at a lower rate and his or her condition alters and they need more help, or if the decision was correct at the time but circumstances have changed.

The Department for Work and Pensions (DWP) can look at any part of the award again, even a part you are happy with. So, to make the best of this opportunity it's important to seek advice before asking for a decision to be looked at again.

Asking for a reconsideration

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. The first thing to do is contact the DWP: you can do this over the phone. We think it's best to follow up your call with a letter.

When you ask another decision maker to look again at the claim, this is called 'requesting a reconsideration'. The DWP must do this if you ask and you must go through this process before you can appeal.

Say what it is that you do not agree with and why. It may be that you feel your child should be entitled to a different rate of either the mobility or care component, or both. Or maybe you disagree with the length of the award.

If you did not keep a copy of the claim, ask for a copy of everything you've submitted so far, as well as any extra reports requested by the DWP. Ask for a 'Written Statement of Reasons' as well.

Write giving detailed reasons why you disagree with the decision and stick to timescales. You only have 28 days from the date on the letter to tell the DWP that you disagree with a decision but if you ask for a 'Written Statement of Reasons' you get an extra two weeks.

Although sometimes these reasons have enraged some of us, having a more detailed written response can make sense of how the DWP came to their decision. Responding to each of their points, however bizarre, can be a useful way to structure your reply.

Go through all the paperwork carefully. Some of the resources listed at the end of this fact sheet might help you think about what you wrote and what would make your claim stronger. The DWP tend to give some weight to what schools say, so have you included a recent report about the extra help your child gets? Has any evidence been overlooked? Do you need extra reports to support what you say?

Try to send your response by Special Delivery – this will give you proof of postage and delivery, as well as helping to minimise the chances of paperwork going missing.

The DWP has 13 weeks to look at the claim again. But they may take much less time: so let them know if it will take you some time to gather extra information. Once a different decision maker has reviewed all the information and you have the outcome in writing, you will then be able to appeal if you disagree with the outcome. Hopefully, the first decision will be revised in your child's 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. You will need this to appeal. You now have one calendar month to submit your appeal.





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Appeals

Appeals are made directly to an independent Tribunal. You will need to fill in a form, called an **SSCS1 Notice of Appeal**. You can download this from the **gov.uk** website or ask for one to be posted out via the DWP tel: **0300 123 1142**.

On the form, 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. Be sure to keep a copy of everything you send. Send it back within the timescale, ideally by Special Delivery.

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 child's favour are much greater if you do. You do not need to take someone like a solicitor with you. Experience of DLA and PIP appeal tribunals tells us parents and carers 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 child's behalf. But if you have a campaigning spirit and find it easy to speak from the heart, it's worth doing it yourself.

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, the Citizen's Advice Bureau may be able to help you with an appeal.

Ask about

- **Blue Badge** – if you get eight points or more under the 'moving around' section of the mobility component of PIP, 10 points under planning and following a journey because you are unable to undertake any journey due to overwhelming psychological distress, or if you are severely sight-impaired you will be entitled to a 'Blue Badge', which allows the holder to park in disabled bays. To find out more email: **blue.badges@westsussex.gov.uk** or go to: **www.westsussex.gov.uk**, or contact: **01243 777653**. You can also apply for an on-street disabled parking bay outside your home through the above website.
- **Motability** – if you receive the enhanced rate of mobility for PIP, you may be able to use that part of the award to lease a car or scooter via the Motability scheme. Call: **0300 456 4566** or visit: **www.motability.co.uk**.
- **Social care** – your child's social worker may be able to help you to fill out the DLA form. Call West Sussex Children Services via the Integrated Front Door (IFD), the public contact point for Early Help and Children's Social Care, on **01403 229 900**, or email: **WSChildrenservices@westsussex.gov.uk**. If you don't have a social worker, your health visitor (via your GP surgery) may also be able to help you. For over 18s, contact the Adults' CarePoint call: **01243 642121**, or email: **socialcare@westsussex.gov.uk**. If you don't have a social worker, your health visitor (via your GP surgery) may also be able to help you.



RECONSIDERATIONS AND APPEALS



Further information and useful links

- **Making Sense Of It All: From Birth to Adulthood** – Reaching Families' handbook for parent carers of children and young people with SEND in West Sussex. This provides essential information on money matters, including claiming DLA and PIP, as well as social care, health, leisure, travel, education and employment. Go to: www.reachingfamilies.org.uk/guides.html.
- **Fact Sheets** – further benefits fact sheets, including *What is DLA?*; *What is PIP?*; *Tips for Claiming DLA*; *Tips for Claiming PIP*; and *PIP Face-to-Face Assessments* can be downloaded from our website: www.reachingfamilies.org.uk/factsheets.html.
- **Reaching Families Benefits Advice Service** – 1-2-1 advice and support with editing applications for DLA, PIP and Carers Allowance. For further information please visit: www.reachingfamilies.org.uk/benefits-advice.html.
- **Carers Support West Sussex Benefits Advice Service** – 1-2-1 information and advice on all benefits available to carers. For further information please visit: www.carerssupport.org.uk/carer-benefits-advice-service.
- **Cerebra** – produces a guide to DLA, which you can download from their website: <https://cerebra.org.uk>, by searching for 'DLA'. Although it has been written for children with neurological conditions such as autism, much of the advice will also help parent carers of children with other conditions to understand the DLA form and to fill it out.
- **Citizen's Advice Bureau** – offer free online webinars on disability benefits including DLA and PIP for parents and carers of children and young people with SEND. For further information visit: www.advicewestsussex.org.uk/advice/send-information-and-support.
- **Contact** – has information and resources, including a section about benefits. They also offer a benefits check via their helpline. Go to: <https://contact.org.uk> or call: **0808 808 3555**.
- **Disability Living Allowance (DLA)** – for an overview of DLA go to: www.gov.uk/disability-living-allowance-children or call **call: 0800 121 4600**
- **Disability Rights UK** – has a helpful guide to making a PIP claim: *Personal Independence Payment - a guide to making a claim*, which includes the scoring system for the 12 activities. For more go to: www.disabilityrightsuk.org.
- **Personal Independence Payment (PIP)** – for an overview go to: www.gov.uk/pip/overview or to make a new claim call: **0800 917 2222**. For general help and advice call the PIP enquiry line on: **0800 121 4433**.
- **West Sussex Local Offer** – go to <https://westsussex.local-offer.org>.

