

If you are unhappy with the decision regarding your benefit

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If your application for benefit is turned down, or you do not get the award you think you are entitled to, or you are not happy with the length of the award, you have the right to request a revision. This is where someone will look again at your application. If you do this you should send in any additional information that might help. Extra evidence may be requested from your doctor, for example. Get advice from a disability or welfare rights adviser to increase your chance of a successful challenge.

A different decision maker will usually examine your claim and make a fresh decision. You must request a revision within one month of the date on the letter advising you of the original decision. Be aware, however, that if you ask for a revision your award could be reduced or removed.

Appealing against the decision

If you are still unhappy after the revision, you can ask for an appeal using the leaflet GL24, *If you Think our Decision is Wrong*. It is available from the Department for Work and Pensions or your local Jobcentre Plus office or equivalent. When you complete the appeal form you must mention which benefit is involved, the date of the decision, and explain which decision you disagree with and why. Otherwise the appeal will not go forward for hearing.

As long as an appeal has been lodged in time, a decision maker can further revise a decision at any time prior to the appeal being determined. This means that if more evidence follows on from an adjourned hearing, the decision maker can now revise the original decision.

If the appeal does go to a hearing, an independent tribunal will hear your case. You will be sent a form asking if you wish to attend the tribunal in person or have your case decided based on the written information provided. This form must be returned within 14 days. If it isn't, your appeal could be cancelled.

The decision maker may decide to revise the decision again in light of the further information and evidence you provide.

Preparing the case

Make sure you read the submission form so you can see where you might need to dispute it. It is a good idea to seek professional advice from a disability or welfare rights adviser. Many people do not succeed at tribunal because they do not seek proper advice.

Give as much detail as you can about why and how you think the decision is wrong. Equally, if you are happy with part of your award, say so. Remember that the tribunal can only consider circumstances that existed at the time of the decision that you are appealing against. So, if your circumstances change while you are waiting for the appeal to be heard, you will need to make another claim.

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Help with representation

Check to see if there is a local advice centre that can advise you and perhaps support you at the hearing. If your appeal concerns a medical question, you or your adviser should obtain supportive medical evidence and send it in before the hearing. You can ask your GP or rheumatologist to provide medical advice, which should focus on activities listed in your appeal.

They may charge, so check first, although you may be eligible for legal aid. See *Sources of legal help* at the end of this factsheet.

You do not have to have extra medical or other evidence at all, but your chances of success will be greatly improved if you do.

The law

The appeal papers should refer you to the parts of the law relevant to your appeal and may give you a clearer idea of which facts are important for your appeal. You or your adviser can look these papers up in *The Law Relating to Social Security* or in *Neligan's Digest* (a summary of decisions by Social Security Commissioners) - or they are available on the website: www.disabilityalliance.org/links5.htm

If the principles and facts of a previous decision are similar to your own situation, the tribunal should follow that decision. However, there are often conflicting decisions. The appeal papers should refer you to any relevant decisions and your adviser would normally read the reported decisions. Take a copy of any further evidence you may have and details of your case with you to the hearing.

What happens at the hearing?

If you have any specific mobility or access needs, check with the tribunal clerk beforehand about accessibility, facilities and how your needs can be met at the hearing. For example, getting home at a reasonable time afterwards. You should ask for a wheelchair if you need one, an accessible toilet, food or medication breaks, time to stretch or change position – whatever you need.

It is always best to attend the hearing yourself. You are entitled to have someone with you to represent you, and a companion for support. A lawyer will chair the hearing on their own or with others appointed by the Lord Chancellor, depending on the issue under appeal. There may also be a presenting officer to put the case of the Department for Work and Pensions, HM Revenues and Customs or the local authority.

The hearing should be quite informal, but this may vary. Usually, the chair will ask the presenting officer (if there is one) to read the tribunal papers and to put the decision maker's case first, but this can vary too.

You will then be asked to explain your case. You should try to put your main points without interruption – writing them down beforehand is helpful. Wherever you can, back up what you are saying with documentary evidence – for example, bills or a doctor's letter.

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At the end of the statement, repeat the decision you want the tribunal to make. Listen to what the presenting officer and any witnesses have to say, and ask questions if you think the facts are being misrepresented.

Note that the medical member of a tribunal can only carry out a medical examination for an industrial injuries or severe disablement allowance appeal.

The appeal decision

You will get a decision notice on the day of the hearing or soon after. Unless the appeal is successful, it is best to ask for a more detailed explanation called a 'statement of reasons' for the decision. You need this if you want to appeal to the Commissioners, and you only have a one month time limit. If you cannot understand why you have been unsuccessful there may have been an error of law and you may be able to appeal to the Social Security Commissioners. Seek specialist advice.

Appeals to the Commissioners

You can only appeal to the Commissioners if there is an error of law in the decision of the appeal tribunal. There are various steps to follow and it is essential to ask an experienced adviser to help you with this.

To find out more, get the leaflet *A Guide to Revision, Supersession and Appeal* from your local Jobcentre Plus office or equivalent or www.dwp.gov.uk

Sources of legal help

Your local Citizens Advice Bureaux

www.citizensadvice.org.uk - England and Wales

www.citizensadvice.co.uk - Northern Ireland

www.cas.org.uk - Scotland

Community Legal Advice - England and Wales

Tel: 0845 345 4345

www.communitylegaladvice.org.uk

Law Society - England and Wales

Tel: 020 7242 1222

www.lawsociety.org.uk

Scottish Legal Aid Board

Tel: 0845 122 8686

www.slabb.org.uk

Northern Ireland Legal Services Commission

Tel: 028 9040 8888

www.nilsc.org.uk

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Where can I get more information and support?

Arthritis Care is the UK's largest charity working with and for all people who have arthritis.

We are here to help you make positive choices through our information, website, self-management training, and professional helpline. Call the free helpline for confidential support on 0808 800 4050 (10am-4pm weekdays) or email: Helplines@arthritiscare.org.uk

You can find support from others with arthritis by joining our online discussion forums.

We rely on donations to fund our vital work in supporting people living with arthritis. If you would like to make a contribution, please phone us on 020 7380 6540 or you can donate online.

www.arthritiscare.org.uk

Our factsheets are reviewed every 18 months. Please check our website for up to date information and reference sources or call 020 7380 6577.

Last reviewed: April 2010

Note

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Contact us

For confidential information and support about treatments, available care and adapting your life, contact the Arthritis Care Helpline

Freephone: 0808 800 4050

10am-4pm (weekdays)

Email: Helplines@arthritiscare.org.uk

For information about Arthritis Care and the services we offer, contact us at: **www.arthritiscare.org.uk**

You can also talk to other people who are living with arthritis, through the discussion forums on our website.

Arthritis Care UK office and England regional services:

Tel: 020 7380 6500

Central England email: CentralEngland@arthritiscare.org.uk

North England email: NorthEngland@arthritiscare.org.uk

South England email: SouthEngland@arthritiscare.org.uk

Arthritis Care in Northern Ireland

Tel: 028 9078 2940

Email: Nireland@arthritiscare.org.uk

Arthritis Care in Scotland

Tel: 0141 954 7776

Email: Scotland@arthritiscare.org.uk

Arthritis Care in Wales

Tel: 029 2044 4155

Email: Wales@arthritiscare.org.uk