



# **PIP Appeals:**

## **Mandatory Reconsideration and Tribunal**

**PIP Guide Series: 5**

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# Appealing a Decision

If you believe the outcome of your PIP application is wrong, you have the right to appeal. You can appeal because you don't think you have been awarded the correct number of points and/or because you think the time PIP has been awarded for is too short.

There are two stages to appealing PIP decisions:

1. Mandatory reconsideration
2. Tribunal

23% of mandatory reconsiderations resulted in a change of award.\*

**Mandatory Reconsideration** is where another DWP decision maker will look at the information again, along with your reason for requesting a mandatory reconsideration and any additional evidence you have provided.

If you are dissatisfied with the outcome at this stage, you can appeal to a tribunal.

69% of tribunal cases were won by the claimant.\*

**The Tribunal** is typically made up of a legal professional, a medical professional and a disability expert. It typically involves you attending a hearing where you can explain your reasons for appealing. The tribunal is independent from the DWP.

\* Statistics from GOV.UK *Personal Independence Payment: Official Statistics to July 2024*

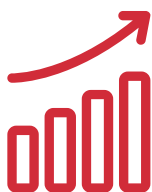
# Mandatory Reconsideration



Mandatory reconsideration is the first stage of appealing a decision. To ask for a mandatory reconsideration, you can write a letter to the DWP or use the CRMR1 request form to explain why you disagree with the decision. You can also phone to ask for a reconsideration, but it is best to follow this up with a request in writing.

You should apply for mandatory reconsideration within 1 month of the date on the decision letter. If you miss this deadline, you can still request a reconsideration but should explain why the request is late. For example, you needed more time to understand and write a response, or you needed to get support from someone and it took time to get an appointment.

Although you can simply say that you would like the decision to be looked at again, you are unlikely to receive a different result unless you give reasons why you believe the original decision is wrong.



**Don't worry** if the decision is not changed at this stage. It is common for decisions to not be overturned at mandatory reconsideration. The next step of appeal is the tribunal, which has a higher rate of success.

When asking for a mandatory reconsideration, it can be helpful to have the full assessment report, which goes into more detail about what information was used to make the decision. The DWP does not automatically send you this at this stage, but you can request it.

This report is sent when you appeal to the tribunal as part of the tribunal “bundle”. The bundle is a collection of documents used throughout the appeal. It includes all the information and evidence you have sent, and information and evidence from the DWP.

When appealing a decision, you can tell the DWP or the tribunal about a variety of different issues surrounding the assessment and decision.

You can:

- correct inaccuracies.
- explain things you think were misunderstood.
- question comments made by the assessor or decision maker.
- correct any wrong statements.
- explain any barriers or difficulties encountered during the assessment.
- explain the impact of the assessment.
- add additional examples to illustrate your difficulties.
- provide additional evidence which supports your claim.

You do not need to resend any evidence which you have already provided, but you can refer to it if you believe it hasn't been taken into account.

# Appeal to Tribunal

## PIP Application for John Smith

### Personal Information

Name: John Smith

National Insurance Number: AB 12 34 56 C

Tribunal Reference Number: 1234 5678 1234 5678

Date of decision being challenged: 12 March 2024

This can be found on your decision letter following mandatory reconsideration

### Introduction

I would like to appeal the decision to award me 3 points for Daily Living activities and 4 points for Mobility following my application for PIP. I believe that both these scores fail to account for my experience and the impact of my disability. I will outline and explain my reasons below.


You can follow this same basic structure whether you are requesting a mandatory reconsideration or appealing to the tribunal. You can use the same information for both as long as it is still accurate and relevant. Remember to update it if the DWP makes any changes to their decision.

## Undisputed Activities

I don't want to challenge the scores given for Moving Around as I agree that I do not qualify for points in this activity.

I also don't want to challenge the decision to award 2 points for Preparing and Cooking a Meal or 1 point for Managing Therapy. I believe these accurately reflect my difficulties.

## Disputed Activities



Remember to write something for each disputed activity

Activity: Washing and Bathing

Descriptor awarded : 4a - can wash and bathe unaided (0 points)

Descriptor appealed for: 4c - needs supervision or prompting (2 points)

Explanation: I need encouragement and verbal instructions to wash myself otherwise I cant do it. I need help from another person when washing my hair due to the overwhelming and painful sensory aspect of water on my head. This also takes up a lot of my energy as it highly stressful. This often leaves me so I cannot do anything for the rest of the day.

Evidence previously provided:

- Daily diary
- Letter from Occupational Therapist

Further evidence:

Statement from Jill Smith, mother

Activity: Planning and Following a Journey

Descriptor awarded : 11b - needs prompting (4 points)

Descriptor appealed for: 11f - cannot follow a familiar route alone (12 points)

Explanation: I believe this score should be higher. This is because I cannot travel alone even going to a familiar place. I find leaving the house extremely stressful and anxiety provoking. If someone is not there for reassurance then it is not possible for me to leave. If any of my regular journeys are disrupted then this leaves me in a state of overload and it can often take me a long time to feel calm again. I need another person to guide me to a safe place because I am unaware of my surroundings and any dangers. I usually do not make it to the given location when this happens.

Evidence previously provided:

- Daily diary

Further evidence:

Statement from Jill Smith, mother

Risk assessment from college

### **Additional Information**

My assessment was over the phone which made it more difficult for me to communicate effectively. This also meant the assessor had no visual cues on some of the things we discussed about my struggles. The assessor wrote that I showed no signs of anxiety. However, I was feeling extremely anxious due to knowing the assessments are usually quite long and I struggle to communicate for that length of time effectively. This is harder with someone I do not know. It took 6 days for me to fully recover from the assessment.



# Tribunal



## Paper Hearing

A paper hearing means that the tribunal will only look at your paperwork, including your letter of appeal, assessment report and evidence. There will not be an option for the tribunal to ask you questions.



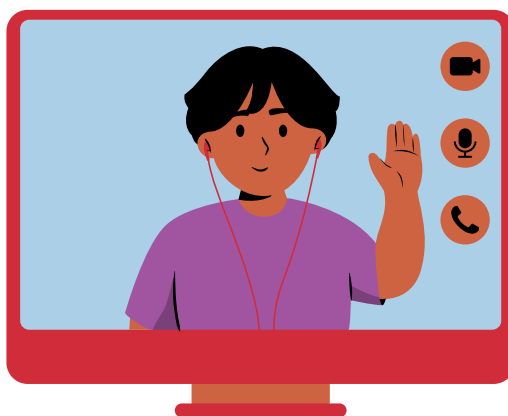
## Remote Hearing

Some tribunal hearings happen over the phone or by video call. When taking place over the phone, they will call you and this will be free of charge. For a video call, you will be sent a link to join.



## In-person Hearing

Some tribunal hearings are in-person. You will be given the address of the tribunal and talk to the panel face-to-face.



If you have a preference for how you would like to attend the hearing, for example, over video or in person, let the DWP know this. It can be helpful to include the reasons why.

# What to Expect at a Tribunal

The tribunal is an informal setting. The panel is usually made up of two independent people, including a doctor, and a person who has knowledge of disability issues. The panel will also have a legal professional. Someone from the DWP may also attend, however they will not be involved in the final decision.

You can bring someone to support you at the tribunal. This could be a friend or family member, a representative from a charity, or a paid professional. They can usually sit next to you.

If someone from the DWP is there, the tribunal panel will also ask them questions.

If you have a support person with you, they also might be asked if they would like to say anything to support your case. In most cases, the tribunal panel will want to hear from you directly first.

A tribunal clerk will ask if you have last-minute evidence you want to give the judges. It is recommended to try and give any extra evidence before the tribunal, however if you have got some last-minute evidence then you should have a copy for each of the tribunal members.

If you are feeling confused or have any questions about the tribunal, you can ask the clerk.

It can be helpful to inform the tribunal of ways they can make the meeting easier for you. For example:

“As I am autistic, I can find communication difficult. Please ask direct, closed questions. I have asked my friend to help me by checking I understand what you are asking, and asking you to rephrase questions I find unclear. I have also asked them to help by prompting me.”



During the hearing, you will have the chance to explain your situation. The tribunal panel will listen to you and ask you questions to understand your struggles.

They might ask about:

- How you manage particular activities
- What you can and cannot do
- What support you have and need
- The impact of doing activities

The tribunal will want to know about how your condition affected you **when you first made your claim**. If your condition has changed, or if it fluctuates, it may be difficult to remember certain details. Keeping a diary could help you remember and explain this further.

# Things to Remember



- You can ask for questions to be **repeated** or **reworded** if you don't understand what is being asked.
- You can ask if you can take a short **break** if you are feeling distressed or overwhelmed.
- You can have some **time to process** answers. Don't rush as you might leave important information out. You can refer to pre-prepared notes if you need to.
- Don't be afraid to **speak up** if you think there is important information the tribunal should know.
- At the end, the panel should ask you if you have any questions or additional comments. If they don't, you can ask them if you are able to **add something** or **ask questions** of your own.
- You don't need to dress formally to impress the tribunal. Feel free to wear your normal clothes.
- If you asked for **reasonable adjustments**, which are not available when you arrive, talk to the clerk about it. If they are unable to arrange for the adjustments to be made, you may be able to request for the tribunal to be moved to another day.



The decision might be made on the same day allowing you to wait and be told the outcome in person. You may need to leave the room if the tribunal wish to discuss it.

Sometimes you might receive the decision in a letter. This could be if you choose not to wait for the outcome, or if the tribunal panel are unable to decide immediately. Don't worry if it takes longer - there are many reasons this could happen.

## Admin



Check the date of your tribunal (this should be on your letter). If you cannot attend, inform the tribunal service as soon as possible.



Understand your rights as an autistic person participating in the tribunal, Ask for any reasonable adjustments and accommodations you require.



Understand which expenses you can claim back from the tribunal. Make sure to bring receipts for any expenses that the tribunal has approved and submit them.



Ensure you have your emergency contact information to hand in case you need support during or after the hearing.

# Upper Tribunal

69% of people win their first-tier tribunal, however if you do not win an award from this, you may still have the option to dispute this. If you believe the tribunal has made a legal mistake, then you might be able to appeal to the Upper Tribunal (Administrative Appeals Chamber), or get the decision set aside. You must have approval, which can be obtained through either the first-tier tribunal or the Upper Tribunal.

It is advised that you speak to a professional representative to help you along the way.

For more information about the Upper Tribunal, you should seek further professional advice from:

- A solicitor.
- Citizens advice.
- Welfare rights benefits adviser.



# Other guides in the series:

## Core Guides:

Guide 1: Starting Your PIP Claim

Guide 2: How Your Disability Affects You

Guide 3: Assessments

Guide 4: Understanding Your PIP Award

Guide 5: Appeals ←

Guide 6: Renewing PIP

## Supplementary Guides:

- Definitions
- PIP Evidence
- Reasonable Adjustments
- Mental Wellbeing Through the PIP Process



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