

# The **Potteries Gold** Post

## **TURNED DOWN FOR PIP OR ESA? YOU MAY BE A VICTIM OF DWP TARGETS!**

In a response to a **Freedom of Information** request, the Department for Work and Pensions has admitted that one of its **key performance measures** is to uphold (not to change) **80 per cent** of decisions where the claimant has requested a mandatory reconsideration.

In their reply they stated that the key measures used by the DWP to monitor Mandatory Reconsideration performance are -

- **90 per cent** to be cleared within target; and
- **80 per cent** of the original decisions to be upheld.

Their actual performance for **April 2016** to **March 2017** was:

- **70.2 per cent** cleared within target; and
- **87.5 per cent** of the original decisions upheld.

So although they're taking longer than they should to deal with cases, they're **exceeding their target** for upholding decisions!

If this meant almost 90 per cent of decisions being challenged really were right, this would not be a problem. However, we see many people **wrongly turned down** for benefits despite asking for a reconsideration and sending in really sound evidence to support their claim. This suggests that these targets are leading to **bad reconsideration decisions**, with good cases turned down to keep within the figures.

So don't give up if your reconsideration is unsuccessful. **Appeal** to an **independent tribunal!**

Around **two-thirds** of people who take their **PIP** or **ESA** case to a tribunal win their cases, even some people who got **no points** after their medical!



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## HOW DO I APPEAL?

Once you have your reconsideration decision, you need an **SSCS1 form** and a **copy of the reconsideration** letter. Fill in the form and send it, with the decision letter, to the address on the form. You only have **one calendar month** from the date on the reconsideration notice to do this.

## WHO IS ON THE TRIBUNAL?

If you are appealing a PIP decision, there is a **Tribunal Judge**, a GP or other **medically-qualified person** and a **lay member** with experience of disability, who may be a disabled person or a carer. For ESA appeals, there is the Judge and the GP. Most other appeals are heard by a Judge alone. They usually make their decision **on the day** and give it to you to take home with you, although they might post it later if they need extra time to think.

The tribunal wants to **hear from you** about how your health problems affect you, not from somebody else. They will need to ask you questions about this and are likely to be unhappy if someone tries to answer for you.

## CAN SOMEONE FROM POTTERIES GOLD GO WITH ME?

Unless we are helping you with your case and think it is essential to go with you, because there is **complex law** to discuss, we cannot usually represent at appeals. We can give **advice** about appeals here and at our **outreach appointments** to help you to prepare for your appeal. There are some excellent **factsheets** about appeals on the **Disability Rights UK** website.

You can take a **friend**, **relative** or **support worker** with you to the hearing to help you, although they should not talk for you. Be wary of anyone offering a **fee-paying service** for help with appeals. You will have to answer the tribunal's questions on the day, even if you have a **representative**.

Potteries Gold is a **Citizens Advice Staffordshire North & Stoke-on-Trent** project to help people in Stoke-on-Trent cope with changes to the benefit system

★ **Benefit Talks for your community group** ★ **Pop-Up Benefit Advice** ★

★ **PIP/ESA Workshops** ★ **Benefit Leaflets** ★ **The Potteries Gold Post** ★ **Volunteering** ★

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