

WHAT HAPPENS NEXT?

Social Security decisions are made by people called **decision makers**. When you ask for your claim to be looked at again, a new decision maker looks at information used the first time, plus anything else you have sent in. He or she might **agree with the first decision maker**. If so, the decision stays the same. If you are unhappy with that, you have the right to go to a tribunal.

The new decision maker can **change the decision**. If you are lucky, this decision will give you what you hoped for, or at least something you can accept. If so, you do not have to do anything else.

However, the new decision maker might change the decision in a way that **makes things worse** for you. If that happens, you have the right to go to a tribunal.

WHEN YOU SHOULD NOT APPEAL.

If you got a lower rate of benefit than you hoped for but are still getting *something*, get advice about how strong your case is before you appeal. This is very important if you have claimed **PIP** after being on **DLA**, or **ESA** after Income Support or another sickness benefit.

Because your new benefit has **different rules**, you are not guaranteed to get the same amount of money as you used to. Even if you get less, you might have been given **as much as possible** by the first decision maker.

INDEPENDENT TRIBUNALS

If you disagree with the reconsideration decision, you can take your case to an **independent tribunal**. Tribunals do not work for the DWP, Tax Credit Office or Council.

Even if the reconsideration did not change anything, it can be worth going to a tribunal. Some people who scored **no points** for their disability benefits still win at tribunal.

You will need an **SSCS1 Form**. If you have internet access, you can complete it online but must print it off and send it by post to the Tribunals Service: the address is on the form. If you do not have a computer, ask us for a paper one.

You have **one calendar month** from the date on the reconsideration letter to make your appeal. If a serious crisis means your appeal is late, it may still be accepted if a tribunal judge decides you have **good cause**.

To find out more about Independent Tribunals, see our **Benefit Appeal Tribunals** leaflet.

For more information go to www.citizensadvice.org.uk or contact our Citizens Advice Helpline: 03444 111 444

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
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Guide to...

Appealing benefit decisions



LOTTERY FUNDED

This leaflet explains what you can do if you want to **change a decision** about your benefits. Usually, you can ask for the decision to be **looked at again**. You might also be able to take your case to an **independent Tribunal**.

In this leaflet we use the word **appeal** to mean both requesting a **reconsideration** and taking your case to a **tribunal**.

This leaflet is mainly about **reconsiderations**.

We have a separate leaflet about **tribunals**.

CAN I APPEAL?

Not all benefit decisions can be appealed.

You cannot appeal until you have a proper decision about your benefit. For example, Sandra's benefits have been **suspended**. She has been accused of living with her working boyfriend.

While the DWP are investigating, she cannot appeal against the suspension. If a **decision** is then made to stop her money, she can appeal against it, if she thinks it is wrong.

If you are turned down for a **discretionary payment** - for example a Discretionary Housing Payment (DHP) to help with rent not covered by your Housing Benefit - you do not have full appeal rights. You can ask for the decision to be reviewed but you cannot take your case to an independent tribunal.



MY CIRCUMSTANCES HAVE CHANGED.

If things have changed since your claim was turned down, appealing might not be the best way to get the right payment. It may be better to make a **new claim**. An appeal looks at the facts at the time the decision was made. It won't take changes into account.

If you got a **lower rate** of a disability benefit than you hoped for and your health has got worse, don't appeal. Report a **change of circumstances** to the benefit office instead.

HOW DO I APPEAL?

When you get a decision about your claim, it must tell you about your right to **request a reconsideration**. You have **one calendar month** from the **date on the decision letter** to do this. So if the date on the letter is 4th February, you must ask before 4th March, even if it took several days to reach you.

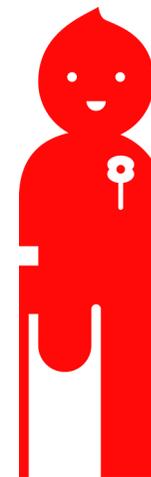
You can phone to say you want the decision looked at again, or you can write to ask for a reconsideration. You could call to make sure you meet the **deadline**, then write to explain your case more thoroughly or send extra evidence. You must make sure you contact the right office for that benefit, so always use the contact details on the letter.

Do not miss the appeal deadline trying to get help and advice. That might not be **good cause** for being **late**. A serious crisis, like a death in the family or homelessness, usually would be.

WHAT SHOULD I SAY?

You need to make it clear that you want the decision to be looked at again. The legal term is **mandatory reconsideration** and, if you use those words, there should be no doubt about what you want.

You can send in **extra evidence** if it helps to make your case. For example, if someone is accused of living with you, you could send proof that they have a tenancy elsewhere and pay fuel bills there.



If you are appealing about a sickness or disability benefit, a letter from your doctor or another health worker may help. Medical evidence is only useful if it explains how you fit the rules for the benefit you are claiming. Clinical data from a consultant might be less helpful than an occupational therapist's letter about the aids and equipment you need.

Someone from the benefits office might call you but this call could come when you do not have information to hand that you need.

We recommend **writing a letter** as you can take time to think about what you want to say and how best to explain why you think the decision is wrong.

