

Challenging a decision that you're capable of work

**A Guide to Revisions and Appeals
for Adults with Ulcerative Colitis or
Crohn's Disease**

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The information in this guide is intended as general information only and is not intended to be relied upon by any individual in relation to their specific circumstances. It is not intended as a replacement for appropriate professional advice.

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Introduction

Who is this guide for?

This guide is for you if you have been found capable of work and consider that the decision in your case was wrong. It is designed for people who used the NACC guide to *The Personal capability assessment of incapacity for work* when originally applying to be found incapable of work. If you did not do so, please download a copy from our website at www.nacc.org.uk There is information in that guide on how people's capacity for work is assessed – including exemptions, exceptional circumstances and the points system - that it is assumed readers of this guide are familiar with.

What this guide is about

This guide takes you through the process of challenging a decision that you are capable of work. It explains the difference between asking for a revision and lodging an appeal. It guides you step-by-step through the process of taking your case to a tribunal, either with a representative or by yourself if you are unable to get help. We tell you what forms and paperwork to expect and how to deal with them. We also explain how to prepare your case and what will happen at the hearing. Finally, we tell you what steps you can take if you're unhappy with the tribunal's decision.

If the whole process seems too daunting for you, then go straight to the *Help!* pages and see if you can find someone to assist you with preparing a case and perhaps even represent you at your hearing. And remember: 60% of people who go to an oral hearing about their capacity for work on their own win their appeal and 72% are successful if they have a representative.

Good luck!

Revision or appeal?

There are two ways of having the decision that you are capable of work looked at again:

- you can ask for the decision to be revised; or
- you can lodge an appeal.

Whichever you choose, there is a time limit: the DWP must receive your request **within one month** of the date on the letter giving you the decision. There are limited circumstances in which a late request can be granted, but it isn't easy and you may need to seek advice.

If you write or telephone asking for a revision, you are simply asking the decision maker to look at the matter again. However, the chances of a revision resulting in a changed decision are not high, unless you have very significant new evidence to put forward. The revision decision may take a month or more and if the decision is not changed you will still have to request an appeal. In addition, if you ask for a revision you will be put through to, or telephoned at home by, the Explanation Team. They will explain to you how the decision was reached and may attempt to persuade you to withdraw your challenge. If you are contacted by the Explanation Team you can tell them you do not wish to have an explanation or you can listen to it but insist on carrying on with your challenge anyway.

But if you appeal, instead of asking for a revision, your claim will automatically be looked at again in any case before the appeal papers are prepared and you will not be contacted by the Explanation Team. (Unless you live in the South west of England where a pilot project is running which involves even claimants who appeal being contacted by the Explanation Team).

Asking for a revision

We recommend that you lodge an appeal rather than ask for a revision. However, if you do decide to ask for a revision then it's best to ask in writing so that you have proof that you made the request. All you need to do is write, within the one month deadline, to the office which sent you the letter giving you the decision. Begin by saying "*I wish you to look again at the decision of 5/5/2004 [give the date on the letter you received]*". If possible, give any information you can about why you think the decision is wrong and include any additional evidence, such as a supporting letter from a health professional.

A different decision maker will look again at the original decision and write to you after doing so, this may take several weeks or even months. If they reverse the decision and find you incapable of work you need do nothing else. The decision will be backdated to the date of the original decision

and you will receive any benefits you may have missed out on as a result of being found capable of work. If the decision maker still finds that you are capable of work then you can appeal. Once again there is a time limit: you must appeal within one month of the date on the letter giving you the revised decision.

What are the chances of my appeal succeeding?

The chances are good. There were approximately 8,000 appeals against being found capable of work between January and March 2005. Of these:

- 62% of claimants who attended an oral hearing without a representative were successful;
- where the claimant managed to attend with a representative, a whopping 71% were successful;
- where claimants opted for a paper hearing, meaning that they didn't have to attend and the decision was made by a tribunal chair sitting by themselves in a small room, the success rate plummeted to 17%.

So, provided you ask for an oral hearing and go along to it, the odds are in your favour from the start. And you have the added advantage of having the information in this guide to help you prepare and present your case.

What happens to my benefits if I appeal?

If you decide to challenge the decision that you are capable of work, you can do so whilst claiming jobseeker's allowance or you may be able to claim income support instead and so not have to sign on while you are waiting for your appeal to be heard. But if you do claim income support your personal allowance will be reduced by 20%. If your appeal is successful you will be paid the money that has been withheld.

How to lodge an appeal

If you do decide to lodge an appeal the most important thing is to do so **within one month** of the date on the decision letter.

Get a copy of booklet GL24 *If you think our decision is wrong*, which explains the appeals process and also includes an appeal form which you can tear out and complete. You can get the booklet from your local DWP office, Jobcentre Plus or advice agency. Or you can download it from the publications section of the DWP website, which is at www.dwp.gov.uk

The appeal form asks for:

- *your name and address;*
- *your national insurance number;*
- *the benefit you are claiming;*
- *the date shown at the top of the letter telling you about the decision;*
- *the reasons why you disagree with the decision, (see below);*
- *details of your representative if you have one;*
- *your signature and the date.*

If you can't get a copy of the form then write a letter containing *all* the information above. But bear in mind that the DWP are not obliged to accept an appeal that is not on the proper form, so only do this as a last resort.

Explaining why you disagree with the decision

The decision letter is unlikely to give any details of what points you were awarded or why you were not considered to be exempt or covered by the exceptional circumstances rules. This makes it very difficult to say why you disagree with the decision. You can request that the DWP send you their reasons for the decision. If you do so the deadline for your appeal will be extended by 14 days, which includes the time it takes for the information to be sent to you. We would *not* advise you to do this. The opportunities for confusion and missed deadlines are increased and the reasons given may still not be very detailed.

Instead, we suggest that you write the following:

I consider that the Medical Services doctor underestimated the effects that my condition has on me and that I provided enough evidence about the way my IBD [*and any other health condition you have*] affects my everyday activities for me to be found incapable of work either under the points system or via the exemption or exceptional circumstances regulations.

I wish to have an oral hearing so that I can explain the full effects of my condition to a tribunal and answer any questions they may wish to ask. Please do not ask me to provide further details of my grounds of appeal as I will not be able to do so yet. I understand that this is a complex legal matter and it would be a breach of natural justice to ask me for more information until I have been provided with a full copy of the papers and had the opportunity to try to get independent advice and support.

Send the completed form to the address on the letter telling you about the decision and mark the envelope '*Appeals*'. Try to keep a copy of your appeal form.

What happens after you lodge your appeal

You should receive a letter from the DWP acknowledging your appeal. It will tell you that they are going to look again at the decision and that they will either change it and let you know their new decision or leave it unchanged and send your appeal on to the Appeals Service. If you don't get an acknowledgement within 14 days, write or telephone the DWP to check if they got the appeal form and ask for written confirmation.

It is unlikely that the decision will be changed at this stage. It is much more probable that a month or more later you will receive a bulky brown envelope from the DWP. This contains the appeal papers and either with them, or sometimes sent separately, is the pre-hearing enquiry form. We look at the enquiry form and the appeal papers in the next two sections.

Completing the pre-hearing enquiry form

The pre-hearing enquiry form must be completed and returned **within 14 days** of the date on the front of the form, or your appeal may be struck out. As well as a section for you to give your name, address, telephone number and national insurance number, the form contains the following boxes:

Box 1

Do you want to withdraw your appeal?

Tick no. If you do decide to withdraw your appeal you can do so at any time before the hearing date simply by writing to the Appeals Service stating that you wish to withdraw – you don't have to give reasons.

Box 2

Do you wish to have an oral hearing?

Do you wish to have a paper hearing?

We would strongly advise you to ask for an oral hearing. The chances of a paper hearing being successful are only one in twelve compared to a better than even chance if you attend an oral hearing.

Box 3

Are you and/or your representative going to attend?

Tick yes, you are going to attend and ignore the other two boxes if you don't have a representative yet. If you find one they can just turn up on the day, you don't have to inform the tribunal beforehand.

Do you consent to less than 14 days notice of the date of your oral hearing?

Definitely do not consent to less than 14 days notice, particularly if you are hoping to find someone to go with you.

Are there any dates when you, or your representative would not be able to attend a hearing?

Remember to check dates with anyone you hope is going to accompany you, either for support or as a witness.

Box 4

If you live outside Britain and have requested an oral hearing:

What is the expected date of your return?

What will be your address and telephone number?

Complete these if they apply to you.

Box 5

If you already have a representative please give their name and full address.

Ignore this box if you don't have a representative yet.

Box 6**Do you have any more evidence that you want to put before the tribunal?**

If you hope to get more supporting evidence but don't know when you will be able to obtain it, simply write 'As soon as I can get it' in the box asking you when the Appeals Service will receive extra evidence. (It doesn't quite answer their question, but they'll know what you mean). You should send a copy of any extra evidence to the Appeals Service as soon as you get it, but if necessary you can turn up with additional evidence on the day of the hearing. Always take the originals with you to the hearing anyway, as the Appeals Service frequently lose documents or fail to send them out in time for the hearing.

Box 7**You are responsible for getting medical evidence. In certain limited circumstances the Appeals Service may need to get medical evidence in connection with the appeal. Do you agree that the Appeals Service can do this?**

It is extremely unlikely that the Appeals Service will seek further medical evidence, especially in connection with incapacity for work as you will already have been examined by a medical services doctor.

Box 8**Do you need an interpreter/signer?**

If you do need an interpreter or signer an extended hearing should be arranged.

Do you have any other special needs, e.g. disabled access or special travelling arrangements?

Tribunals are held locally, not at the regional office that you return the form to, unless that happens to be your home town. But you may still have to travel some distance, perhaps to the nearest large town or city, for your hearing. You can phone or write to the Appeals Service to find out where your hearing will be held. If your condition means you cannot use public transport, and you can't drive or get a lift, you may need to travel to the hearing by taxi. The Appeals Service may agree to pay the fare, so explain in this box why a taxi is needed.

If you cannot attend a hearing at any time because of your mental health, it is possible to have a domiciliary hearing held in your home. However, The Appeal Service are very, very reluctant to grant domiciliary hearings – you may have a long fight on your hands. You may also have to wait a long time before a date is set. But if you do need a domiciliary hearing, say so here.

*When you've completed all the boxes don't forget to sign and date the form and then return it to the regional centre whose address is given on the form. And remember, they have to receive it **within 14 days** of the date on the front of the form or your appeal may be struck out. (If your appeal is struck out you can apply to have it reinstated, but there's no guarantee of success and you'll need advice).*

Looking at the appeal papers

Some people have told us that they found this pile of papers so bewildering and intimidating that they gave up on their appeal there and then. Please don't do that. The contents may look confusing, but you'll soon discover that, as you are the subject of them, you are also uniquely well qualified to comment on them.

Having said that, if you are unable to cope with examining the papers and can't get help, there is nothing wrong with simply turning up at the hearing on the day and answering questions. Many people attend hearings without having read the papers.

What's in the papers

The papers are prepared by the DWP and they generally contain around 80-120 pages which may or may not be in the following order:

- **Schedule of evidence:** this is the front page and it's just an index of what's inside.
- **Claimant details:** your name, address and national insurance number.
- **Decision appealed against:** this is the decision that you are not incapable of work. The points you were awarded will be listed, along with statements that you are not exempt or covered by the exceptional circumstances rules, (see *What is the PCA?*)
- **Acts and Regulations relied upon:** this is a list of the relevant laws You can research these if you wish, but it isn't necessary.
- **Commissioners decisions relied upon:** Commissioners are the next level up from a tribunal. (If you lose at the hearing you may be able to appeal to the Social Security Commissioners yourself). Their decisions are binding on tribunals, which is why they are mentioned here. See the *Glossary* for more information.
- **Claimant's grounds of appeal:** this is taken from the appeal form you completed.
- **Summary of facts:** this sets out key dates, such as: when you made your claim; completed the questionnaire; had your medical; were found capable of work and made your appeal
- **Decision Maker's submission:** this is where the DWP explains why it thinks its decision was right. They will probably go through the descriptors one by one, explaining what evidence they took into account and why you were awarded points for some activities, if you were, and not for others. They will also explain why you were not considered to be exempt and why no exceptional circumstances applied.
- **Documents relating to the case in chronological order:** this will include: a copy of your questionnaire; medical certificates from your GP; the medical services doctor's report; any supporting letters you submitted and your appeal form.
- **Score sheet:** this is usually found immediately after the medical services doctors report. There should be a list of the physical and mental health descriptors and next to each the score awarded to you.

Some basic checks

If you are able, there are some simple checks you can make that may save the tribunal having to be adjourned for weeks or months.

- **Are the papers about you?** Surprisingly often people are sent papers that are not about them, particularly if you have a popular last name. If you've got the wrong person's papers, contact the DWP and tell them.
- **Are they legible?** If the handwriting in the medical services doctor's report is illegible, write to the Appeals Service telling them that you can't read the report or sections of it and ask them to obtain a typed transcript from the DWP. If you don't get one, raise this at the hearing: it's vital that you are able to read the evidence being used to find you capable of work.
- **Are there pages missing?** Check the list of papers and page numbers in the schedule. The page numbers are usually hand written at the top of each page. Is everything there that should be there. It's easy for a page to be missed out in the photocopying process. If there is anything missing, contact the Appeals Service and tell them.
- **Is your additional evidence included?** If you sent the DWP letters or other evidence, has it been included? If not, contact the Appeals Service and find out if they have the evidence but forgot to include it. If not you will need to send them fresh copies, assuming you have kept the originals.
- **Is your previous PCA report included?** If, at your previous PCA, you were found incapable of work, then a copy of that report as well as the more recent one should be included in the papers. If it is not, contact the DWP and ask them to include a copy. If they fail to do so, perhaps because they have shredded it, you should point out to the tribunal, either in writing or at the hearing, that the report is missing. If you are arguing that your condition is no better, or even worse, than it was at your last medical then the tribunal will have to take into account the fact that the DWP have destroyed evidence that you wished to use to support your case.

Preparing your case

The vast majority of people who attend social security hearings without a representative have not prepared a case in the ways we suggest below. The tribunal certainly won't expect anything of the sort, so don't worry if you're not able to do so. However, if you are able to take any of the steps we suggest, particularly submitting supporting evidence if you haven't already done so, it may improve your chances of success. If possible, try to get help with your appeal from an advice agency or solicitor specialising in welfare benefits.

Submitting supporting evidence

If you didn't submit any supporting evidence with your questionnaire it will help your case a great deal if you do so now, please look at the section headed *Getting supporting evidence* in the NACC Incapacity for work guide. There is detailed information in the guide about how to collect supporting evidence and a *Health professionals' evidence* sheet you can ask your GP, specialist nurse or similar professional to complete.

Even if you did submit supporting evidence at the outset, you may now want to get more evidence from your carers or health professionals to counter specific claims made by the medical services doctor or the decision maker. If you are eligible for Legal Help (what used to be Legal Aid) a solicitor, law centre or some advice agencies may be able to commission a medical report from a consultant for your appeal. This can make a big difference to the outcome.

Try to send copies of any evidence to the Appeals Service prior to the hearing, but always hang on to the original and take it with you on the day.

Checking the score sheet

Check whether the decision maker has noted down on the score sheet all the points that the doctor indicated you should get. The decision maker doesn't have to agree with the doctor's assessment, but if they disagree they have to explain very clearly why. If you do come across mistakes in the scoring, you don't have to inform the DWP beforehand, you can just bring them up at the hearing.

The medical services doctor's report.

Look at what the doctor has written in the two pages headed 'Description of functional ability'. Is the history of your condition accurate? Is the record of your typical day correct? Note anything that you think is wrong or missing.

Go through each of the descriptors you think should apply to you. Does the doctor give satisfactory evidence to support their opinion if it is different from yours? Is there extra evidence you can provide to support your opinion about why the descriptor should apply to you?

Do you think you should have been exempt from the PCA or covered by the exceptional circumstances rules? Why has the doctor stated that they don't apply to you and what evidence might you offer to show that the doctor was wrong?

The summary of facts and the decision maker's submission.

Go through these just as carefully, because what the DWP calls facts may not be facts at all. Has the decision maker made assumptions about you that aren't based on any evidence and then presented them as facts? Has the decision maker only told half the story? Has the decision maker used evidence from the medical report which you consider to be incorrect or insufficient? Has the decision maker simply ignored evidence that you or your health professionals provided that undermines the decision maker's case?

If you have a representative go through all these points with them. If not, try to make notes that you can use to remind you of all the issues you want to raise at the hearing.

Preparing notes

If possible makes some notes of any of the issues listed above that you want to tell the tribunal about and take them with you to your hearing. Remember to make a note of the relevant page numbers for each point you want to make, as the tribunal will want to check what is in the papers for themselves and it can save a lot of time if you can tell them where to look.

Notice of a hearing

Once you have returned the enquiry form the next thing you should get is a letter giving you notice of your hearing. This may take several months and you will not usually get more than two weeks notice of the actual hearing. Indeed, as the Appeals Service are only obliged to send out the notice 14 days before the hearing date you may actually get less than two weeks notice.

When you get the date, check it is one you, and your witnesses if you have any, can attend on. If it's not and it was a date you put down as being unable to attend, then contact the Appeals Service immediately. They should offer you a new date instead. If they refuse to change the date, write to them stating why you will not be attending and asking for the hearing to be adjourned. Your letter should then be passed on to the tribunal chair. If they still carry on with the hearing in your absence you will have to get help in applying for a set aside, assuming you are unhappy with the tribunal's decision. Try to keep copies of everything and make notes of names and dates when you speak to people on the phone. (the Appeals Service are particularly notorious for losing documents and records of phone calls).

If the date is one that you told the Appeals Service you could attend on, then you will need a very compelling reason for wanting it changed and there is no certainty that the Appeals Service will agree to do so. If you are too ill to attend, inform the Appeals Service by telephone and follow it up with a letter. If they do not postpone the hearing, make sure you get a doctors letter saying that you were too ill to attend. Seek advice on trying to get the tribunal's decision set aside if you are unhappy with it.

At the hearing

Don't be surprised if you don't get much sleep the night before the hearing, most people turn up with rings under their eyes! If you have to take extra measures to attend the hearing, such as not eating or taking anti-diarrhoeal medication, make sure you tell the tribunal about this..

Who will be present?

The tribunal will be made up of a chairperson who is legally qualified -usually a solicitor - and a doctor. In addition, there will sometimes be a representative of the DWP, the Presenting Officer, who will put their case. A clerk may also be present, but they will probably come and go throughout the hearing and they take no part in the proceedings. the Appeals Service itself is part of the judicial system and is independent of the DWP.

The two tribunal members sit together on one side of a table, you will be shown to seats opposite them along with the presenting officer and your representative, if you have one. If you have come with a spouse, partner, friend or witness they can generally sit next to you. Tribunals are public hearings, so in theory the public can also attend. In practice they don't. However, sometimes someone from the DWP or a Citizens Advice Bureau who is learning about tribunals may wish to observe. You will normally be told if anyone else is attending and you can ask for the hearing to be held in private, though the final decision is the Chair's.

Travelling to the hearing

As with the medical assessment, you may well be asked how you got to the hearing. If possible, don't use public transport. There is often an assumption that people who catch buses or trains have less serious problems, because they are able to get to a bus stop or train station and wait for long periods, as well as coping with the crowding, jolting and frequent stops and starts. Of course, the truth may be that the journey was a nightmare for you and if you do have to use public transport make sure you explain to the tribunal in great detail any problems that the journey caused you and any problems it may cause you for the rest of the day or following days.

When you arrive

Hearings often run very late and sometimes people are sent home without the hearing taking place at all because they have run out of time. So be prepared for a long wait, possibly hours. Nevertheless, it makes sense to get to the tribunal offices about 15 minutes early, just in case yours starts on time. All tribunals should have full disabled access, including disabled toilets, but phone your regional Appeal Service office if you wish to check what facilities are available. You should be approached by a clerk in the waiting room who will tell you briefly what happens at the hearing and ask you about travel expenses. If you have any additional evidence that you have not sent in, give it to the clerk now. Then all you have to do is wait (nervously) to be shown into the hearing.

The proceedings

There is no swearing of oaths and there is no set procedure for hearings: different Chairpersons run their hearings in different ways. Usually, though, they will begin by introducing everyone in the room and explaining what they are there for and what is going to happen, before starting the hearing proper.

If a Presenting Officer from the DWP is present the tribunal will usually ask them to set out what decision the DWP made and how they arrived at it. If the hearing is looking at how many points you scored, the tribunal may then say that they are allowing all the points you have already been awarded and ask you which others you think you ought to have got. They will then only look at those descriptors. This is a quick way of getting through the hearing and so is quite an attractive option, but may be more likely to happen if you have a representative present.

However, be aware that tribunals are not obliged to allow even the points you already have. Instead, they can choose to go through the evidence in the papers, asking you questions as they go along in order to arrive at their own conclusion as to how many points you should score.

Hearings are usually scheduled to last thirty to forty minutes, but they often overrun and this can mean pressure to get through the remaining ones quickly. Do try not to be rushed: it is important you get the chance to give all your evidence, including bringing out all the points you made in your notes. It is obviously very difficult to feel confident and assertive in this situation, so it definitely helps if you have someone with you for support. You should ask them to listen carefully to the proceedings and to remind you about anything they feel has been missed. They can also speak themselves, if you tell the clerk beforehand that they are there to provide support but also to act as a witness if needed. At the end of the hearing the Chair should ask if you have anything else you want to say. If the Chair doesn't, and there are things you consider need mentioning, then politely ask to make a few final points.

The tribunal's decision

When the tribunal have heard all the evidence, everyone will be asked to leave. The two members will then consider their decision, a process which can take anything from a few minutes to half an hour or more. Waiting to go into the tribunal can be nerve racking, but most people find this the worst wait of all. Don't, however, try to read anything into how long the tribunal take to reach a decision. Years of attending hearings have taught us that there is no connection between the length of the wait and the result. Very rarely the tribunal will not be able to make a decision on the day and it will be posted to you days, weeks and sadly sometimes even months later. Usually, however, you will be invited back into the room, told the decision and given a yellow piece of paper with the decision written on it. This is called the short decision notice. You are not invited to comment on the decision.

If your appeal has been successful and you have been found incapable of work you need do nothing else. The DWP will be informed of the decision and, if you have been receiving income support at a reduced rate, you will be paid any money you are owed.

Appealing to the Social Security Commissioners.

If your appeal has not been successful, you may be able to take the matter on to the next stage by appealing to the Social Security Commissioners. As soon as you are told that your appeal has not been upheld, you can say to the Chairperson that you would like to have a '*full written decision*'. This is a complete record of the hearing which the Chairperson writes and has sent to you. If you don't do it at the hearing you can still write to The Appeal Service **within one month** of the hearing and ask for a full written decision. In fact it's a good idea to make the request in writing anyway, even if you did do it verbally, just in case it doesn't get noted down.

Asking for the full written decision, which can take anything up to three months to arrive, does not commit you to anything. But if you do not have it, you are unlikely to be allowed to seek leave to appeal to the Social Security Commissioners. So it's worth keeping your options open by asking for a copy whilst you consider what to do. Whilst waiting for the written decision to arrive do try to find someone who can advise you on the next steps, because sadly this is as far as we can travel with you in this guide. But, if you don't manage to find a welfare rights worker to take on your case, perhaps you'll take heart from the knowledge that all of us involved in writing this guidance have met people who took their appeal all the way to the Social Security Commissioners, without help, and won.

We very much hope that you don't have to go that far to receive the benefits to which you are entitled, but if you do, we wish you luck.

Help!

The more help you can get with challenging a decision that you are capable of work, the better your chances of success. You may be able to get help from the agencies below with getting supporting evidence, preparing a written submission for a hearing or with representation at a hearing. But please note that solicitors cannot represent you at a hearing under the Legal Help scheme, you would have to pay and it is likely to be very expensive.

Help From NACC

NACC-in-Contact Support Line 0845 130 3344

You may well find the appeals process emotionally disturbing. Contacts are NACC members who are trained to give supportive listening over the telephone. They are not there to deal with any questions to do with benefits, but if you find the process of appealing is causing you distress they can offer support.

Advice agencies

CLS Direct helpline and website

The Community Legal Service offer free initial (30 minutes) advice from a qualified legal adviser about Welfare Benefits between 9am and 5pm weekdays. And if you call outside office hours, just leave a message and they say they'll call you back. If you are eligible for Legal Aid you can then get further free legal help with your case by phone and post. Although they will not be able to represent you at a hearing, they can help you prepare your case and they will write a submission summing up your arguments for the tribunal to read.

To use the helpline call **0845 345 4 345**. After you choose the welfare benefits option you will be advised to listen to recorded messages about benefits. We recommend that you don't, the messages are long, sometimes confusing and you can read them at your leisure on the CLS website at www.clsdirect.org.uk if you wish to. Instead go straight for the option of speaking to an adviser.

You can also get information about your nearest CLS funded advice providers, both advice agencies and solicitors, by visiting the CLS website at: www.clsdirect.org.uk or calling the CLS Directory Line on **0845 608 1122**.

Citizens' Advice Bureaux (CAB)

There are over 750 bureaux in mainland Britain and many employ full-time welfare rights workers who may be able to help with your appeal. Look under Citizens Advice Bureau in your phone book for details of your nearest one. You can also find details of your nearest bureau at: www.citizensadvice.org.uk

Citizens Advice Scotland

To find your nearest bureau, look under Citizens Advice Bureau in your phone book or visit the CAS website at: www.cas.org.uk

AdviceUK

Over 900 advice agencies are members of Advice UK and many employ a welfare rights worker. Details of your nearest ones are available from AdviceUK's website at www.adviceuk.org.uk

Association of Independent Advice Centres (Northern Ireland)

AIAC is the umbrella body for independent advice centres in Northern Ireland. You can get details of your local independent advice centre in Northern Ireland from their website at: www.aiac.net

Disability Information Advice Line

There are over 140 local DIALs, all staffed by disabled people and all offering telephone advice. Some may be able to help with appeals and even provide representation. If you have a local line it should be listed in your telephone directory under DIAL UK. Alternatively, call the national office on **01302 310 123** or visit their website at www.dialuk.info where you can find a directory of DIAL offices.

Law Centres.

Contact details of your nearest Law Centre, where you may be able to get free advice and representation at appeals, are available from the Law Centres Federation on **020 7387 8570** or from www.lawcentres.org.uk

Housing Associations

Some housing associations employ a welfare rights worker. If you live in a housing association property contact your local office.

Doctor's surgeries

An increasing number of surgeries and health centres have a welfare rights worker on the premises, part-time or full-time. Check with the receptionist.

Local Authority

Your local council may employ Welfare Rights Workers who can help you with your claim. Start by asking your council's main switchboard if they can put you through to a Welfare Rights Worker. If the operator doesn't know of one ask to be put through to the Social Services Department and if they can't help try the Housing Department, either department may employ Welfare Rights Workers.

Additional Sources Of Information

You do not need to become an expert on benefits law in order to attend a hearing, even without a representative. Nevertheless, some people do want to learn more about the benefits system with which they are struggling. If you are one of those people, the sources of information below will get you started. Some of the books may be available at your local library or on inter-library loan.

Disability Rights Handbook Disability Alliance (www.disabilityalliance.org) A single volume guide to benefits for people with long term health problems, published annually. A good place to start.

Welfare Benefits Handbook Child Poverty Action Group (www.cpag.org.uk) A complete guide to the benefits system, published annually. Very detailed, but not so user friendly as the *Disability Rights Handbook*

The Appeals Service website (www.appeals-service.gov.uk) contains limited information about the appeals system and contact details for local venues.

The Social Security Commissioners' website (www.ossesc.gov.uk) contains a downloadable form for appealing to the commissioners and guidance on the procedure involved, along with full copies of many recent commissioners decisions.

www.benefitsandwork.co.uk includes up-to-date links to a range of benefits resources, including information about appeals.

Health Professionals' Evidence Sheets

Patient's name:

Date of birth:

Address:

I understand that the above named patient's capacity for work is being considered. To assist in this process I have used my knowledge of this patient and my clinical judgement to complete the assessment below.

Activity		Descriptor	Points
Walking on level ground with a walking stick or other aid if such aid is normally used. <i>Any comments you wish to add:</i>	1A	Cannot walk at all	<input type="checkbox"/>
	B	Cannot walk more than a few steps without stopping or severe discomfort	<input type="checkbox"/>
	C	Cannot walk more than 50 meters without stopping or severe discomfort	<input type="checkbox"/>
	D	Cannot walk more than 200 meters without stopping or severe discomfort	<input type="checkbox"/>
	E	Cannot walk more than 400 meters without stopping or severe discomfort	<input type="checkbox"/>
	F	Cannot walk more than 800 metres without stopping or severe discomfort	<input type="checkbox"/>
	G	No walking problem	<input type="checkbox"/>
Walking up and down stairs <i>Any comments you wish to add:</i>	2A	Cannot walk up and down one stair	<input type="checkbox"/>
	B	Cannot walk up and down a flight of 12 stairs	<input type="checkbox"/>
	C	Cannot walk up and down a flight of 12 stairs without holding on and taking a rest	<input type="checkbox"/>
	D	Cannot walk up and down a flight of 12 stairs without holding on	<input type="checkbox"/>
	E	Can only walk up and down a flight of 12 stairs if they goes sideways or one step at a time	<input type="checkbox"/>
	F	No problem in walking up and down stairs	<input type="checkbox"/>

<p>Sitting comfortably in an upright chair with a back, but no arms</p> <p><i>Any comments you wish to add:</i></p>	3A	Cannot sit comfortably	<input type="checkbox"/>
	B	Cannot sit comfortably	<input type="checkbox"/>
	C	Cannot sit comfortably for more than 30 minutes without having to move from the chair because the degree of discomfort makes it impossible to continue sitting	<input type="checkbox"/>
	D	Cannot sit comfortably for more than 1 hour without having to move from the chair because the degree of discomfort makes it impossible to continue sitting	<input type="checkbox"/>
	E	Cannot sit comfortably for more than 2 hours without having to move from the chair because the degree of discomfort makes it impossible to continue sitting	<input type="checkbox"/>
	F	No problem with sitting	<input type="checkbox"/>
<p>Standing without the support of another person or the use of an aid except a walking stick</p> <p><i>Any comments you wish to add:</i></p>	4A	Cannot stand unassisted	<input type="checkbox"/>
	B	Cannot stand more than a minute before needing to sit down	<input type="checkbox"/>
	C	Cannot stand for more than 10 minutes before needing to sit down	<input type="checkbox"/>
	D	Cannot stand for more than 30 minutes before needing to sit down	<input type="checkbox"/>
	E	Cannot stand for more than 10 minutes before needing to move around	<input type="checkbox"/>
	F	Cannot stand for more than 30 minutes before needing to move around	<input type="checkbox"/>
	G	No problem standing	<input type="checkbox"/>
<p>Rising from sitting in an upright chair with a back but no arms without the help of another person</p> <p><i>Any comments you wish to add:</i></p>	5A	Cannot rise from sitting to standing	<input type="checkbox"/>
	B	Cannot rise from sitting to standing without holding on to something	<input type="checkbox"/>
	C	Sometimes cannot rise from sitting to standing without holding on to something	<input type="checkbox"/>
	D	No problem with rising from sitting to standing	<input type="checkbox"/>

<p>Bending and kneeling</p> <p><i>Any comments you wish to add:</i></p>	<p>6A</p> <p>B</p> <p>C</p> <p>D</p>	<p>Cannot bend to touch knees and straighten up again</p> <p>Cannot either bend or kneel or bend and kneel as if to pick up a piece of paper from the floor and straighten up again</p> <p>Sometimes cannot either bend or kneel or bend and kneel as if to pick up a piece of paper from the floor and straighten up again</p> <p>No problem with bending and kneeling</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Manual dexterity</p> <p><i>Any comments you wish to add:</i></p>	<p>7A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p> <p>G</p> <p>H</p>	<p>Cannot turn the pages of a book with either hand</p> <p>Cannot turn a sink tap or control knobs on a cooker with either hand</p> <p>Cannot pick up a coin which is 2.5cm or less in diameter with either hand</p> <p>Cannot use a pen or pencil</p> <p>Cannot tie a bow in laces or string</p> <p>Cannot turn a sink tap or control knobs on a cooker with one hand but can with the other</p> <p>Cannot pick up a coin which is 2.5cm or less in diameter with one hand but can with the other</p> <p>No problem with manual dexterity</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Lifting and carrying by use of the upper body and limbs (excluding all other activities specified in part 1 of this schedule)</p> <p><i>Any comments you wish to add:</i></p>	<p>8A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p> <p>G</p>	<p>Cannot pick up a paperback book with either hand</p> <p>Cannot pick up and carry a 0.5 litre carton of milk with either hand</p> <p>Cannot pick up and pour from a full saucepan or kettle of 1.7 litre capacity with either hand</p> <p>Cannot pick up and carry a 2.5 kilogram bag of potatoes with either hand</p> <p>Cannot pick up and carry a 0.5 litre carton of milk with one hand but can with the other</p> <p>Cannot pick up and carry a 2.5 kilogram bag of potatoes with one hand but can with the other</p> <p>No problem with lifting and carrying</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

<p>Reaching</p> <p><i>Any comments you wish to add:</i></p>	<p>9A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p> <p>G</p>	<p>Cannot raise either arm as if to put something in the top pocket of a coat or jacket</p> <p>Cannot raise either arm to his head as if to put on a hat</p> <p>Cannot put either arm behind back as if to put on a coat or jacket</p> <p>Cannot raise either arm above his head as if to reach for something</p> <p>Cannot raise one arm to his head to put on a hat but can with the other</p> <p>Cannot raise one arm above his head as if to reach for something but can with the other</p> <p>No problem with reaching</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Speech</p> <p><i>Any comments you wish to add:</i></p>	<p>10A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p>	<p>Cannot speak</p> <p>Speech cannot be understood by family or friends</p> <p>Speech cannot be understood by strangers</p> <p>Strangers have great difficulty understanding speech</p> <p>Strangers have some difficulty understanding speech</p> <p>No problem with speech</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Hearing with a hearing aid or other aid if normally work</p> <p><i>Any comments you wish to add:</i></p>	<p>11A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p>	<p>Cannot hear sounds at all</p> <p>Cannot hear well enough to follow a television programme with the volume turned up</p> <p>Cannot hear well enough to understand someone talking in a loud voice in a quiet room</p> <p>Cannot hear well enough to understand someone talking in a normal voice in a quiet room</p> <p>Cannot hear well enough to understand someone talking in a normal voice on a busy street</p> <p>No problem with hearing</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

<p>Vision in normal daylight or bright electric light with glasses or other aid to vision if such aid is normally work</p> <p><i>Any comments you wish to add:</i></p>	<p>12A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p>	<p>Cannot tell light from dark</p> <p>Cannot see the shape of furniture in the room</p> <p>Cannot see well enough to reach 16 point print at a distance greater than 20 cm</p> <p>Cannot see well enough to recognise a friend across the room at a distance of at least 5 metres</p> <p>Cannot see well enough to recognise a friend across the road at a distance of at least 15 metres</p> <p>No problem with vision</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Continence (other than enuresis bedwetting)</p> <p><i>Any comments you wish to add:</i></p>	<p>13A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p> <p>G</p> <p>H</p>	<p>No voluntary control over bowels</p> <p>No voluntary control over bladder</p> <p>Loses control of bowels at least once a week</p> <p>Loses control of bowels at least once a month</p> <p>Losses control of bowels occasionally</p> <p>Loses control of bladder at least once a month</p> <p>Loses control of bladder occasionally</p> <p>No problem with continence</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>
<p>Remaining conscious other than for normal periods of sleep</p> <p><i>Any comments you wish to add:</i></p>	<p>14A</p> <p>B</p> <p>C</p> <p>D</p> <p>E</p> <p>F</p> <p>G</p>	<p>Has an involuntary episode of lost or altered consciousness at least once a day</p> <p>Has an involuntary episode of lost or altered consciousness at least once a week</p> <p>Has an involuntary episode of lost or altered consciousness at least once a month</p> <p>Had an involuntary episode of lost or altered consciousness at least twice in the six months before the date they were found capable of work</p> <p>Had an involuntary episode of lost or altered consciousness once in the six months before the before the date they were found capable of work</p> <p>Has had an involuntary episode of lost or altered consciousness once in the three years before the before the date they were found capable of work</p> <p>No problem with consciousness</p>	<p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p> <p><input type="checkbox"/></p>

Do you consider that there would be a substantial risk to the mental or physical health of any person if your patient were found capable of work? YES / NO
If yes, please briefly explain why.

Is your Is your patient's condition currently severe and uncontrolled or uncontrollable? YES / NO
If yes, please briefly explain why.

Does your patient require a major surgical operation or other major therapeutic procedure within three months of the date of their medical assessment? YES / NO
If yes, please give brief details.

Any further comments, such as how long you have been treating this patient and how well you know them:

Signed:

Date: