

Benefit Tribunal Guidelines

Overview

Part of the service we offer at Disability Assist is to support clients to prepare for benefit tribunals and attend them with the client, if needed. The tribunals we normally support at are Personal Independence Payment and Work Capability Assessments which would come under either Employment Support Allowance or Universal Credit.

Process

When a client requires support with their tribunal (assuming their appeal has been submitted and they are now requesting support to prepare and attend the tribunal) we will meet with the client either face to face or over the phone and go through the descriptors of the benefit they are appealing against. We will ask the client what difficulties they have under each descriptor and make notes. These notes will aid the client and us at the tribunal. We will explain the tribunal process, who will be there and what will be expected of the client. The client will be expected to answer the questions themselves but we will be there for moral support. We cannot answer the questions for the client but will have an opportunity to speak at the end of the tribunal so can say anything the client may have missed based on the notes we put together. This is why the notes are so important.

Important things to note

We tell clients that we cannot represent them as we are not legally trained. We are there to offer them moral support. We make this clear to the tribunal on the day.

Helpful things to inform the client about before the tribunal

- Client can bring additional evidence with them on the day, as long as it is not reams of papers.
- The tribunal will be looking at how the client was when they were assessed – this could be well over a year ago.
- The tribunal panel will be made up of a Judge, a Doctor and an independent panel member who could be from a disability/carers organisation or charity if it is a PIP tribunal. The panel for a work capability tribunal may only have two panel members.
- There may be someone from the Department for Work and Pensions (DWP) there on the day – a Representing Officer – they are there to give additional information, for example, what other benefits the client gets and may ask client some questions. They are not part of the decision making process ,

- The role of the tribunal panel is to look at what the law says they are entitled to and their decision is independent of the DWP.
- The decision may be given to the client on the day or sent to them in the post by the end of the day.
- If the client is successful, then the tribunal will notify the DWP. The client will receive a back pay of the benefit that is owed them.
- If the client is unsuccessful then they can either leave it, apply for the benefit again or appeal to the Upper Tribunal. However, you can only ask for an Upper Tribunal on a point of law where something was wrong in the decision or ignored by the tribunal. You cannot request this because you disagree with the decision. Disability Assist cannot help with appealing to the Upper Tribunal so we suggest contacting Citizens Advice Bureau for support.