

## **What is an appeal?**

If you have received a decision about your benefit but do not agree with it you may be able to appeal.

An appeal can be made on form GL24 or in writing by letter. You will need to show the following:

- Your name, address and date of birth.
- The date of the decision letter.
- The name of the benefit you have claimed.
- Why you think that the decision is wrong.
- Your National Insurance Number.

Whether your appeal is submitted by the form GL24 or by letter you may choose to seek advice before doing this (check BAC link for addresses of advice centres).

You will need to give grounds for your appeal. The tribunal does not *have* to consider any issue that is not contained in the letter of appeal.

## **Time Limits**

An appeal must be made in writing within *one month* of the date at the top of the letter informing you of the decision. This is usually called the decision letter.

You should receive a letter acknowledging receipt of the appeal from the office that your GL24 form or appeal letter has been sent to. The DWP have a target of 50 working days to produce a submission on the appeal.

You may wish to check by telephone that they have received it, noting what was said and who was spoken to.

Only when a confirmation is received from the appropriate office stating they have received the request for an appeal and accepted it as properly made, can it be taken that the appeal has been lodged.

If all the information required has not been provided, you will be written to and asked to provide it. At least 14 days should be given to do so.

During this period of lodging your appeal it is very important that all time limits are kept to so that the right to appeal is not lost.

After you have lodged your appeal it may take up to three or four months for you to receive a bundle of documents. This is called the Appeal Submission and should contain all the information relating to your appeal, which may include claim forms and medical evidence.

## Who hears your appeal?

Your appeal will be heard at a Tribunal, this is a hearing of your case in front of panel members who are not employed by the Department for Work and Pensions or other departments with responsibility for benefits and payments.

They must look at all the facts again and make their own decision. The hearing can be an 'oral' one where you and/or someone else attends, or a 'paper' one where no-one attends.

### Who will be at an oral hearing?

The tribunal, which hears and decides on your appeal, will be made up of one, two or three members depending on which benefit is involved. There may also be a person from the Department for Work and Pensions. They are known as Presenting Officers and it is their job to present the case for the Department for Work and Pensions.

The person who deals with administrative matters for the tribunal is called the Clerk to the Tribunal. S/he may be in and out of the room during the appeal but s/he should make no comments on the proceedings and will form no part of the decision making process.

You, the Presenting Officer and the Tribunal Chairman are allowed to call witnesses to give evidence at the hearings. However, in practice the Chairman and the Presenting Officer do not usually do this. You are also allowed to have a friend or relative with you in the tribunal.

### What Happens At An Oral Hearing?

When you arrive at the venue you will be met by the Clerk to the Tribunal, who will take your details and discuss travelling expenses with you.

When the tribunal is ready to hear your case they will ask you and the Presenting Officer (if there is one) to come into the room. Tribunal hearings are informal; however, there are certain things which usually happen. The Chairman will:

- Introduce himself and everyone else who are present.
- Explain to you how they intend to conduct the hearing.
- Direct who from the panel asks you questions and when.

The tribunal's job is to reach a decision about your case by consulting the appeal submission (which they will have read before the tribunal) and by asking questions of you and any witnesses. Questioning can be prolonged and may seem repetitive. It is important to answer all questions as best as you can.

- Try to stay calm and polite and try not to act defensively.
- If you are unsure of what is being asked, ask the tribunal to repeat/rephrase the question so you can understand what is being asked of you.
- Make a list of everything you want to say at the hearing to make sure you do not forget anything.
- If you get upset or start to feel agitated ask for a short break to enable you to compose yourself.
- Remember that tribunals are supposed to be an information gathering exercise. Try not to withhold information because you find it embarrassing to talk about. This will mean that any award or non-award of benefit will not reflect your condition accurately.

As well as asking questions the tribunal will also be observing you throughout the hearing. For example, if your tribunal is about your incapacity for work or your disability they will observe how you walk into the room, sit down and stand up, etc. If it is felt that the way you do these things is inconsistent with what you are saying, your credibility could be questioned.

Please note that not all venues are designed with disabilities of any kind in mind. It may be helpful for you to find out about access and parking at the venue and the layout inside the building and where the tribunal rooms are situated.

How is a decision made?

When the tribunal has finished asking questions and you have said everything you feel is appropriate to your case, the tribunal chair will ask you to leave the room whilst they make a decision.

You will be asked to wait in the waiting area while the tribunal panel discusses your case and comes to a decision. This will take approximately 10–15 minutes.

Usually a decision will be made on the day and given to you after the tribunal has deliberated. However, sometimes a decision cannot be made on the day and the reasons for this will be explained to you at the time. In these circumstances a decision will be posted to you.

## **Our Representation**

OWR advisors maybe able to assist throughout the appeal process by:

- Assist in completing GL24
- Ensuring time scales are kept to
- Liaising with the Tribunal service
- Completing submissions
- Advising on appeals
- Representing at Tribunal