If you are not happy with what the Department for Work and Pensions decides

EasyRead version of:
How to appeal against a decision made by the Department for Work and Pensions. SSCS1A.
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13. What the words mean

Some words are in **bold**. There is a list of what they mean on the last page.
1. About this guide

HM Courts and Tribunals Service (HMCTS) wrote this leaflet. We are part of the Ministry of Justice.

We make sure courts and tribunals work well and treat everyone fairly. A tribunal makes independent decisions about appeals.

This guide says how to appeal if you are not happy with a decision the Department of Work and Pensions (DWP) makes.

An appeal means you ask us to say whether the DWP was right or not.
Usually a **tribunal** will hold a **hearing** to help us decide about your case.

This guide is for decisions made after the 28th October 2013.

You can use this information if you have already asked the **DWP** to look again at their decision about whether you can have a benefit. And they have written to tell you about this.

If the decision was made before 28th October 2013, please ask the **DWP** for a different form or look on our website.
2. Things to think about

1. Can you appeal?

You can only appeal about some decisions.

The letter telling you what the DWP have decided will say whether you can appeal or not.

You can usually appeal against decisions about whether you get a benefit.

But you cannot appeal about how or when you get paid.
If the letter says you cannot **appeal** and you think this is wrong, you can ask us to look at this.

You should talk to the **DWP** first and then write to tell us:

- you think you have the right to **appeal**
- why you think you have this right.

Our **tribunal** will decide if you can **appeal** or not and this decision is final.
2. Should you appeal?

This guide tells you how to appeal. But we cannot tell you if we think you will win or lose your appeal.

A tribunal can only:

- decide if you have a right to benefits or child maintenance
- decide if the DWP can take back money they paid you by mistake.

A tribunal cannot:

- change the law
● deal with complaints about the service from the **DWP**.

A lot of people get support and advice from:

● a solicitor

● Citizens’ Advice

● welfare rights service

● advice centre

● law centre

● Trade union.

Some organisations might help you get ready for the **tribunal** and go with you.
You must appeal within one month of the date on the **Mandatory Reconsideration Notice**. This is the letter the DWP sent you after they looked at their decision again.

If you have to wait to get help, you should start your **appeal** so you can send everything to us on time.

If the **appeal** is about **Universal Credit** for you and another person, we will have to write to them as well. You can then decide if you want us to send information to both of you or just one person.
3. How to appeal

What the law says

The law says we can only look at your appeal if you:

- send us your appeal in writing

- write in English or Welsh

- send us a copy of the Mandatory Reconsideration Notice

- tell us why you think their decision is wrong
• sign the form (unless the DWP or a court has chosen someone to sign for you).

If anything is missing, we will send the form back to you and might not be able to look at your appeal.

Deadlines
You must appeal within one month of the date on the letter about the DWP decision.

If you miss this deadline there is a space on the form to say why your appeal is late.
But the DWP must agree this is a good reason.

**Forms**

It is best to use a form to write to us. This takes you through everything step by step and means you do not miss anything out.

You need a different form to appeal against different decisions:

- form SSCS1 for decisions about benefits
- form SSCS2 for child support or maintenance decisions
You can get the forms from:

- advice services
- The government website: www.gov.uk

The next part of this guide tells you how to fill in the SSCS1 and the SSCS2 forms.

You can find out how to fill in form SSCS3 on our website: www.gov.uk.
You can contact us to ask about filling in the form.

Telephone: **0300 123 1142** if you live in England or Wales

Telephone: **0300 790 6234** if you live in Scotland.
4. Filling in the form about benefits

Form SSCS1 is for decisions about benefits.

At the end of the form there are telephone numbers to ring if you need it in a different format.

You might not have to fill in all parts of the form.

But you must fill in Sections 1,2,3,4,5,6 and 8.

Use a black pen and use CAPITAL letters so it is easy for us to read what you write.
If the appeal is about **Universal Credit** for you and another person, they can also fill in the form.

**Section 1. The decision you are appealing against**

You **must** fill in this part of the form.

You can only **appeal** about some decisions.

The letter about the **DWP** decision will say if you can **appeal**.

You need to:

- send us a copy of the **DWP** letter
● tick the box to say you are sending us a copy of the letter

● tick the box if the letter says you can appeal

● only tick ‘No’ if you are sure you have the right to appeal. A judge will check this and we will let you know if they agree you can appeal.

Section 2. About you

You must fill in this section.

When we say ‘you’ we mean the person the decision was sent to.
We need this information so the DWP know who we are talking about.

You need to write:

- your title (Mr, Mrs or Miss), first names and surname
- your date of birth
- your National Insurance Number
- your address
● your day time phone number (this is useful if we need to talk to you quickly or explain something)

● your mobile number if you have one

**Section 3. If you are appealing for a child or someone else**

You must only fill in this section if:

● you are appealing for your own child

● the DWP or a court has chosen you to act for an adult.
If you are helping someone as their representative you should fill in Section 4.

You need to write:

- the title, first name and surname of the person you are appealing for
- their date of birth
- their National Insurance Number
- their address.
Section 4. If you have a representative

You must fill in this section if someone is helping you with the appeal.

If you do not have a representative you can go to Section 5.

You can choose anyone to be your representative. But it is best to have someone from an advice or rights organisation who is trained and understands appeals.

They see confidential information about you and should be able to:

- help you decide on evidence to help your appeal
- get **evidence for you** or help you get it
- look into the law
- tell the **tribunal** why you think the decision is wrong
- give you advice on things like benefits
- help you deal with what the **tribunal** decides.
You can send us your appeal and then choose a representative later. You must write to tell us so we know we have your permission to talk to them.

Even if you have a representative, the tribunal will want to ask you questions and listen to what you say.

You will need to write:

- the name and address of the person or organisation that is representing you
- the phone number of the person or organisation
- the name of the person in the organisation who will represent you if you know this.
Section 5. About your appeal

You **must** fill in this section.

It is about the **grounds** or reason for your appeal.

If your appeal is late, you can also use this part to tell us why.

If you tell us why it is late we will look at your appeal. The **DWP** can object to the appeal if they do not think there is a good reason for it being late. If this happens a judge will decide if the appeal should go ahead.

You do not need to use CAPITAL letters for this part of the form.
You cannot just say you disagree with the decision. You do not have to write a lot but it is important to explain:

- why you think the decision is wrong
- what you think the **DWP** should have decided.

**Section 6. Your choice of hearing**

You **must** fill in this section.

It is about how you want the **tribunal** to decide about your **appeal**.

We usually hold an **oral hearing** where you or your **representative** can explain why you think the decision was wrong.
The tribunal can ask questions to help them understand things.

You could also ask the tribunal to look at all the papers without you or the DWP going to a hearing. Everyone must agree to this and not want an oral hearing.

Please tell us as soon as possible if you change your mind about the type of hearing you want.

Tribunals are held in different buildings all over the country. There is a list of these on our website: www.gov.uk.
In child maintenance appeals, parents may live in different parts of the country. If the parents cannot agree where to have the hearing, the tribunal will decide.

Most buildings are accessible for people with disabilities. You can use Section 7 of this form to tell us about any support you might need.

If you cannot leave your house, even by taxi to get to a hearing, please let us know. If you really cannot travel at all, there are some times when you can ask the tribunal to listen to your appeal at your home. Your doctor will need to write to us to say you cannot travel.

When you have decided about the hearing, you need to tick one of the boxes to say if you want:

- to go to the hearing of your appeal
● the tribunal to make their decision by looking at the papers.

Section 7. Oral hearings – any support you need

Only fill in this section if you want to go to the tribunal. If you want the tribunal to decide by looking at the papers you can go to Section 8.

You do not need to use CAPITAL letters to write in boxes in this part of the form.

If the appeal is about Universal Credit for you and another person, please tell us what support they need too.
Please tell us about:

1. Availability

Any dates or times over the next 6 months when you cannot come to a hearing.

If things change, please let us know as soon as possible.

2. Your needs

Anything you need like a hearing loop or being able to get into the building easily in your wheelchair.

3. Interpreter or communication support

Courts and tribunals use independent interpreters and signers. You cannot ask a friend or family member to do this.

If you tick Yes for an interpreter, please tell us which language or dialect you need.
4. Notice - letting you know when the hearing is

The law says we must tell you the date of the hearing at least 14 days before.

You can tick Yes to say we can offer you an earlier date for a **hearing**. Please make sure we have a telephone number to ring you and arrange things.

**Section 8. Your signature**

You **must** fill in this section.

It gives us permission to contact you or your **representative**. If you do not do this we will have to send the form back.

**ABC**

Please write your name and the date in CAPITAL letters.
Checking and posting the form

There is a checklist at the end of the form to make sure you send us all the information we need.

If you live in England or Wales, post your form to:
HMCTS SSCS Appeals Centre
PO Box 1203
Bradford
BD1 9WP

If you live in Scotland, post your form to:
HMCTS SSCS Appeals Centre
PO Box 27080
Glasgow
G2 9HQ
If you are living abroad, send the form to:

- the office for the country you will arrive in if you want to go to the hearing

- the office for the country where you usually live if you want the tribunal to decide without you.
5. Filling in the form about child maintenance

Form **SSCS2** is for decisions about child support or **maintenance**.

At the end of the form there are telephone numbers to ring if you need it in a different format.

This form has the same sections as the form to appeal against a decision about benefits.

The sections are in a different order but you still can use the guide for **Form SSCS1** to fill in this form.
There are also 2 extra sections:

- about the other person
- confidentiality.

This is what you need to do for those sections.

Section 4. About the other person in the maintenance assessment

This section is about the other parent who either gives or receives money to look after your child.

You must tell us who they are so we can involve them in the appeal.
If there is more than one other person involved, please write their information on a separate piece of paper.

You need to tell us their title, name, family name and address. If you do not know where they live we can find out.

**Section 5. About confidentiality**

You can use this to tell us if you do not want the other person to know where you live.

They have the right to see evidence like bills and letters but we will take your address off these if you ask us to.
6. After you send in the forms

We will check your form to make sure your appeal meets all the legal rules (requirements) to be accepted as a valid appeal.

If there are any problems we will send the form back with a letter saying what you need to do.

Sometimes we can work on your appeal if it does not meet the requirements.

We will send you a letter to say we have the form and are working on your appeal.
We will send a copy of your appeal to the **DWP** and ask them to reply. They should usually do this within 28 days.

The **DWP** will send all the information to their office that deals with **appeals** in your area.

They will tell you which office to contact and give you their phone number.
7. What the DWP will do with your appeal

The DWP will look at their decision again. They will use your evidence to think about whether to change their decision.

If they agree to the decision you want before the tribunal the appeal will end.

We will write to tell you about this and you can appeal against any new decision.

If they disagree with your appeal

The DWP can say they do not agree with your appeal if:

- you do not have the right to appeal against their decision
- your appeal is late without a good reason

- your appeal does not have enough information about why you think their decision is wrong

- they know a tribunal will not change their decision.

We will tell you what is happening and a judge will decide if the DWP are right about this.
If they agree with your appeal

If the DWP agrees with your appeal they write to you and send us a copy. They will also send a copy to your representative if you have one.

They will send you lots of papers about the decision, the law and the information you sent them. Please do not worry about this, a lot of the papers will be things you already know about.

It is important to look at the papers and decide if you want to go ahead with the appeal or not.

Please let us know if you decide not to go ahead.
8. After DWP reply to you

When the **DWP** reply to your **appeal**, we will plan your **hearing**.

We will check we have all the information we need and the right address and telephone number.

We will also check whether you want to go to the **hearing** or want the **tribunal** to look at the papers and decide.

If anything has changed please let us know as soon as you can. Including if you decide not to **appeal**.
We will not give you a date if the **tribunal** is going to look at the papers without you there.

If you choose to go to the hearing we will tell you the date at least 14 days before. We will also give you directions to the building where the hearing will be held.

We will try our best not to cancel this date. We hope you will do the same.

If there is an emergency and you cannot go on that date, please let us know as soon as you can. Sometimes we can book a new date. But the **tribunal** has the right to decide without you there.
9. Getting ready for the tribunal

Getting your evidence ready

This includes:

- things you want to tell the tribunal

- witnesses who can tell the tribunal about you and the decision

- papers like bills or letters to prove the things you are saying

- reports from a doctor or hospital about your disability and how it affects you.
Please tell us if you want a **witness** to go to the **tribunal** to tell them something that will help your case.

Please send us copies of any bills or papers you want the **tribunal** to think about.

If your **appeal** is about **child maintenance**, tell us if you do not want the other person to see your address.

**Finding out about the law**

The **tribunal** will use the law to think about the right decision.
The letter from DWP might say which parts of the law they used for their decision.

**Getting your reply ready**

If you think the DWP have not given an accurate summary of your case, you can write one yourself.

You must send it to us as soon as possible and at least 10 days before the hearing date.
10. Keeping in touch

Please tell us if any of these things change:

- your home address
- your representative
- the type of hearing you want
- if you cannot come to the hearing
- if you decide not to appeal

- if you are no longer with your partner and the appeal is about **Universal Credit** for both of you

- if you and the person you are appealing with want us to write separate letters to you

- if you do not want us to tell your partner your new address.
11. If you go to the hearing

The hearing date

We will write to tell you the date and time of your hearing.

Getting to the hearing

You can fill in a form after your hearing and we will pay the cost of public transport into your bank account. You can only claim taxi fares if we agree this first.

Please keep all your tickets and receipts.

Please get there at least 5 minutes before the hearing starts and let us know if you are going to be late. If you cannot get there, the tribunal will carry on without you.
Remember to bring all the papers you have sent us copies of.

**At the hearing**

The clerk will meet you at the **tribunal** and explain what will happen. They can answer any questions and will deal with your claim for travel costs.

They will tell the **tribunal** you have arrived and let you know if your **hearing** will start on time.

The clerk’s job is to help things run smoothly. They are not involved in any decisions.
The tribunal

People on the **tribunal** are specially chosen and must be experts in the law, medicine, money or disability. They must be able to make fair, independent decisions.

Sometimes just one judge will be at the **hearing**.

But usually the **tribunal** will have people who understand the things you are appealing about.

The law says who must be on the **tribunal** and you cannot choose.
If you know a person on the tribunal or they know you, tell someone before the hearing starts. The person might not be able to decide about your case.

Other people at the hearing

The DWP can send someone to put forward their case. But do not always do this.

Tribunals are open to the public but it very unusual for other people to come. You can ask for the hearing to be private.

What a tribunal is like

- the law says what rules it must keep to
- it is independent and not part of the government

- it looks at questions, facts and the law

- it listens to evidence and makes decisions

- it must be fair to everyone.

But these things are different:

- a tribunal is more relaxed than a court
- no one wears wigs or gowns

- you call people on the tribunal Mr, Mrs, Doctor or whatever they are usually called

- you talk from a table, not a witness box

- you do not usually have to swear on the bible or other holy book to give evidence

- the tribunal asks the questions.
What happens at the tribunal

The tribunal judge decides what happens at each hearing but this is how things usually go:

Introductions

The judge introduces everyone and says what they do at the hearing. They make sure everyone has all the papers they need.

Opening statements

The judge will sum up why you are appealing and explain what will happen. If you have a representative, they might ask them to explain your case.

Evidence

The tribunal will ask questions about the things you do not agree with. They have to make sure they do not miss anything about your case. The tribunal will be very careful if they have to ask personal questions about your disability. Everyone will get a chance to speak.
Medical examinations

A **tribunal** cannot ask a doctor to examine you unless the **appeal** is about an injury at work.

Witnesses

The **tribunal** asks **witnesses** questions about their **evidence**.

Closing statements

The judge will ask your **representative** if they want to sum up your case.

The decision

The **tribunal** will decide in private. They will usually tell you on the day but might write to you if they need more time.
When they give you their decision the appeal has ended.

Sometimes a tribunal needs to meet again to make a decision. This is called an adjournment. They will try to do this as quickly as they can.
12. After the tribunal decides

Telling you about the decision

The tribunal will write to tell you their decision and send a copy to the DWP. You should get this one or 2 days after the hearing.

If there is a mistake

If there is a spelling mistake or something like a date is wrong in this letter, please let us know.

Setting aside the decision

You can ask for the decision to be cancelled if there was something wrong with the hearing like:

- not having all the papers
• you or your **representative** had a good reason for not being able to go

• the **tribunal** did not follow the rules.

You must write to us within a month of the decision and tell us what you think is wrong.

**Making another appeal**

You can only **appeal** again if you think the **tribunal** made the wrong decision and did not use the law properly.
First you must ask the **tribunal** why it made the decision. You must do this within a month of getting the letter with the tribunal’s **statement of reasons**.

If you are not happy with this you can fill in a form to ask a senior judge to ask the Upper Tribunal to look at the case again.

The judge can agree, not give permission or look at the case themselves.
13. What the words mean

**Accessible**
Easy to use or understand.

**Appeal**
Ask someone independent to look at a decision that you think is wrong.

**Child maintenance**
Money a court says one parent must give to the other parent to look after their child if they are no longer living together.

**Clerk**
An HMCTS member of staff who makes sure your hearing goes as smoothly as possible.

**Department of Work and Pensions (DWP)**
The part of the UK government that plans and makes rules about benefits, pensions and child maintenance.

**Evidence**
Facts and information that prove whether something has happened.

**Grounds**
The reason for your appeal.

**Hearing**
An official meeting that listens to facts and makes a decision.
Mandatory Reconsideration Notice
The letter the DWP sends you after they have looked at their decision again.

Panel
A group of people who look at evidence and decide if decisions are right.

Representative
Someone who speaks or acts for another person with their permission.

Requirement
Something that the law says you must do.

Statement of reasons
This explains why the DWP made a decision.

Summary
A short version of information that just gives the main facts or ideas.

Tribunal
An independent panel who look at a problem with decisions the DWP has made.

Witness
Someone who has information or evidence to help the tribunal decide.
Credits

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