

Appeals – Myths vs Facts

- ❖ When you attend a hearing what do you expect as you enter the building and hearing room?
 - *As you enter the building you go to reception and they book you in and direct you.*
 - *When you reach the Tribunal suite of rooms, there is a security check which everyone is subjected to i.e. representatives support workers and the appellant. It is just using a metal detector wand, not a thorough search.*
 - *You go to the waiting room, where you are greeted by a clerk who takes your name and checks the list. They will then send a clerk to welcome you and explain the process (your representative may already have done this)*
 - *When it is your slot, the clerk will come and get you and your rep, support worker, relative, friend etc.*

- ❖ What do you think the Tribunal will be like? How is it made up?
 - *There are no wigs, gowns, juries **it is not** a criminal court!*
 - *The Tribunal is **independent** and nothing to do with the DWP.*
 - *If it is an ESA hearing there will be 2 panel members, The judge (usually a lawyer) and a medical member (e.g. GP, consultant, surgeon)*
 - *If DLA or PIP the panel will also include a Disability member (someone who is experienced in matters of disability).*
 - *In the room there is a large table, the panel sit on one side and you and the people attending with you, sit on the other.*

- ❖ Who may be there other than panel members?
 - *Sometimes, but rarely, there is someone from the DWP attending; they will sit on your side of the table.*
 - *The clerk, who showed you in, may be in and out of the room, but takes no part in the proceedings.*

- ❖ Should I go to the hearing?
 - *Absolutely the best thing to do. The panel want to hear from you, as it helps them to understand the difficulties you have.*

- ❖ Do I need to make a statement or swear the truth like in a court?
 - *No you do not need to make a statement. If you have a representative, they will usually have done a written statement (submission) to the tribunal, stating what the difficulties are as per what you have told them, and from the medical evidence.*
 - *There is no oath taking.*

❖ Questioning and decisions

- *You will be asked questions by the Tribunal members; this is to help them to understand the difficulties that you face from **your** point of view.*
- *Your representative, and other support or family, are also given an opportunity to speak, usually once the panel have finished asking you questions.*
- *Once the Tribunal have all the information they consider they need, you will go back to the waiting room, whilst they make the decision.*
- *You will then usually be asked to go back into the tribunal room and handed the decision.*

❖ How long will the hearing last

- *The Tribunal would **usually** last around half an hour when in the room and perhaps a further 15 minutes while you are back in the waiting room for the decision.*
- *When you return to the room the decision will be handed to you, and also one to your representative, if you have one.*
- *You do not need to do anything further, as the Tribunal send a copy to the DWP, who will deal with the decision by paying you any award monies due to you, together with any backdating.*

Remember:

- ✓ The Tribunal are there to hear you, they have already heard from the DWP from the papers.
- ✓ They are not there to trick you or upset you. They are there to make an informed decision taking what you say into account. They are there to find the facts so what you tell them (the truth) really matters.
- ✓ They are not going to judge you personally, so if you have sensitive problems it is still important to try and tell them.
- ✓ If you have a representative they will have already have given the panel and indication of what the problems are, which should make the process easier.
- ✓ Be proud of yourself for attending.