



**Better off**

West Lothian



# Appealing A Decision You think is wrong



**The Advice Shop is a free, impartial and confidential service** to help the people of West Lothian with a focus to alleviate poverty and to promote inclusion and equality through advice, assistance and advocacy.



West Lothian  
Council

## 1 Are you unhappy with a benefit decision?

If you think the decision is wrong then you can appeal the decision. The Advice Shop can advise what options you may have based on current legislation; there are strict rules and timescales that must be followed. You will need to think about this when considering your options.

## 2 If you decide to Appeal

Asking the Department of Works and Pensions to look again at a decision can take time. The table below gives you an idea of the time it might take:

Mandatory Reconsideration	No set timescale on average 2 months
Lodging an Appeal	You should receive acknowledgement of appeal being received within 4 weeks
Appeal Tribunal Date	On average 3 – 9 months
Statement of reasons	On average 2 months
Upper tribunal request submitting error in law	On average 2 months
New appeal date if upper tribunal accept error in law	On average 2 months

### 3 Getting started

Before you appeal - You must ask for a mandatory reconsideration within a month of the date of a decision.

A mandatory reconsideration is a formal request to ask the Department of Work and Pensions to look again at the decision. This can be done in writing or on the telephone. Your original decision will be looked at again. You will get a 'mandatory reconsideration notice' telling you whether the decision has been changed.

How to ask for a mandatory reconsideration?	<ul style="list-style-type: none"><li>In writing or by telephone</li></ul> <p><b>MUST BE <u>WITHIN ONE MONTH</u> OF DECISION</b></p>
What if I am not happy with new decision	<ul style="list-style-type: none"><li>You must make an appeal within one month of the date of decision of your mandatory reconsideration decision.</li></ul>



**You must make an appeal WITHIN ONE MONTH of decision.**

## 4 How to make an Appeal

If you disagree with a decision you can make an appeal.

An appeal can be made by completing an SSCS1 form.

You cannot appeal if you have not asked for the mandatory reconsideration within the time limit.

<p>How to request?</p>	<ul style="list-style-type: none"> <li>• MUST BE <u>WITHIN ONE MONTH</u> of Mandatory Reconsideration decision outcome</li> </ul>
<p>How long will it take for appeal date?</p>	<ul style="list-style-type: none"> <li>• You should receive a letter within four weeks advising your appeal has been received.</li> <li>• Contact Tribunal Service if you do not receive this on <b>0141 354 8574</b></li> <li>• On average it takes 3–9 months for an appeal date.</li> </ul>

## 5 How to complete the SSCS1 form

Have you already lodged an Appeal and need a Representative? Whether you have lodged an appeal or need help to complete the appeal form (SSCS1 form) the Advice Shop offers appeal representation and can guide you through the complexities of legislation, decision notices and medical reports. The representative will support you to understand what happens, the reasons why you can appeal and help you prepare for your appeal.



## 6 How do I request a Home Hearing? (Domiciliary Hearing)?

A domiciliary hearing is a hearing held in your home. You should request this as early as possible in the appeal process and you need to provide medical evidence to support this request. The Department of Works and Pensions has strict criteria for these requests and not all requests are accepted.

You can contact the Tribunal Service to discuss your request on **0141 354 8574**.

## 7 What should I bring to my Appeal preparation appointment?

When a date has been allocated for your Appeal, you will be contacted by an Advice Shop representative to arrange a meeting to discuss your case.

We recommend you read through your Appeal papers before your appointment to familiarise yourself with what the Department of Work and Pensions and the Tribunal Hearing will be looking at.

What evidence should I bring?  Letters should be dated within the last two years.	<ul style="list-style-type: none"><li>• Any medical evidence you have supporting your health problems.</li><li>• Any letters from Consultants, GP, Psychiatrist, Psychology unit.</li><li>• Any evidence of new appointments, tests, results.</li></ul>
How long will the appointment take?	<ul style="list-style-type: none"><li>• It should take about one hour.</li></ul>



**failure to attend the preparation appointment may result in withdrawing representation.**

## 8 What should I expect on the day of my Tribunal?

Your representative will explain to you at the appeal preparation appointment what to expect on the day of your tribunal.

The tribunal setting is an informal discussion around a table (it is not a court room setting).

The location for West Lothian residents is normally Riverside House in Edinburgh.



## 9 What if I am unhappy with Tribunal decision?

You can contact the Advice Shop to discuss what options you may have.

This is a complex process and we recommend that you get advice if you feel that there has been an error in law. There are various processes that must be followed and you have one month from your date of tribunal to lodge a further appeal.

## 10 Useful Contacts:



<b>Benefit Enquiry Line</b> Department of Work & Pensions	<b>0345 608 8545</b> ESA, Income Support, Job Seekers Allowance, Universal Credit
<b>Tribunal Service</b>	<b>0141 354 8574</b>
<b>Benefits – New Claims</b>	<b>0800 055 66 88</b>
<b>Personal Independence Payment</b>	<b>0345 850 33 22</b>
<b>Disability Living Allowance</b>	<b>03457 123456</b>
<b>Attendance Allowance</b>	<b>0345 605 6055</b>
<b>Carers Allowance</b>	<b>0345 608 4321</b>
<b>Social Work</b>	<b>01506 282252</b> (under 65) <b>01506 776700</b> (over 65)
<b>Concessionary Travel</b>	<b>01506 280000</b> (or pop into your local council information office for a form)
<b>Advice Shop</b>	<b>01506 283000</b>

# For more info, help or support from the advice shop

## **Drop in – Advice Shop**

Bathgate Partnership Centre  
Lindsay House  
South Bridge Street  
Bathgate  
EH48 1TS

Monday - Thursday 8.30 - 5pm

Friday 8.30 - 4pm

**Call us - 01506 283000**

**Email** - [advice.shop@westlothian.gov.uk](mailto:advice.shop@westlothian.gov.uk)

**Outreach sessions** – call us for details

**Website** - [www.westlothian.gov.uk/advice-shop](http://www.westlothian.gov.uk/advice-shop)

## **Have we represented you at appeal?**

take our online survey – tell us how we done

[www.esurveycreator.co.uk/s/AdviceShopAppeals](http://www.esurveycreator.co.uk/s/AdviceShopAppeals)

Information is available in braille, tape, large print and community languages. Contact the interpretation and translation service on **01506 280000**.

Text phones offer the opportunity for people with a hearing impairment to access the council. The text phone number is **01506 591652**. A loop system is also available in all offices.