

**How to Appeal against a Decision made by the
Department for Work and Pensions**

**A guide to completing the Notice of Appeal Against a Decision of the
Department for Work and Pensions (SSCS1 Appeal Form)**

It is important that you complete your SSCS1 appeal form correctly to make sure that there are no delays in processing your appeal. This guide sets out how to complete each section on your form.

Section 1 – About the decision that you are appealing against:

Before you complete this form, you will need to make sure that you can appeal. This information will be contained in the Mandatory Reconsideration Notice that you have received. The last page will have a section which tells you what you can do if you disagree with the decision. Usually there is a right of appeal in common cases such as where you have been found to be capable for work, have been overpaid or have had a sanction applied to your claim.

You should have 2 copies of this reconsideration notice, and you will need to send one of these copies to HM Courts and Tribunals as part of your appeal. If you do not send a copy, then there will be a delay in processing your appeal. Please ensure that you tick the boxes under Section 1 before sending your appeal form, and that you attach one of Mandatory Reconsideration notices to your appeal form.

Section 2 – About you

This section simply asks for your personal details, so that HM Courts and Tribunals Service can identify who you are. It is important that you provide accurate details to make sure that your appeal is logged correctly.

Section 3 – About a Child or other person you are appealing for

If you are appealing a benefit decision on behalf of your child (such as a Disability Living Allowance refusal), then you will need to complete this section with the details of the child that you claimed for. **If you are appealing for yourself you do not need to complete this section.**

Section 4 – About your representative

If you have approached an organisation to support your appeal, and they have accepted, then you will need to list their details in this section. If you do not know their details, you will need to contact the organisation and they will advise you of the information. Listing your representative will make sure that the Department for Works and Pensions send the representative the same information that they send you.

Section 5 – About your appeal

This is the section that need to explain exactly why you wish to appeal. It is not enough to simply say that you do not agree with the decision. You need to be able to explain which parts of the decision you disagree with and why. For example:

‘The decision maker says that I can walk more than 200m, but because I have arthritis in my knees, I can only walk 50-60m and then I need to stop. I do not think that the decision maker has fully looked at how I am affected by my health.

The more information you can provide in the section the better.

Is your appeal in time?

You must appeal within 1 month of the date on your Mandatory Reconsideration Notice. If you are appealing outside of this time, you must tick to say that your appeal is late and then explain the reasons why your appeal is late. If it is late then HM Courts and tribunals Service would need to decide if you had a good reason for appealing late and would then decide if they could accept a late appeal from you. If you cannot provide a good reason for appealing late, then you may find that your appeal is refused. Good reason can include things such as

- Being in hospital
- Being unwell
- Bereavement
- Family emergency

This is not a complete list, and if you think you have a good reason, then you need to explain it on the form, and HM Courts and Tribunals can decide if they can accept your late appeal.

Section 6 – About your choice of hearing

When you appeal, you have **2** choices of appeal hearing.

You can chose to attend your appeal hearing, where an Independent tribunal will discuss the facts of your case with you, and take information directly from you, and then make a decision based on all of the information available to them.

Alternatively you could chose to have an appeal where you do not need to attend and a Tribunal Panel will decide your case based only on paper evidence. You can send in information that you would like the Tribunal to consider and they will then make a decision.

If you are unsure of which option to choose, it is better to tick that you will attend your appeal hearing, as you can then change your mind at a later date. If you later decide not to attend, the Tribunal could decide your case based on the evidence that has already been provided. For more information about deciding not to go to your appeal, please see section 11 of ‘Appealing your Benefit Decision’.

Statistics show that where you attend an appeal, your chances of success are higher than where you do not attend, however some people find that attending an appeal is quite stressful, and so it is important that you chose the option that is right for you. You can take a friend or relative to your appeal with you, and your representative might also be able to attend.

Section 7 – The Hearing – Your needs and requirements

This section only needs to be completed if you have ticked in Section 6 that you will attend your hearing.

This question asks you for information about dates where you may not be able to attend an appeal hearing. If you have a representative and they are going to attend the appeal with you, it is best to check with them if they have any dates in the coming months, where they would not be able to attend.

This section will also ask you to list any special requirements that you may have, such as needing an interpreter, or a hearing loop if you have a hearing impairment. If you need either of the above, then HM Courts and Tribunals Service will provide them for you.

Question 4 in this section asks if you would be happy to attend an appeal hearing with less than 14 days' notice. By law, HM Courts and Tribunals must give you 14 days' notice of your appeal hearing date and time, however in many cases, you will receive 6-8 weeks' notice. If you indicate that you are happy to receive less than 14 days' notice, then you may be contacted should there be a cancellation of another hearing.

If you have a representative, again, you should check if they can prepare a case for you at short notice and attend at short notice, as they may not have sufficient time to prepare a case for you, if little notice is given of your appeal date and time. Any evidence that you wish to use in your case must ideally be sent to HM Courts and Tribunals 14 days before your hearing, and if you accept a short notice hearing, there may not be time to do this.

Section 8 - Your Signature

This final section simply requires you to sign and date the form and then return it to the address shown on the bottom of the form. You should then receive a standard letter 2-3 weeks after sending this, to confirm that they have received your appeal, and to explain what will happen next.

In the meantime, we would recommend that you familiarise yourself with the HM Courts And Tribunals Service Document entitled 'Appealing your Benefit Decision', which sets out what you can do to prepare for your appeal hearing.