

Bristol Autism Spectrum Service

Guide to Benefit Assessments and Tribunals

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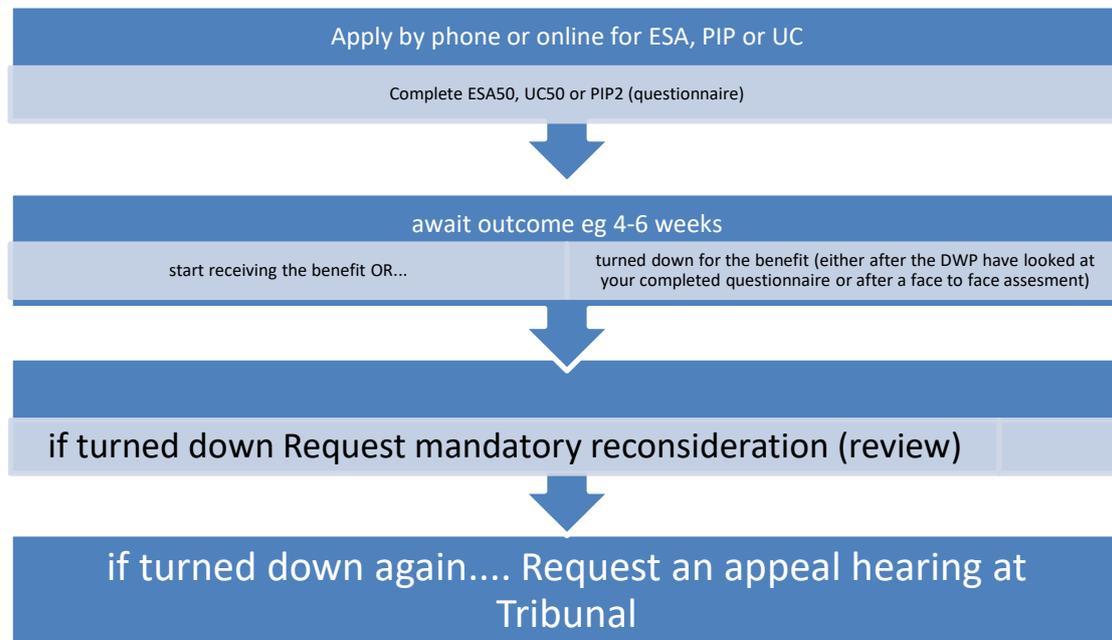
This Guide is to help you understand how assessments and Tribunals work. This includes assessments for Employment and Support Allowance (ESA), Personal Independence Payment (PIP) or Universal Credit (UC).

Many people are actually eligible for ESA or PIP but have their initial applications rejected when they apply for ESA or PIP (many are awarded zero points) so read on about how to challenge decisions!

If you do wish to challenge a decision, it is essential to read this Guide alongside the [Guide to Employment and Support Allowance](#) or the [Guide to Personal Independence Payment](#).

It is also a good idea to get support from specialist agencies such as Bristol Autism Spectrum Service 01275 796 204, [Welfare Rights and Money Advice Service](#), or [Citizens Advice Bureau](#), if your application is rejected as you may need to request further help and possibly go to Tribunal.

The process of having DWP turn your application down, and what to do at each stage



What is a face-to-face assessment?

If you have claimed ESA, UC or PIP it is likely that you will be asked to attend a face-to-face assessment with someone from an agency paid by the DWP to carry out assessments. For example: Independent Assessment Services (IAS). This may be at Flower's Hill in Brislington or Queen Charlotte Street if you live in Bristol.

IAS use face-to-face assessments to find out if in their opinion what you wrote on your claim form is true or not.

Quite often people lose their entitlement to a benefit after attending a face-to-face assessment so it is very important that you get advice and this Guide will give you some useful information about the process you are undertaking.

It is important (if possible) someone accompanies you during the face-to-face assessment.

Asking for a postponement of a face-to-face assessment

If you need to postpone a face-to-face assessment then call the number on the ESA, PIP or UC assessment appointment letter. You may be put on hold for quite a long time. Ask them if you can postpone the assessment. Explain that you need to have someone attend with you due to your anxiety.

For example, you could say: "I have autism so going anywhere new causes me to feel extremely anxious. I need to have someone who understands my condition, encourages me and helps me keep calm. I won't be able to answer the questions unless I have someone with me in the room. Can I rearrange the date for [xxxxx DATE AND TIME xxxx]?"

Have your diary with you and the person who is going to come with you so that you can rearrange a more convenient time for you both.

Generally, you are allowed to move an assessment date once only.

Phone 0800 288 8777 Monday – Friday 9am-5pm to postpone an assessment. See [here](#) for more details

Writing letters to postpone assessments

You are advised to phone (or get someone to call for you) to postpone an assessment but you can write if you prefer.

Write any letters to postpone assessments to Medical Services (not the actual assessment centre address).

Writing letters to the assessment centre does work for PIP but it is better to write to Medical Services... (ADDRESS).

Apparently Medical Services will not let you fax letters to them but will accept scans sent from your local Job Centre.

Always keep copies of any letter you send to Medical Services.

Important things to do before and during the assessment

- ✓ Take identification with you eg passport
- ✓ Take another person with you into the assessment room
- ✓ Take a book, tablet, phone with you in case you have to wait at the assessment centre, before your appointment
- ✓ Make sure you take along a copy of your claim form and any notes, so you can refer to it
- ✓ Do not be pressured to speak too quickly or answer if you are not sure what to say
- ✓ Just say “I don’t know how to answer that” or “I don’t know” if you are not sure about anything they ask (or you are being pressured to answer)
- ✓ Do make it clear how autism affects every day
- ✓ Do not pretend things are easier for you than they really are... you need to inform the assessor (who will probably not understand much about autistic thinking and experiencing) what makes life harder for you. If you don’t you are unlikely to get the benefit.
- ✓ Do not talk about difficulties unless they are about the questions in the form (you cannot get points unless your difficulties directly relate to the questions on the form)
- ✓ Do tell the assessor if you need verbal prompts to achieve tasks during the day and rely on others to provide these. Explain that if you don’t get verbal prompts (encouragement, reminders, help to stay on task etc) you often do not get daily living tasks done such as washing yourself, eating, cleaning kitchen surfaces, leaving the house to get to the shops
- ✓ Do tell the assessor if you need help/support to leave your home (encouragement, someone beside you, help to stay calm etc). Explain that if you are outside of your home you feel very anxious and panicky. Explain if you sometimes have panic attacks or have to escape and go back home in a rush
- ✓ Don’t expect the assessor to be helpful to your claim
- ✓ Keep receipts for claiming expenses

Travel expenses

You can claim expenses for travel to an assessment so make sure you keep receipts. If you cannot travel by car or public transport and need to take a taxi, phone in advance to state this. You will need medical evidence to say you need a taxi. Anyone who is going to the face-to-face assessment as your supporter can also claim their travel costs.

What to do if you miss a face-to-face appointment?

If you are sent a letter stating you have missed the face-to-face appointment and your case will be closed, write back to the Department for Work and Pensions (DWP)/IAS with an explanation. Get a professional eg BASS, WRAMAS or CAB to assist with this. For example, you may state that because of having autistic thinking you frequently misplace paperwork and forgot about the assessment.

If the DWP have closed your claim, as a last resort, then you can always make a fresh claim and start the process again.

Face-to-face assessments – requesting a home visit

If you request a home visit the Independent Assessment Services (IAS) may agree to visit you at home unless they think there is a risk involved, eg if you have a history of violence towards others or objects. They may make more than one visit to meet with you.

If you do have a home visit from an assessor, do not specially tidy and clean your home, or dress if you normally spend most days in your pyjamas. The assessor needs to know how you really live.

What happens during a face-to-face assessment?

You will be sent a letter giving you the venue, date and time of the assessment.

When you arrive at the assessment centre you will tell the person at the front desk that you have arrived. You will be shown where to sit and wait to be called. The assessor will invite you into a private room. Your support person should also be invited in and they should identify themselves. The support person can speak if you get stuck. You can ask your support person to help you answer questions. Don't be afraid to do this.

Some assessors appear to demonstrate a lack of understanding of autism. Many assessors do not appear to read the application forms (ESA50, PIP2 or UC50 questionnaires you filled out) or professional reports.

Some people have reported that the assessor was very busy typing and did not appear to assess the person's eye contact or other interpersonal skills. The assessor will tend to paraphrase what you say rather than write what you actually said (and this can be contested later by mandatory reconsideration or Appeal).

The Bristol Autism Spectrum Service is aware of several recent cases in which it was noted that if a person has a degree, been in employment, been to a mainstream school or had a driving licence, they are judged by DWP to be capable looking after themselves and do not

qualify for the benefit they are applying for. These kinds of assumptions can be contested later by mandatory reconsideration or Appeal.

Other people at face-to-face assessments have had experiences that are more positive. For example, one person with autism said that, "The assessor used simpler language and gave me plenty of time to process and digest the information. She also gave me enough time to think and answer the questions."

Who are the assessors?

The assessors are health professionals, for example a physiotherapist or nurse. They may not fully understand how autism affects people in their daily life.

The assessor is not the decision maker

After the IAS assessor sees you at the face-to-face assessment they write a report which is sent to the decision maker. The decision maker is the DWP. They write their decision based on the report the assessor sends to them.

Questions you may be asked during a face-to-face assessment or during an appeal Tribunal

1. How did you get here?
2. Who filled in the form?
3. What are your medical conditions?
4. How are you day to day?
5. Symptoms from your condition? How does your autism affect you?
6. Who diagnosed your condition/s?
7. Other health conditions?
8. Accommodation questions –who do you live with? What sort of property? Eg shared house? Tenant or home owner etc?
9. How are stairs managed?
10. Aids/rails, who installed?
11. What do you do for work? Any difficulties with previous jobs (if you now unemployed)? When did you last work?
12. Computer at work?
13. Adaption on computer?
14. Hours per week?
15. Own or shared office?
16. Reasonable adjustments at work?
17. Driving questions / why stopped?
18. Help with Food shopping?
19. School, mainstream or special?
20. Exams /grades?
21. Aids at school?
22. Do you Cook at home? Any difficulties? What sorts of meals do you cook?
23. How often do you eat microwave meals?
24. Difficulties with standing?
25. How often stand in one place?
26. How many meals in one day?
27. Have you lost any weight?
28. Referred support for weight issues?

29. Can you cut food with a knife and fork?
30. Can you eat without the physical assistance of someone else?
31. Where do you keep your medicines? Do you forget to take medicines?
32. Can you take medicines out of dosette boxes?
33. Prefer bath or shower?
34. Do you stand in the bath/shower?
35. Difficulties with showering/bathing? How often do you have difficulties with this?
36. Can you wash head to toe? If not what difficulties do you have?
37. Any difficulties using the toilet?
38. Cleaning yourself or the bathroom after using the toilet?
39. Managing / accidents with going to the toilet?
40. Do you always put on clean clothes?
41. How do you manage getting dressed?
42. Difficulty speaking to people and understanding?
43. Hearing issues?
44. Reading issues?
45. Can you read a letter sent to you in the post?
46. Do you find socialising difficult? What do you find difficult?
47. Speaking to new people? Any difficulties with this? If so what difficulties?
48. At work who do you speak to?
49. Reading facial expressions or body language?
50. Do you check your bank balance? Do you manage the rent? Own bank account?
51. Do you open, read your post?
52. Anxiety about or debt issues with managing money?
53. Travelling, use of bus, public transport? Unfamiliar journeys, how would you plan?
54. How far can you walk and what aids do you use?
55. Have you ever tried to commit suicide? Do you have support from NHS services?
56. The assessor may give you three words to remember. After about 5 minutes, the assessor asks to recall the three words.
57. The assessor may ask you to how much change would you get if you have a pound and spend 75p
58. The assessor may ask you to carry out some subtraction tasks. For example, "100 – 9", "91 – 9" etc. They will stop when you give the wrong answer.
59. Occasionally if you have stated that you have physical difficulties, the assessor may ask you to stand up from the chair, check neck movement, asks to do squats, bend down reaching toes and some leg movements whilst sitting on the chair.
60. The assessor may ask, "Can you fold this piece of A4 into 2 and hand it back to me?"

Can I avoid a face-to-face assessment by a support worker talking to the IAS or other assessor?

A telephone call with the IAS or other assessor agency can sometimes avoid a face-to-face assessment. We do not advise you to take these calls but if you do be very careful with anything, you say. Do not contradict anything in your application form. Many people decide to not put a contact phone number on their application form to avoid having to take calls from IAS as it will make them flustered.

If you or a support worker (eg Bristol Autism Spectrum Service) do take the call, have all relevant information in front of them including the original paper claim form and/or written report. Stick to the answers you put in the application form, reading them out if necessary to

the assessor on the phone.

Things to note during the face-to-face assessment

It is not essential but it is helpful for anyone who supports you to make notes during the face-to-face assessment:

1. How long was the interview?
2. Did you have to wait (this could affect the quality of the answers)?
3. Did they ensure questions were understood by you?
4. Attitude of the interviewer? (were you rushed or pressured?, was the assessor unfriendly?)
5. Anxiety demonstrated by service user (often this is not noted in decision makers' reports)?
6. Did the assessor ask things like, "can you cook beans on toast?". They frequently ask similar questions and then assert in their report that you can cook. However beans on toast or other basic snack meal does not satisfy the requirement of making a meal from fresh ingredients for PIP.
7. Were there leading questions used to get you to answer in a certain way ('you do cook for yourself, don't you')
8. Did the assessor ask literal or ambiguous questions? Eg one assessor said "do you have a bath?" to which a person with autistic thinking replied: "Yes" (meaning I do literally have a bath in my bathroom) even though she never uses it!
9. Were you stressed during the assessment and was a break offered during the assessment?

If the DWP decide you are not eligible for the benefit you are applying for after a face-to-face assessment then you may be able to point to a procedural error or other bad practice in how the assessment was conducted. You should use this information in your request for mandatory reconsideration or appeal to Tribunal. Get support from Bristol Autism Spectrum Service (awp.bass@nhs.net or call 01275 796 204) if you need it to request mandatory reconsideration or appeal to Tribunal.

Complaints about ESA or PIP assessments

If you have a complaint about any aspect of how you have been treated or think the assessment was unfairly carried out in any aspect write to:

Complaints
Independent Assessment Services
PO Box 1006
Stockton on Tees

TS19 1UL

If you do not get any response, chase them up.

Do you get ESA or PIP payments whilst waiting on mandatory reconsideration or appeal?

Get advice about this from BASS, WRAMAS, CAB or a Jobcentre

Usually you will not be paid ESA whilst waiting on a mandatory reconsideration or appeal but you could claim Universal Credit or Job Seeker's Allowance. JSA may be a better option as once you have claimed UC successfully you cannot go onto ESA anyway (even if your mandatory reconsideration is successful).

How long will DWP take to make a decision?

They say it will take about 4 weeks once the assessment is completed. However, in practice it takes many weeks more. Phone them after 4 weeks to chase up any decision.

What to do if you are turned down for ESA, PIP or UC

You may be turned down for a benefit, having had a face-to-face assessment, or not. Either way this is what to do:

1. Get support from Bristol Autism Spectrum Service (awp.bass@nhs.net or call 01275 796 204)
2. Ask the DWP for a mandatory reconsideration or review. A mandatory reconsideration or review means asking the DWP to re-look at the decision they made to not give you the benefit. Your letter that explained why they were not giving you the benefit tells you how to apply for a mandatory reconsideration.
3. Ask the DWP for a copy of the assessor's FULL report (instead of just getting the shorter decision maker's report).
4. Send on any more supportive evidence for the mandatory reconsideration to the DWP. Sometimes if you are known to BASS we can help with this. WRAMAS, CAB may also be able to assist.

NB – Most requests for mandatory reconsideration result in the same response from DWP – ie not giving you the benefit or the rate you think you are entitled to.

What to do if you are turned down *again after the DWP has carried out a mandatory reconsideration*

1. Get support from Bristol Autism Spectrum Service (awp.bass@nhs.net or call 01275 796 204)
2. Ask for an appeal hearing before a Tribunal (the letter from the DWP tells you how to request this)
3. Get more supportive evidence to send to appeal (Bristol Autism Spectrum Service may be able to provide this or other professional who knows you or contact WRAMAS or CAB to assist).

What if you are put into the 'wrong' group for ESA or UC?

You can ask for a mandatory reconsideration and appeal if you think you are in the wrong group for ESA/UC. For example, if they put you in Work Related Activity Group (WRAG) instead of Support Group you can phone or write to ask for Mandatory reconsideration and Appeal.

Get support from Bristol Autism Spectrum Service (awp.bass@nhs.net or call 01275 796 204)

Sometimes a request to change a DWP decision to put you in the WRAG is accepted at the last minute before an actual Tribunal. This might occur if the Tribunal panel have read the papers and discussed with DWP staff and think there has clearly been an error of judgement by DWP.

What happens at a tribunal?

If you have been turned down for PIP or ESA and after requesting a mandatory reconsideration you have been turned down again then you may wish to appeal the DWP decision.

Your appeal is a request that your claim is considered before a Tribunal. You make this request through the letter you receive back at the mandatory reconsideration stage. The Tribunal HM Court and Tribunal Service provide the appeal service.

The Tribunal is made up of a panel with three members. This is a judge, a medical person (eg doctor) and a person to represent disability. Unlike face-to-face assessments with IAS/DWP, the Tribunal is more likely to allow parents and supporters to contribute to the hearing, to some extent. The judge may be friendly or seem quite strict. It just depends who you have on the day, but either way the Tribunal is a legal process.

The tribunal can be in an actual courtroom for example, in North Somerset, or a less formal setting where the Tribunal panel members will sit behind a large desk or table.

The clerk to the Tribunal will introduce him or herself and take the name of everyone who attends for example a person who has made the application, parent, partner or representative. Bristol autism spectrum service (BASS) staff can be representative sometimes.

Anyone who is Appointee will usually be present. An appointee is a person who receives the benefit payment on behalf of the beneficiary (eg parents are sometimes Appointee for their son or daughter with autism).

The Tribunal is willing to find out what is the origin of the dispute, what DWP is failing to see. Therefore, they are not against you or your representative.

The Tribunal will ask you many questions from different perspectives, the doctor, the judge, and the health care professional.

The Tribunal panel will all ask questions and usually try to asks question in a way you understand. They usually seem to understand that you find hard to explain the genuine reasons for why you find certain aspects of life harder than the average person.

The judge will focus on the person with autism asking them questions. While they ask you questions, your representative is not entitled to intervene. However, the representative can add additional information as necessary. They will usually give your representative a slot to add any further information/clarifications/explanations.

Do I have to attend a Tribunal in person?

You do not have to attend a Tribunal in person though most people do. The Tribunal can hear your request without you present.

How long are Tribunals?

Tribunals can be short (eg 15 minutes) or long (eg an hour and 15 mins). If you wish to have a break you can ask the clerk if you may have a break after 30 minutes (for example).

Do the DWP send officials to Tribunals?

Occasionally there will be a representative from DWP at a Tribunal.

It has been known that when a DWP representative attends a Tribunal he or she may accept that their initial decision was wrong and accept that they need to award extra points. It is useful for any professional supporting you to complete a report for the Tribunal, especially if you can add any further information to the claim (but don't worry if you have already written all you feel you need to).

Organisations that may be able to assist with assessments and Tribunal issues, if you are unable to access the Bristol Autism Spectrum Service or Bristol City Council Welfare Rights and Money Advice Service

Avon and Bristol Law Centre
2 Moon Street
Stokes Croft
Bristol
BS2 8QE
Public Tel 0117 924 8662
Website <http://www.ablc.org.uk>
Service offered

Legal advice, assistance and representation. Telephone advice lines: housing and debt - 0117 916 7730. Welfare benefits - 0117 916 7722. Employment and discrimination - 0117 916 7727. Immigration - 0117 916 7733. Discrimination in goods, services and housing - 0117 916 7704. Also offer legal advice in community care and mental health.

Disability Information and Advice Service - Bristol
Unit E, Link House
Britton Gardens
Kingswood
Bristol
BS15 1TF
Public Tel 0117 947 9911
Website <http://www.wecil.co.uk>
Service offered
Telephone advice and information for disabled people, their families and carers on all aspects of disability, including welfare rights, aids and adaptations, holidays.
Appointment system for form filling and Blue Badge.

Filwood Hope Centre
11-13 Filwood Broadway
Knowle West
Bristol, BS4 1JL
Public Tel 0117 9634566
Walk-in advice centre with a range of services for the local community in Knowle West and South Bristol. Specialist benefit and debt advice Tuesday 1pm-3pm and Thursday 10am-12 noon from South Bristol Advice Service. Council rent advisor Tuesday 9.30 –3pm. Age Concern drop-in Wednesday 9.30 – 11-30 am, home visits pm. Counselling available daily.
Knowle West and South Bristol.

North Bristol Advice Centre

2 Gainsborough Square

Lockleaze

Bristol

BS7 9XA

Public Tel 0117 951 5751

Website <http://www.northbristoladvice.org.uk>

Service offered

Specialist information and advice for the local community on welfare benefits and debt. Community support at home for over 55's in the Lockleaze and surrounding North Bristol area. Outreach Welfare benefits and Debt advice sessions provided at Lawrence Weston, Southmead, Patchway, Kingswood, HMP Bristol and Shirehampton.

Postcodes BS7, BS9, BS10, BS11, BS15, BS16, BS32, BS34.

Shire Advice Service

115 High Street

Shirehampton

Bristol

BS11 0DE

Public Tel 0117 982 9399

Website <http://www.shireadvice.net>

Advice and information for the local community on a range of issues, including consumer, debt, employment, housing and welfare benefits. Drop-in advice sessions at Shirehampton Health Centre, Pembroke Road on Tuesday, Wednesday and Thursday 10am - 12 noon and at St Andrew's Church, Avonmouth on Monday 9.30am - 11.30am.

Shirehampton, Lawrence Weston, Avonmouth, Sea Mills.

South Bristol Advice Services

Withywood Centre

Queens Road

Bristol. BS13 8QA

Public Tel 0117 985 1122

Website <http://www.southbristoladvice.org.uk>

Service offered

Advice and information for the local community on benefits, consumer issues and money/debt provided at a range of venues in South Bristol. Specialist help in debt and welfare benefits. Drop-in outreach services at a range of venues in South Bristol - phone for details.

South Bristol (BS3, BS4, BS13, BS14).

St Paul's Advice Centre

146 Grosvenor Road
St Paul's
Bristol
BS2 8YA
Public Tel 0117 955 2981

Service offered

Advice and information for the local community on a range of issues, including housing, immigration, money and debt, benefits, consumer rights and employment rights. Representation at social security appeal tribunals. Benefits and debt advice by appointment.

Area served

Fishponds, Easton, St Agnes, St Werburghs, St Judes, St Pauls, Montpelier and surrounding areas.