

## **A Roofbreaker Guide to Disability benefits applications and appeals**

The disability benefit system is undergoing a major upheaval. Employment Support Allowance has replaced Incapacity Benefit and will itself be replaced by Universal Credit. Claimants now attend a Work Capability Assessment where once their doctor's evidence would have sufficed. Personal Independence Payments replace Disability Living Allowance. The Independent Living Fund has been axed. Losing this lifeline means many severely disabled people having to move from independent living into institutions. Disability has effectively been redefined so that those who can move the length of a double decker bus don't qualify for a Motability car, and 900 people a week are losing their cars. Some shocking results of this are:

- 90 people per month die within 6 weeks of being found fit for work and having their benefits stopped \*
- People switching from DLA to PIP lose on average £4367 per year\*\*
- 123,000 disabled people facing a combination of three benefit cuts have a reduction in income of up to £18,100\*\*

The claims and appeals process is shown in the flow chart below. Currently 67% of appeals succeed. But for every successful appeal, there are many more who would win but feel too ground down by the process to put themselves through an appeal. Through the Roof has been considering how churches can help disabled people navigate the application and appeals system. We can't offer training in this for legal reasons. But we would like to signpost Roofbreakers to sources of help.

### **Disability rights**

You can buy the comprehensive Disability Rights Handbook for £19.50 from <https://www.disabilityrightsuk.org/shop>. Some good general advice and pointers to further help can be found at <https://www.disabilityrightsuk.org/getting-advice>, as well as at [www.scope.org.uk/support/disabled-people/local/about](http://www.scope.org.uk/support/disabled-people/local/about).

### **Benefit applications and appeals**

The Citizens' Advice Bureau has information about applying for disability benefits: <https://www.citizensadvice.org.uk/benefits/sick-or-disabled-people-and-carers/>. Find out how to speak to a CAB adviser in person: <https://www.citizensadvice.org.uk/about-us/how-we-provide-advice/advice/>. For advice on PIP appeals see: <https://www.scope.org.uk/Support/Tips/Disabled-people/PIP-appeals> and

<http://www.advicenow.org.uk/guides/how-win-pip-appeal>. CAB in Scotland is [www.cas.org.uk/bureaux](http://www.cas.org.uk/bureaux) and general disability advice and a helpline for Scotland is available at <http://www.disabilityscot.org.uk/>.

### **Free legal advice**

Free legal advice can be obtained over the telephone from the Disability Law Service, <http://dls.org.uk/>. And for people living within the London Boroughs, search for local advice organisations here: <http://advicelocal.org.uk/>. Another website that can point you in to help and legal advice is <https://www.lawworks.org.uk/>.

### **Free legal representation**

Appeals to the Upper Tribunal require legal representation, and the Law Centres Network has a list of law centres with a legal aid contract for this work: <http://www.lawcentres.org.uk/lcn-s-work/welfare-benefits-upper-tribunal-service>, or for Scottish residents: <http://www.govanlc.com/salc>. The charity Bar Pro Bono Unit provides free legal assistance from volunteer barristers: [www.barprobono.org.uk](http://www.barprobono.org.uk). The Free Representation Unit provides legal representation in London, the South East and Nottingham: [www.thefru.org.uk](http://www.thefru.org.uk).

### **Age-related benefits**

Advice regarding disability benefits for people aged over 65, including help with making a claim, is available from <https://www.ageuk.org.uk/information-advice/money-legal/benefits-entitlements/disability-living-allowance/>. Advice about benefits for carers and Carers Assessment can be accessed via [www.carersuk.org](http://www.carersuk.org).

### **Debt advice**

Disabled people who find themselves in debt because of poor benefit decisions, or the increased costs of having a disability (currently estimated at an average of around £550 a month more than the cost of living for the non-disabled population) could obtain help through Christians Against Poverty, [www.capuk.org](http://www.capuk.org).

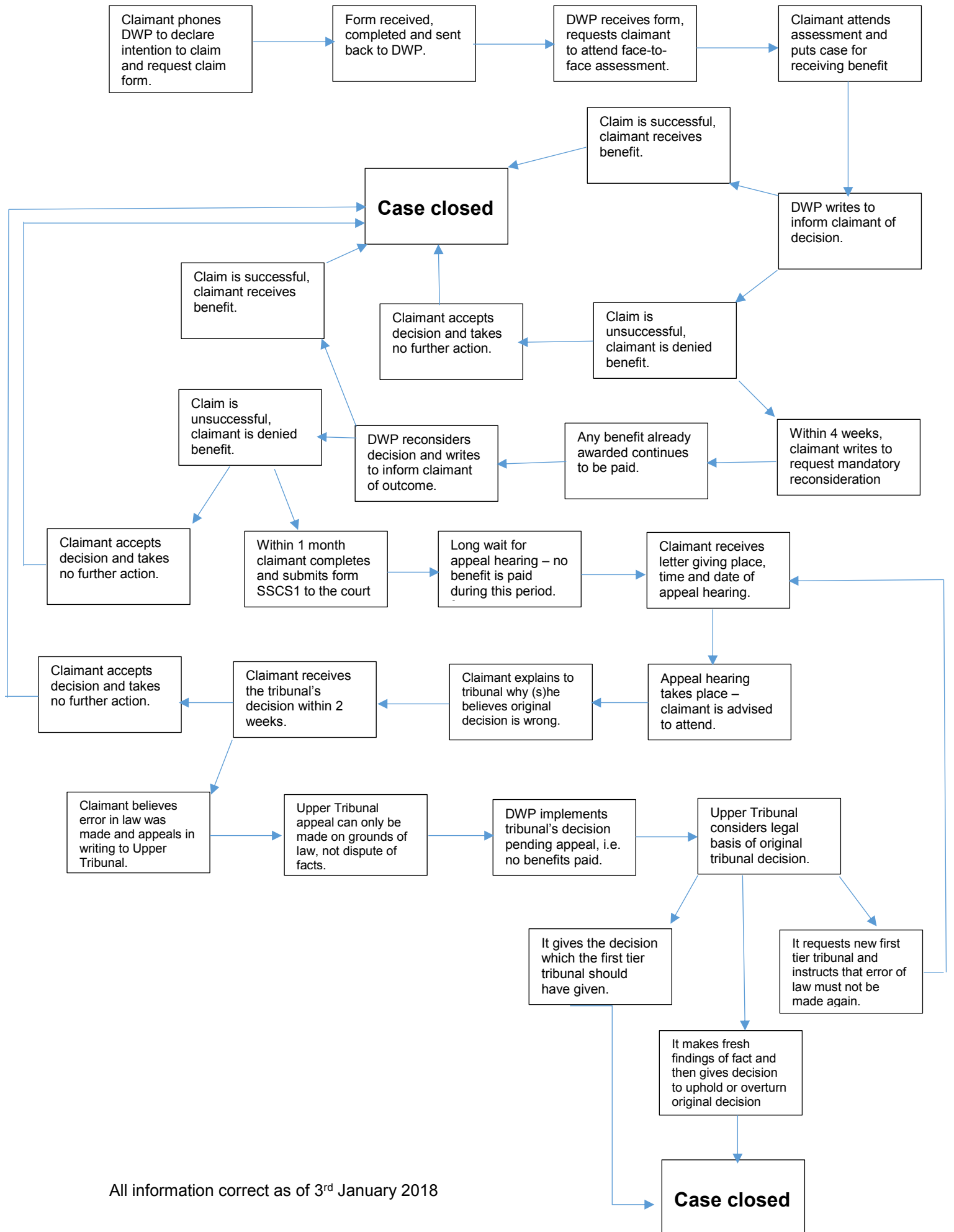
### **Getting back to work**

And finally, if someone becomes able to work, <http://www.evenbreak.co.uk/> has been set up to match talented disabled people with inclusive employers.

\* <http://www.bbc.co.uk/news/uk-34074557>

\*\* <https://www.unison.org.uk/content/uploads/2013/07/On-line-Catalogue217093.pdf>

# The benefits claim and appeals pathway



All information correct as of 3<sup>rd</sup> January 2018