

Incapacity Benefit: Appealing Against a Decision to Stop Benefit

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I HAVE FAILED A MEDICAL WHAT SHOULD I DO?

If after attending a medical examination a Decision Maker (DM) from the Department of Work and Pensions (DWP) decides that you are capable of work and you disagree with this decision then you should **appeal**. You have **one month** from the date of the decision to do this. This period can be extended by a further two weeks if you request a written reason for the decision within this one month dispute period.

If you have failed the medical then your Incapacity Benefit, Income Support due to incapacity or National Insurance Credits will stop. If you are receiving Income Support because you are incapable of work/National Insurance Credits you should appeal against the decision to stop the credits. The resulting decision will be binding on your Income Support claim.

HOW DO I APPEAL?

You will need to complete an appeal form (GL24DWP) and give the reasons why you believe you are incapable of work. You can get the appeal form from the DWP or Adult Social Care Services Offices. You should also consider making a new claim (see page 6). You should appeal as soon as possible. Do not worry if you have not got any or all of your supporting evidence – you can send it in later.

You can to request a **late appeal** outside of the one month time limit, but only in the following circumstances:-

- It is reasonable for the application to be granted.
- The application for review has 'merit'
- The delay was caused by 'special circumstances'. (eg illness, bereavement, caring responsibilities)
- No more than 13 months have passed since the date of the original decision being sent.

WHAT HAPPENS NEXT?

When you appeal the DWP should send you an Appeal Bundle. This should contain a copy of all the information used to make the decision, including the DWP doctor's medical report. This will show how many points the doctor awarded you and where you need to dispute their findings.

With the Appeal Bundle will be a TAS1 form that asks if you would like an oral or paper appeal, whether you have representation (see page 18 for referral criteria) if you need an interpreter or signer, and any dates that are inconvenient for you to attend an oral hearing

You **must** complete and return this form as soon as possible, if you do not return the TAS 1 by the date specified your appeal will be struck out.

When deciding whether you want an **oral** appeal (where you attend the tribunal in person) or a **paper** hearing (where the written evidence only is considered) it is important to consider that oral hearings are statistically far more likely to succeed.

WHAT CAN I DO TO HELP MY APPEAL?

From the date you appeal to the date an appeal tribunal hearing takes place can be many months. It is important during this time to get as much information as possible to support your appeal.

Visit your own GP. Discuss your health problems and how they impact on your ability to do the various tasks in the Personal Capability Assessment. Ask if your GP is willing to complete the Incapacity Benefit *appeal medical information form* (*Appendix 2*) or to write a letter of support detailing your medical condition and the difficulties that you have doing the tasks. It is important that your G.P. (and anyone else writing supporting information) gives details of your condition *at the date you had your medical examination*.

Think about anyone else who may be able to provide a supporting letter. This could be a consultant, hospital specialist, district nurse, occupational therapist, carer, CPN, day centre worker etc. Ask them to complete the Incapacity Benefit *appeal medical information form*, or write a letter of support as well.

It is useful to prepare a statement that you can present to the tribunal giving details of your health problems and why you think you are incapable of work. Give details of why you had to give up work (if relevant), a brief history of your condition, and details of how your condition affects you and your ability to do the activities in *Appendix 1*. List the descriptors that you believe should apply to you and give examples of your limitations in relation to each.

The DWP doctor's report will address each of the descriptors and give the score in their medical opinion that applies to your condition. If you disagree with these scores, explain why and if any of the people who have provided evidence also score you higher or give points where none were given point this out.

If you suffer pain or discomfort carrying out any of the activities, explain this. Describe the effect of doing any of the tasks several times: you may be able to do the activity once but not repeatedly or reliably.

You need to consider the tasks and your ability to do these in light of what an employer would expect of you. Would you be able to go into work regularly, on time, and fit to carry out the tasks promptly, quickly and as frequently as the job requires?

The IB decision can be revised at any time before the appeal hearing. If you have strong evidence to support your case, you should send this to the DWP and ask for the decision to be reconsidered.

CAN I CLAIM ANY BENEFITS WHILE I AM APPEALING

If you have been found capable of work but are appealing against that decision you cannot get IB. You also won't be entitled to Income Support (IS) or NI credits on the grounds of incapacity (but see below).

However you can claim **Jobseekers Allowance (JSA)**, providing you are *available for and actively seeking work*. Although this creates a problem, in that you are appealing on the basis that you are *incapable of work*, you may put certain restrictions on your availability for work given your disability. For example, the hours you can work or the type of work you are able to do. By signing on you do not affect your chances of winning the appeal and you protect your NI contribution record.

If you do not claim JSA, but continue to claim IS, because you are appealing the decision, then the amount you get will be reduced. Your IS goes down by 20% of the single person's personal allowance while you are awaiting an appeal, but if your appeal is successful this will be repaid. If you are married or living with a partner you should check whether s/he could be the claimant instead. If your partner claims IS/income based JSA the 20% reduction will not apply. However, if you have been incapable of work since April 1995 and this is the first time the PCA has been applied to you, then the 20% reduction will not apply. If your appeal is unsuccessful then you will not be entitled to IS on the grounds of incapacity and you will have to 'sign on'. In addition you will not receive NI credits for the period you were appealing and this could affect your entitlement to other benefits, such as Retirement Pension, in the future. As a result you will usually be better off signing on, if you can, and receiving JSA, rather than IS.

If your condition becomes worse, or you suffer from any new illness whilst you are appealing, you should make a new claim for IB (*see page 4 for details*).

WHAT HAPPENS AT THE HEARING

Your appeal will be heard by an independent Appeal Tribunal. At an oral hearing the tribunal consists of a panel of two people, of which the chairperson will be a lawyer, the second person a doctor. There may also be a representative from the DWP (called a *presenting officer*) who will argue their case.

The tribunal is not like a court; it is much more informal and should give you the opportunity to argue your case. You can bring someone to put your case for you or to give you support.

The doctor and the chair will probably ask you questions about how your condition affects you. They will look at the DWP doctor's report, your statement (if you have provided one) and any evidence you have provided. It is important that you are honest about your condition, take your time and consider your answers. Do not make light of your health problems, and if at any time you feel unwell or that you need a break ask for a short recess to allow you to compose yourself. Although the hearing is not meant to be a trial it can feel quite intimidating.

If there is a presenting officer from the DWP they will usually be asked to explain why you have been refused IB and then you will be asked to reply. You will be given the opportunity to question the presenting officer about the DM's evidence.

You will usually be told the tribunal's decision at the end of the hearing and given a summary of this.

If you win at the appeal you will be entitled to IB again. You will be paid the IB you would have received, less the amount of any benefits you received while you were awaiting your appeal. Your arrears should be paid within 2 weeks of the appeal hearing.

WHAT IF I LOSE THE APPEAL?

If you are unsuccessful at the tribunal and you are found capable of work, then you can only pursue your case further in limited circumstances. You can apply to have a decision **set aside** if relevant papers were not passed to the tribunal, you or your representative could not attend, or if the tribunal accept that they did not hear your case fairly. You can appeal to the **Social Security Commissioners** if there was an *error of law* made at the tribunal. These processes are complicated so you should seek advice before going ahead. However, you must do this quickly as there are strict time limits for appealing further.

WHAT IF MY ILLNESS GETS WORSE?

The Appeal Tribunal will only look at your incapacity for work at the time of the original decision. If your condition gets worse they cannot take that into account at the hearing.

If you are appealing and your condition worsens, or if your doctor did not mention all your conditions on your sick notes before, then it is always worth completing a new claim. This will mean you can be paid IB from when your condition got worse or the DWP was sent a new sick note. Your appeal will still go to a tribunal so that it can decide whether you should have been paid benefit before this.

However if this claim is unsuccessful you should appeal the new decision because if you win the first appeal you will only be entitled to IB up to the date of this new claim.

If you reclaim IB within six months of a decision that you are capable of work, and your condition is the same, then you will still be refused benefit until your incapacity is reassessed at another medical examination.

However if your condition deteriorates within this time you should be able to claim IB again, Medical certificates from your GP should be enough to award Incapacity Benefit if:

- You have a **different** condition *or*
- Your condition has **deteriorated significantly** since the decision

Appendix 1

Descriptors and Scores for each Activity

Only the highest score under each activity area counts. The first two activity areas (walking and using the stairs) overlap and only the highest point score in either activity counts.

Walking on level ground with a walking stick or other aid if normally used

	Descriptor	Points
(a)	Cannot walk at all	15
(b)	Cannot walk more than a few steps without stopping or severe discomfort	15
(c)	Cannot walk more than 50 metres without stopping or severe discomfort	15
(d)	Cannot walk more than 200 metres without stopping or severe discomfort	7
(e)	Cannot walk more than 400 metres without stopping or severe discomfort	3
(f)	Cannot walk more than 800 metres without stopping or severe discomfort	0
(g)	No walking problem	0

Walking up and down stairs

	Descriptor	Points
(a)	Cannot walk up and down one stair	15
(b)	Cannot walk up and down a flight of 12 stairs	15
(c)	Cannot walk up and down a flight of 12 stairs without holding on and taking a rest	7
(d)	Cannot walk up and down a flight of 12 stairs without holding on	3
(e)	Can only walk up and down a flight of 12 stairs if goes sideways or one step at a time	3
(f)	No problem in walking up and down stairs	0

Sitting in an upright chair with a back but no arms

	Descriptor	Points
(a)	Cannot sit comfortably	15
(b)	Cannot sit comfortably for more than 10 minutes without having to move from the chair because the degree of discomfort makes it impossible to continue sitting	15
(c)	Cannot sit comfortably for more than 30 minutes without having to move from the chair because the degree of discomfort makes it impossible to continue sitting	7
(d)	Cannot sit comfortably for more than one hour without having to move from the chair because the degree of discomfort makes it impossible to continue sitting	3
(e)	Cannot sit comfortably for more than two hours without having to move from the chair because the degree of discomfort makes it impossible to continue sitting	0
(f)	No problem with sitting	0

Standing without the support of another person; may use a walking stick

	Descriptor	Points
(a)	Cannot stand unassisted	15
(b)	Cannot stand for more than a minute before needing to sit down	15
(c)	Cannot stand for more than 10 minutes before needing to sit down	15
(d)	Cannot stand for more than 30 minutes before needing to sit down	7
(e)	Cannot stand for more than 10 minutes before needing to move around	7
(f)	Cannot stand for more than 30 minutes before needing to move around	3
(g)	No problem standing	0

Rising from sitting from an upright chair with a back but no arms

	Descriptor	Points
(a)	Cannot rise from sitting to standing	15
(b)	Cannot rise from sitting to standing without holding on to something	7
(c)	Sometimes cannot rise from sitting to standing without holding on to something	3
(d)	No problem with rising from sitting to standing	0

Bending and kneeling

	Descriptor	Points
(a)	Cannot bend to touch knees and straighten up again	15
(b)	Cannot either bend or kneel or bend and kneel as if to pick up a piece of paper from the floor and straighten up again	15
(c)	Sometimes cannot either bend or kneel or bend and kneel as if to pick up a piece of paper from the floor and straighten up again	3
(d)	No problem with bending or kneeling	0

Manual dexterity

	Descriptor	Points
(a)	Cannot turn the pages of a book with either hand	15
(b)	Cannot turn a sink tap or the control knobs on a cooker with either hand	15
(c)	Cannot pick up a coin which is 2.5 centimetres or less in diameter with either hand	15
(d)	Cannot use a pen or pencil	15
(e)	Cannot tie a bow in laces or string	10
(f)	Cannot turn a sink tap or the control knobs on a cooker with one hand but can with the other	6
(g)	Cannot pick up a coin which is 2.5 centimetres or less in diameter with one hand but can with the other	6
(h)	No problem with manual dexterity	0

Lifting and carrying by use of upper body and arms

	Descriptor	Points
(a)	Cannot pick up a paperback book with either hand	15
(b)	Cannot pick up and carry a 0.5 litre carton of milk with either hand	15
(c)	Cannot pick up and pour from a full saucepan or kettle of 1.7 litre capacity with either hand	15
(d)	Cannot pick up and carry a 2.5 kilogramme bag of potatoes with either hand	8
(e)	Cannot pick up and carry a 0.5 litre carton of milk with one hand but can with the other	6
(f)	Cannot pick up and carry a 2.5 kilogramme bag of potatoes with one hand but can with the other	0
(g)	No problem with lifting and carrying	0

Reaching

	Descriptor	Points
(a)	Cannot raise either arm as if to put something in the top pocket of a coat or jacket	15
(b)	Cannot raise either arm to his/her head as if to put on a hat	15
(c)	Cannot put either arm behind his/her back as if to put on a coat or jacket	15
(d)	Cannot raise either arm above his/her head as if to reach for something	15
(e)	Cannot raise one arm to his/her head as if to put on a hat but can with the other	6
(f)	Cannot raise one arm to his/her head as if to reach for something but can with the other	0
(g)	No problem with reaching	0

Speech

	Descriptor	Points
(a)	Cannot speak	15
(b)	Speech cannot be understood by family or friends	15
(c)	Speech cannot be understood by strangers	15
(d)	Strangers have great difficulty understanding speech	10
(e)	Strangers have some difficulty understanding speech	8
(f)	No problem with speech	0

Hearing with a hearing aid if normally worn

	Descriptor	Points
(a)	Cannot hear sounds at all	15
(b)	Cannot hear well enough to follow a television programme with the volume turned up	15
(c)	Cannot hear well enough to understand someone talking in a loud voice in a quiet room	15
(d)	Cannot hear well enough to understand someone talking in a normal voice in a quiet room	10
(e)	Cannot hear well enough to understand someone talking in a normal voice on a busy street	8
(f)	No problem with hearing	0

Vision in normal daylight with glasses or other aid to vision if normally worn

	Descriptor	Points
(a)	Cannot tell light from dark	15
(b)	Cannot see the shape of furniture in the room	15
(c)	Cannot see well enough to read 16 point print at a distance greater than 20 centimetres	15
(d)	Cannot see well enough to recognise a friend across the room at a distance of at least 5 metres	12
(e)	Cannot see well enough to recognise a friend across the room at a distance of at least 15 metres	8
(f)	No problem with vision	0

Continence (other than enuresis [bed wetting])

	Descriptor	Points
(a)	No voluntary control over bowels	15
(b)	No voluntary control over bladder	15
(c)	Loses control of bowels at least once a week	15
(d)	Loses control of bowels at least once a month	15
(e)	Loses control of bowels occasionally	9
(f)	Loses control of bladder at least once a month	3
(g)	Loses control of bladder occasionally	0
(h)	No problem with continence	0

Remaining conscious without having epileptic or similar seizures during waking moments

	Descriptor	Points
(a)	Has an involuntary episode of lost or altered consciousness at least once a day	15
(b)	Has (as above) at least once a week	15
(c)	Has (as above) at least once a month	15
(d)	Has had (as above) at least twice, in the six months before the test is applied	12
(e)	Has had (as above) once in the six months before the test is applied	8
(f)	Has had (as above) once in the three years before the test is applied	0
(g)	Has no problems with consciousness	0

Mental Health Descriptors

There is no limit to the number of descriptors which you can count under each heading.

Completion of tasks

	Descriptor	Points
(a)	Cannot answer the telephone and reliably take a message	2
(b)	Often sits for hours doing nothing	2
(c)	Cannot concentrate to read a magazine article or follow a radio or television programme	1
(d)	Cannot use a telephone book or other directory to find a number	1
(e)	Mental condition prevents him from undertaking leisure activities previously enjoyed	1
(f)	Overlooks or forgets the risk posed by domestic appliances or other common hazards due to poor concentration	1
(g)	Agitation, confusion or forgetfulness has resulted in potentially dangerous accidents in the three months before the test is applied	1
(h)	Concentration can only be sustained by prompting	1

Daily living

	Descriptor	Points
(a)	Needs encouragement to get up and dress	2
(b)	Needs alcohol before midday	2
(c)	Is frequently distressed at some time of the day due to fluctuation of mood	1
(d)	Does not care about appearance and living conditions	1
(e)	Sleep problems interfere with daytime activities	1

Coping with pressure

	Descriptor	Points
(a)	Mental stress was a factor in making them stop work	2
(b)	Frequently feels scared or panicky for no obvious reason	2
(c)	Avoids carrying out routine activities because convinced they will prove too tiring or stressful	1
(d)	Is unable to cope with changes in daily routine	1
(e)	Frequently finds there are so many things to do that they give up because of fatigue, apathy or disinterest	1
(f)	Is scared or anxious that work would bring back or worsen their illness	1

Interaction with other people

	Descriptor	Points
(a)	Cannot look after themselves without help from others	2
(b)	Gets upset by ordinary events and it results in disruptive behavioural problems	2
(c)	Mental problems impair ability to communicate with other people	2
(d)	Gets irritated by things that would not have bothered them before they became ill	1
(e)	Prefers to be left alone for six hours or more each day	1
(f)	Is too frightened to go out alone	1

Appendix 2

PRO-FORMA FOR INCAPACITY APPEALS

Name.....

Address.....

.....

.....

Date

Doctor's name

Address

.....

.....

Dear Dr

I am currently appealing against a refusal of Incapacity Benefit and I am writing to request your assistance.

I would be grateful if you could complete the enclosed medical information form, giving details of my medical condition, medication taken, functional limitations and any further comments you feel would be useful. Please give details of my condition on (*Fill in the date that you attended your medical examination. If you are unsure of the exact date try to give as accurate a date as possible*).

I also enclose a list of activities which will be considered by a tribunal when determining whether I am able to work. I would be grateful if you could tick the statement which you consider most accurately applies to me. If you have insufficient information to do this, I would appreciate it if you could contact me to confirm my ability to manage these tasks.

Thank you very much for your assistance in this matter.

Yours sincerely

Appendix 3

INCAPACITY BENEFIT APPEAL MEDICAL INFORMATION

Name
Address

MEDICAL DIAGNOSIS

MEDICATION

FUNCTIONAL LIMITATIONS

FURTHER COMMENTS

Signed

Name

PHYSICAL DISABILITIES

Please tick the statement which most accurately applies to your patient.

If 'other', please give details at the end of the section.

Walking on level ground with a walking stick or other aid if such aid is normally used.

- Cannot walk at all
- Cannot walk more than a few steps without stopping or severe discomfort
- Cannot walk more than 50 metres without stopping or severe discomfort
- Cannot walk more than 200 metres without stopping or severe discomfort
- Cannot walk more than 400 metres without stopping or severe discomfort
- Cannot walk more than 800 metres without stopping or severe discomfort
- Current walking ability unknown
- No walking problem
- Other - please give details

Walking up and down stairs

- Cannot walk up and down one stair
- Cannot walk up and down a flight of 12 stairs
- Cannot walk up and down a flight of 12 stairs without holding on and taking a rest
- Cannot walk up and down a flight of 12 stairs without holding on
- Can only walk up and down a flight of 12 stairs if goes sideways or one step at a time
- Current ability unknown
- No problem in walking up and down stairs
- Other -please give details

Sitting in an upright chair with a back, but no arms

- Cannot sit comfortably
- Cannot sit comfortably for more than 10 minutes without having to move from the chair because the degree of discomfort makes it impossible to continue sitting
- Cannot sit comfortably for more than 30 minutes without having to move from the chair because the degree of discomfort makes it impossible to continue sitting
- Cannot sit comfortably for more than one hour without having to move from the chair because the degree of discomfort makes it impossible to continue sitting
- Cannot sit comfortably for more than two hours without having to move from the chair because the degree of discomfort makes it impossible to continue sitting
- Current ability unknown
- No problem with sitting
- Other - please give details

Standing without the support of another person or the use of an aid except a walking stick

- Cannot stand unassisted
- Cannot stand for more than a minute before needing to sit down
- Cannot stand for more than 10 minutes before needing to sit down
- Cannot stand for more than 30 minutes before needing to sit down
- Cannot stand for more than 10 minutes before needing to move around
- Cannot stand for more than 30 minutes before needing to move around
- Current ability unknown
- No problem standing
- Other - please give details

Rising from sitting from an upright chair with a back but no arms without the help of another person

- Cannot rise from sitting to standing
- Cannot rise from sitting to standing without holding on to something
- Sometimes cannot rise from sitting to standing without holding on to something
- Current ability unknown
- No problem with rising from sitting to standing
- Other - please give details

Bending and kneeling

- Cannot bend to touch knees and straighten up again
- Cannot either bend or kneel or bend and kneel as if to pick up a piece of paper from the floor and straighten up again
- Sometimes cannot either bend or kneel or bend and kneel as if to pick up a piece of paper from the floor and straighten up again
- Current ability unknown
- No problem with bending and kneeling
- Other - please give details

Manual dexterity

- Cannot turn the pages of a book with either hand
- Cannot turn a sink tap or the control knobs on a cooker with either hand
- Cannot pick up a coin which is 2.5 cm or less in diameter with either hand
- Cannot use a pen or pencil
- Cannot tie a bow in laces or string
- Cannot turn a sink tap or the control knobs on a cooker with one hand but can with the other
- Cannot pick up a coin which is 2.5 cm or less in diameter with one hand but can with the other
- Current ability unknown
- No problem with manual dexterity
- Other - please give details

Lifting and carrying

- Cannot pick up a paperback book with either hand
- Cannot pick up and carry a 0.5 litre carton of milk with either hand
- Cannot pick up and pour from a full saucepan or kettle of 1.7 litre capacity with either hand
- Cannot pick up and carry a 2.5 kilogramme bag of potatoes with either hand
- Cannot pick up and carry a 0.5 litre carton of milk with one hand but can with the other
- Current ability unknown
- No problem with lifting and carrying
- Other - please give details

Reaching

- Cannot raise either arm as if to put something in the top pocket of a coat or jacket
- Cannot raise either arm to his/her head as if to put on a hat
- Cannot put either arm behind his/her back as if to put on a coat or jacket
- Cannot raise either arm above his/her head as if to reach for something
- Cannot raise one arm to his/her head as if to put on a hat but can with the other
- Current ability unknown
- No problem with reaching
- Other - please give details

Speech

- Cannot speak
- Speech cannot be understood by family or friends
- Speech cannot be understood by strangers
- Strangers have great difficulty understanding speech
- Strangers have some difficulty understanding speech
- Current ability unknown
- No problem with speech
- Other - please give details

Hearing with a hearing aid or other aid if normally used

- Cannot hear sounds at all
- Cannot hear well enough to follow a television programme with the volume turned up
- Cannot hear well enough to understand someone talking in a loud voice in a quiet room
- Cannot hear well enough to understand someone talking in a normal voice in a quiet room
- Cannot hear well enough to understand someone talking in a normal voice on a busy street
- Current ability unknown
- No problem with hearing
- Other - please give details

Vision in normal daylight or bright electric light with glasses or either aid to vision if such aid is normally worn

- Cannot tell light from dark
- Cannot see the shape of furniture in the room
- Cannot see well enough to read 16 point print at a distance greater than 20 cm
- Cannot see well enough to recognise a friend across the room at a distance of at least 5 metres
- Cannot see well enough to recognise a friend across the road at a distance of at least 15 metres
- Current ability unknown
- No problem with vision
- Other - please give details

Contenance (other than enuresis [bed wetting])

- No voluntary control over bowels
- No voluntary control over bladder
- Loses control of bowels at least once a week
- Loses control of bowels at least once a month
- Loses control of bowels occasionally
- Loses control of bladder at least once a month
- Current situation unknown
- No problem with continence
- Other -please give details

Fits or episodes of lost or altered consciousness

- Has fits/episodes at least once a day
- Has fits/episodes at least once a week
- Has fits/episodes at least once a month
- Has had fits/episodes at least twice, in the last 6 months
- Has had fits/episodes once in the last 6 months
- Current situation unknown
- Has no problems with consciousness
- Other - please give details

Comments:

MENTAL DISABILITIES

Please tick all boxes which apply to your patient.

If 'other', please give details at the end of the section.

Completion of tasks

- Cannot answer the telephone and reliably take a message
- Often sits for hours doing nothing
- Cannot concentrate to read a magazine article or follow a radio or television programme
- Cannot use a telephone book or other director to find a number
- Mental condition prevents him from undertaking leisure activities previously enjoyed
- Overlooks or forgets the risk posed by domestic appliances or other common hazards due to poor concentration

- Agitation, confusion or forgetfulness has resulted in potentially dangerous accidents in the three months before the day in respect to which it falls to be determined whether he is incapable of work for the purpose of entitlement to any benefit, allowance or advantage
- Concentration can only be sustained by prompting
- Current abilities unknown
- Other - please give details

Daily living

- Needs encouragement to get up and dress
- Needs alcohol before midday
- Is frequently distressed at some time of the day due to fluctuation of mood
- Does not care about appearance and living conditions
- Sleep problems interfere with daytime activities
- Current situation unknown
- Other - please give details

Coping with pressure

- Mental stress was a factor in making them stop work
- Frequently feels scared or panicky for no apparent reason
- Avoids carrying out routine activities because convinced they will prove too tiring or stressful
- Is unable to cope with changes in daily routine
- Frequently finds there are so many things to do that they give up because of fatigue, apathy or disinterest

- Is scared or anxious that work would bring back or worsen their illness
- Current situation unknown
- Other - please give details

Interaction with other people

- Cannot look after themselves without help from others
- Gets upset by ordinary events and it results in disruptive behavioural problems
- Mental problems impair ability to communicate with other people
- Gets irritated by things that would not have bothered them before they became ill
- Prefers to be left alone for six hours or more each day
- Is too frightened to go out alone
- Current situation unknown
- Other - please give details

Comments:

FURTHER INFORMATION

Referral Criteria

The Welfare Rights Service can only accept referrals and therefore represent at tribunal hearings from service users (or a member of their immediate family) who receive a service from Leicestershire County Council Adult Social Care Services

For general advice or information please contact the Welfare Rights Advice Line, or your local Citizens Advice Bureau or Advice Centre. To contact the **County Welfare Rights Advice Line**, ring Leicester **(0116) 277 9496, 9.30 - 12.30 Thursdays.**

See also *Claiming Incapacity Benefit* companion briefing note

If you have any suggestions to improve this Briefing Note, please send you comments on this detachable slip to:

Welfare Rights Team
Adult Social Care Service
Bassett Street
South Wigston
Leicester
LE18 4PE

Incapacity Benefit: Appealing Against a Decision to Stop Benefit

April 2007

I should like to make the following comments/suggestions-