Headway
the brain injury association

Welfare benefits

after brain injury

This publication describes the different welfare benefits that may be eligible to brain injury survivors, including how to apply for these, guidance on assessments and how to appeal a decision.

www.headway.org.uk
0808 800 2244

Contents

Introduction 1
Attendance Allowance 2
Carer's Allowance 3
Employment and Support Allowance 3
Personal Independence Payment 5
Statutory Sick Pay 7
Universal Credit 8
Tips for completing welfare benefits application forms 12
Preparing for welfare benefits assessments 15
Appealing a benefits decision 20
Acknowledgements 25

Introduction

Welfare benefits are a type of financial assistance provided to people who are on low incomes or cannot work due to illness or disability. There are several types of benefits that people affected by brain injury may be eligible for.

In this publication, we cover welfare benefits that someone affected by brain injury may be eligible for. Please note that the information below is for general awareness purposes and does not include details of each welfare benefit's rules.

You should always check the UK government website for up-to-date information on welfare benefits or visit designated benefits information websites such as Citizens Advice for further information.

Attendance Allowance

Attendance Allowance (AA) is a benefit for people with a long-term disability who have reached the State Pension age. There is a 'higher' and 'lower' rate of AA - a person's level of disability will determine whether they receive the higher or lower rate. AA is not means-tested - therefore any savings and income that you have will not be taken into consideration for eligibility.

You will need to complete an AA claim form to apply. This is available from the UK government's website. If you need help with completing the form, you can call the AA helpline on 0800 731 0122.

The AA claim form will ask you about any help you need with looking after yourself such as with your personal hygiene, getting dressed, moving around, eating and drinking and socialising. You will also be asked about any additional care needs you have during the night. You do not need to be living with a carer or anyone else to be eligible. In some very rare instances you may be asked to attend an assessment if further information on the impact of your brain injury is needed.

If you are eligible for AA, you can spend their benefit how you choose. It does not need to be spent on employing a carer. If you already have someone caring for you and you start to receive AA, your carer may become eligible for Carer's Allowance. If it is decided that you are not eligible for AA and you disagree with this, or you do not agree with the rate of AA you are on, you can ask for a mandatory reconsideration. Details of how to do this will be on your benefits decision letter.

If someone is below the State Pension age and living with a disability, they can apply for Personal Independence Payment instead.

Carers Allowance

Carer's Allowance (CA) is a benefit for people who are providing care for someone with an illness or disability for at least 35 hours a week, and they are not employed to do so. 'Care' includes helping someone with activities of daily living such as washing and cooking, helping with tasks such as shopping, or supervising the person to stay safe. After a brain injury, it is often spouses/partners and other family members who take on this primary caring role.

The carer applying for CA does not need to be living with or related to the person they care for (i.e. the brain injury survivor).

CA can only be received by one carer per person. Therefore, if someone else is also caring for the same person, only one can claim CA.

You will need to complete a CA claim form to apply. This is available from the UK government's website. You can also request the form from the Carer's Allowance Unit on 0800 731 0297 and apply by post. You cannot make a claim for CA by phone. However, the Carer's Allowance Unit can help over the phone with making a claim.

If you are eligible for CA, you will usually get paid every four weeks. If it is decided that you are not eligible for CA and you disagree with this, you can ask for a mandatory reconsideration. Details of how to do this will be on your benefits decision letter.

Employment and Support Allowance

Employment and Support Allowance (ESA) is a welfare benefit for people who have an illness or disability that affects their ability to work. ESA can help with the financial impact of being unable to return to work or struggling to return to regular

working hours after brain injury. It can also offer support with getting back into work if a brain injury survivor is able to work but struggling to find suitable opportunities.

In previous years, there were two types of ESA: contributory ESA and income-related ESA. Contributory ESA has now been replaced by the 'new style' ESA (nESA), which will be covered by this publication. Income-related ESA has been replaced by Universal Credit. Both nESA and Universal Credit can be claimed at the same time if you do not have savings of more than £16,000.

To qualify for nESA, you need to have previously been employed or self-employed and paid enough National Insurance contributions within the past two tax years.

You will need to complete an nESA claim form to apply. This is available from the UK government's website. If you cannot complete the application form online, call the Jobcentre Plus new claims helpline on Plus new claims helpline on 0800 055 6688 to make an application instead.

If you are found to be eligible, you will be given an appointment with a Work Coach to discuss the next steps you need to take to receive nESA. You might also be asked for further information about your brain injury and to provide medical evidence, so try to have these details and documents ready in time for this appointment.

There may be a questionnaire called ESA50 or 'capability for work questionnaire' to complete and return. The information you put down in it will be considered by a healthcare professional, who will decide on the next steps of your assessment.

You might be asked to undergo a Work Capability Assessment (WCA). This is an assessment that gives you a chance to provide further information on how your brain injury affects your

ability to work. You will be assessed by a healthcare professional, whose records of the assessment will be used to help the DWP with making a decision about your eligibility.

Following your assessment, you will receive a letter or phone call from the DWP explaining what your outcome is. If you are entitled to nESA, you will be placed in one of two groups:

- **A work-related activity group (WRAG)** – this is where the DWP recognises that you are unable to work now but will be expected to work in the future. You will be expected to attend regular interviews with an appointed Work Coach, who will help you with tasks such as improving work skills or writing a CV. Your expectations will be outlined in a 'claimant commitment'. You could have your nESA payments stopped if you don't follow your claimant commitment (this is called being sanctioned), so it is very important that you talk to your Work Coach about anything in this that you feel you might struggle with because of your brain injury.

- **A support group** – this is where the DWP recognises that you are unable to work. There is no time limit for how long you can receive nESA, although you may be reassessed every few years. Remember to tell the DWP if your personal circumstances or details change, as this could affect your eligibility.

If it is decided that you are not eligible for nESA and you disagree with this, you can ask for a mandatory reconsideration. Details of how to do this will be on your benefits decision letter.

Personal Independence Payment

Personal Independence Payment (PIP) is a welfare benefit for

people who have a long-term illness or disability that affects their ability to complete day-to-day tasks.

PIP can help with the financial impact of living with a long-term brain injury. After a brain injury, people may struggle with tasks such as washing, dressing, or preparing a meal for themselves and they may need assistance with these aspects of daily living, for instance through the use of specialist equipment or arranging for professional care. PIP can help to cover these additional costs.

In most cases you need to be below the State Pension age to be eligible for PIP. If you are older than this, you can apply for Attendance Allowance instead.

You can apply for PIP by contacting the PIP New Claims team on 0800 917 2222. The team will send you a form called ‘How your disability affects you’. This form will give you the opportunity to explain how brain injury affects specific aspects of your daily living and mobility.

It is important to think carefully about the information that you put down in this form and to offer as much detail as possible on how your brain injury affects each activity.

After submitting the form, you will likely be asked to attend an assessment, and the responses you give on the form and in the assessment will be used to give you a score for the two ’components’ of PIP:

- **Daily Living Component** - this component assesses how capable you are of independently carrying out day-to-day activities such as washing and dressing yourself and mixing with others.

- **Mobility component** - this component assesses how able you are to move around independently.

Your overall score will be totalled using a list of descriptors. It will determine whether you will be able to receive PIP and if so, how much.

Your eligibility for PIP will be based on your score from the application/assessment stage. If you are considered to be eligible, the amount you get will depend on your score for each component. You can receive PIP for either component, or both. You will receive a letter telling you whether or not you will get PIP, when payment will start, how much you will get and when your PIP will be reviewed.

If it is decided that you are not eligible for PIP and you disagree with this, you can ask for a mandatory reconsideration. Details of how to do this will be on your benefits decision letter.

Statutory Sick Pay

If you sustain a brain injury that prevents you from being able to return to your work for at least four consecutive days (including non-working days), you might be able to receive Statutory Sick Pay (SSP) from your employer. Even a seemingly minor knock to the head can cause a mild brain injury (otherwise called concussion), which can require you to take time off work to rest.

SSP is paid in the same way as your normal wages and it is taxable. It can be claimed for up to 28 weeks. If you might be off work because of your brain injury for more than 28 weeks, you can start to apply for benefits up to three months before SSP ends. You may then start to receive these as soon as your SSP ends. The benefits that you may be eligible for are Employment and Support Allowance (ESA) and Universal Credit (UC).

You cannot get SSP if you are unemployed or self-employed. You also must be earning at least £120 a week from your employment to be eligible.

You should inform your employer of your intention to claim SSP as soon as possible. Your employer might have a deadline for this, otherwise you should tell them within 7 days of being off sick. You may choose to inform your employer in writing, as this can give you an opportunity to explain how you feel in some detail and give you a written record of your request. You will also need to provide a 'fit note', which can be from your GP or hospital doctor. Your employer may also accept a note from other relevant professionals supporting you, such as a physiotherapist or occupational therapist.

Your employer will decide whether or not you can receive SSP. If your employer considers you to not be eligible, you will be given a reason for this. It might be that your employer and/or doctor feel that you can continue working if adjustments are made to your role or workplace environment. Suggestions for this are available in our publication *Returning to work after brain injury*. If you disagree with a decision made by your employer, discuss this with them first. You might need to provide further information about how your injury has affected your ability to work. If you cannot resolve things with your employer, you can contact HMRC's Statutory Payment Dispute Team on 0300 322 9422.

Universal Credit

Universal Credit (UC) is a benefit for people of working age who are on a low income or unable to work due to a disability or long-term health condition. It is also specifically for people who have not paid enough national insurance contributions to be eligible for new-style Employment and Support Allowance.

UC can help with living costs after brain injury if a brain injury survivor is on a low income or is no longer able to work due to their injury. It can also offer support with getting back into work

if a brain injury survivor is able to work but struggling to find suitable opportunities.

You may be entitled to UC if you/your partner are on a joint low income or out of work (for instance due to your brain injury) and you/your partner jointly have less than £16,000 in money, savings or investments. If you do work, the number of hours you work is not a factor in determining your eligibility to UC.

Claimants may receive extra amounts depending on their circumstances, such as if they have children or a disability that affects their ability to work. UC is means-tested. This means that the DWP will look at both yours and your partner's earned and unearned income as part of your assessment for eligibility. If, over time, your earnings increase, your UC payment will reduce accordingly and may eventually stop altogether if you are not longer eligible. You will need to make a new claim for UC if your income reduces in the future again (i.e. if you reduce your work hours again or if you are no longer earning).

You will need to set up an online account on the UK Government website to apply for UC, check details of your payments and statements and to contact the DWP if your circumstances change.

If you find it difficult to use a computer or apply online, here are some suggestions that may help.

- Make a note in your online Universal Credit journal that you are struggling to use the system, as you may be able to use an alternative system such as phone calls. This is important, as you will otherwise be expected to use a computer to maintain your eligibility, not just at the application stage.

- Call the UC helpline on 0800 328 5644. This freephone number has been set up to help people who cannot use a computer due to a disability. The information that you

share will still be used towards an online application and in some cases you might be able to receive a copy of your answers by post.

- Help to Claim is a specialist, free service offered by Citizens Advice to help with making applications to UC. You can access this support over the phone by calling 0800 144 8444 (England), 08000 241 220 (Wales) or 0800 023 2581 (Scotland).

- Contact your local Headway service to see if they can help you with using the online system.

- Ask a trusted relative or friend to help you with completing the form online.

- The Centre for Health and Disability Assessments (CHDA) has an advisory team that can help with answering the questions on the form, available on 0800 288 8777.

After completing the online application form, you might be asked to complete a form called the Capability for work questionnaire (UC50). You can either complete this online or you will be sent a printed copy by post. The information that you provide in the UC50 will be used to decide whether or not you need to have a Work Capability Assessment (the next stage of the application process), so it is important to make sure that you include as much detail as possible about how your brain injury affects your ability to work.

Depending on the number of points you score in your WCA, you will be placed in one of the following groups:

- **Capable for work** - this is where the DWP considers you to be fit for work. You will be expected to look for work in order to continue receiving UC.

- **Limited capability for work** - this is where the DWP recognises that you are unable to work now but will be expected to work in the future. You will be expected to attend regular interviews with an appointed Work Coach, who will help you with tasks such as improving work skills or writing a CV. Your expectations will be outlined in a 'claimant commitment'. You could have your UC payments stopped if you don't follow your claimant commitment (this is called being sanctioned), so it is very important that you talk to your Work Coach about anything in this that you feel you might struggle with because of your brain injury.

- **Limited capability for work and work related activity** - this is where the DWP recognises that you cannot work and they will not expect you to work or look for work in the future.

Your UC entitlement will be reviewed every month. If you disagree with the decision made about your UC entitlement, you can ask for a mandatory reconsideration from the DWP. You should do this within a month of the date of the decision.

To start off, you should write a note in your online 'journal' (through your online UC account) to say that you are challenging a decision made about your payment. You should also phone the UC helpline to tell them this, as it might take a while for your online message to be read. If you struggle with using your online journal, you can write to the DWP or fill in an online form.

If you struggle financially while waiting to receive your UC payment, you can apply for an advance payment, but this will be treated as a loan that you will be required to pay back through your UC payments once these begin. If you struggle with repayment of an advance payment, you can make a note

of this in your Universal Credit journal as the repayment can be frozen.

Tips for completing welfare benefits application forms

Completing forms is often the first stage of applying for many types of welfare benefits. The application form offers a chance for applicants to explain how their condition affects them and why they might be eligible for the financial support provided by the benefit in question.

For many brain injury survivors, the process of completing benefits application forms can feel daunting, especially as they can often be lengthy and require a substantial amount of information to be provided.

Tips for completing forms

- **Make a note of any deadline dates** by which you must return the form. This should be included in the letter from the Department for Work and Pensions (DWP) that accompanied your application form. It might help to set an alarm a few days ahead of the date, or to write it down on a calendar. Contact the DWP if you feel you may need more time with completing the form.

- **Consider asking someone to help you** with completing the form. This should be someone who knows you well and understands the impact of your brain injury. This can be especially helpful and important if you have problems with your memory or insight, as these issues may cause you to forget to include important details relevant to your application.

- Ask healthcare professionals for any medical evidence (such as letters and reports) to be written in a way that **specifically address the difficulties you describe in your application form**. For instance, you could ask your GP to write a letter about how your brain injury has affected the type of thinking skills that you would rely on for work, or your physiotherapist could write about how you have one sided weakness that makes it difficult for you to get washed/dressed by yourself. Ask for details of any recommended aids or appliances to be included in the letter as well.

- If you are submitting medical evidence from several years ago, consider that **evidence older than 2 years might be dismissed**, so ask your GP/ consultant to confirm that the evidence is still relevant and applicable.

- Many people feel that the application forms are quite lengthy. Take breaks if you need to and **tackle one section at a time** rather than trying to complete the whole form in one go.

- If you are worried about writing the wrong thing down on your form, **draft your answers** on a separate piece of paper first.

- Avoid simply stating whether you ‘can’ or ‘can’t’ do something. Instead, discuss how **safely and independently** you can do a task, whether you complete it, how long it typically takes you and how you feel during/ afterwards. For instance, you may feel able to sit in front of a computer screen to work for a few hours, but does this leave you with headaches and fatigue afterwards? Or

you may be able to cook a meal, but do you forget to switch the cooker off when you're done?

- Include details of the **effects of any medication** you are on, or any rehabilitation you are currently undergoing.

- **Keep a diary** for a few days before completing your form, with details of how your brain injury affects you. You can then refer to this information while completing the forms as a general guide to some of the issues you face on a regular basis.

- Once you have completed the form, **keep a dated copy for yourself**. This will be useful for you to refer to during the assessment that follows, for any future appeals you may need to undertake or generally for your own records.

- Issues like fatigue or memory problems may have an impact on several different aspects of your life, so **may need to be repeated** in different sections of your application form.

The most important thing to remember while completing your application form is to **be honest about the impact of your brain injury**. Offer as much detail as you can, including any effects that fluctuate. You will probably have a chance to explain things in more detail during an assessment that follows, but claims can sometimes be processed based on the information in an application form alone, so it is good to add as much detail as you possibly can at this stage.

If you need further assistance with completing your form, consider contacting your local Headway service or your local Citizens Advice for help. You may also be able to get help from a benefits advisor. For help with finding a benefits advisor, use the Turn2Us Advisor tool.

Preparing for welfare benefits assessments

Completing assessments is part of the application process for many types of welfare benefits. The assessment offers a chance for applicants to explain how their condition affects them and why they might be eligible for the financial support provided by the benefit in question.

For many brain injury survivors, the process of applying for benefits can feel daunting, especially the idea of attending an assessment. However, preparing for the assessment and making arrangements in advance can take some of the pressure away.

It is also important to remember that the assessment is not a test. It is an opportunity for you to give more information, evidence, and examples of how your brain injury has affected your life so that you can access support that you are entitled to.

Most of the information below relates to face-to-face assessments, but you might be offered a video or telephone call assessment instead. Many of the tips below will still be relevant.

Before the assessment

- Your letter from the Department for Work and Pensions (DWP) will contain details of the location of your assessment. **Check on a map** in advance where this is. If you feel that it will be too difficult or impossible for you to travel to the location, get in touch with the department and request a home-based assessment instead. You might need to provide evidence such as a letter from a GP for this request.

- Contact the assessment centre to **ask about their accessibility**. This can include checking where toilets are

located and whether the building has lifts if your assessment will not be based on a ground floor. If you think you may struggle with accessing the centre, tell them, as you may be offered an assessment at a different location or your home instead.

- If you think you may struggle with attending your appointment on the date provided, you can **contact the assessment centre** to reschedule – however, be mindful that you can only reschedule once.

- Think about **how long it will take you to travel to the assessment** and whether you can aim to arrive earlier than your appointed time in case of traffic.

- Arrange for a family member, close friend or someone else who knows you well and understands your brain injury to **attend your assessment with you** as your companion. This does not necessarily have to be someone related to you. Your companion should be someone who can emotionally support you and help you to explain your brain injury to the assessors.

- Ask in advance about any **travelling costs** you may be able to have reimbursed, either for yourself or for anyone accompanying you.

- Take some time to **go over your application form** and make a note of any additional points you want to discuss during your assessment.

- Some people find it useful to **request an audio recording** of their assessment as it can form evidence if needed later

for an appeal. If you intend to do this, contact the centre before your assessment date to make your request.

- You might be required to wait a while for your assessment after arriving at the centre. If you are concerned that waiting might make you anxious or uncomfortable (for instance if there are bright lights, loud noises, a busy environment) **ask in advance** whether there is a quiet, separate room that you can wait in.

During the assessment

- Take a copy of your completed application form along with you, as well as copies of any **other medical evidence** that might help with your claim. These will be helpful to refer to throughout the assessment to make sure that you do not forget to discuss any key details.

- While the assessor will be a healthcare professional, they might not specialise in brain injury. Don't be afraid to **tell them about brain injury** and how it has personally affected you.

- You might not always be asked about things in an obvious way. It may be that you enter into what you believe to be an ordinary conversation including questions such as: *How did you get here today? How do you normally spend your day? What kind of things do you have/cook for dinner?* These questions are not conversations, but actually form part of your assessment, so **consider your answers carefully**.

- Avoid simply saying whether you 'can' or 'can't' do something. Instead, discuss how **safely and**

independently you can do a task, whether you complete it, how long it typically takes you and how you feel during/ afterwards. For instance, you may feel able to sit in front of a computer screen to work for a few hours, but does this leave you with headaches and fatigue afterwards? Or you may be able to cook a meal, but do you forget to switch the cooker off when you're done? Share personal examples of times when things have been problematic or gone wrong for you.

- **Take your time** with answering the assessor. Do not feel rushed by them to answer quickly. If you have difficulties with processing information or concentration, explain this to your assessor at the beginning of your assessment so that they know to give you more time to answer questions.

- Ask the assessor to **repeat a question** if your problems with memory, attention, concentration, or fatigue cause you to forget what they have asked. Explain that this is an effect of your brain injury.

- If at any point you are asked to carry out activities (for instance walking a certain distance) that you think may cause you discomfort or pain, tell the assessor and **do not feel pressured to do it**. If you carry out the activity, your assessor may assume you can always do it with no difficulty.

- If you have problems with **managing your anger** and think the assessment situation may cause you to feel angry, tell your assessor at the beginning of your assessment so that they are aware of this, and explain that it is an effect of brain injury.

The most important thing to remember is to **be honest about the impact of your brain injury**.

Offer as much detail as you can, including discussing any effects that fluctuate or details of times when things have gone wrong for you, such as any accidents at home or times you have struggled while being out.

If you are a holder of our Headway Brain Injury Identity Card, consider taking this along with you to the assessment as it might help your assessor or other staff (such as the receptionist) better understand any support you need.

Tips from a brain injury survivor…

"When I get the date of my assessment, I begin making detailed notes to refer to in checklist format to tick off when discussed. As and when I remember something, I add it to my notes.

"I try and gather relevant documents and refer the assessor to my GP for further documentation. This is my assessment, so I take control of the direction and amount of information I share.

"Detailed notes include my conditions, how each related symptom impacts on daily life, how I manage my condition on a daily basis, a list of all supports, aids, modifications to my day, daily living, space. And most importantly (very unfortunately) I discuss in great detail, the financial cost/implications of managing my condition, and include one-time costs, ongoing and recurrent and running costs as well as that of equipment, aids, modifications I require but cannot afford.

"The assessor needs to be convinced for themselves and the DWP/government that awarding us benefits is justified.

"I mentally prepare myself for my claim to be rejected knowing that I will put in mandatory reconsideration and tribunal if needed. Knowing that there are appeal procedures gives me

tremendous peace of mind despite having to deal with a possible battle."

Appealing a welfare benefits decision

Before appealing a decision

If you disagree with a decision made about your benefits eligibility, there are a number of steps you can take to challenge this.

To start with, you should contact the Department for Work and Pensions (DWP) for an explanation of their decision. You can ask for this to be provided in writing or over the phone. To do this, contact the benefit office using the contact details on your decision letter. Remember that there are strict limits for requesting an explanation. Details of this will be included in your decision letter.

A report would have been produced from your benefits assessment and sent to the decision maker. You can request a copy of this. For Personal Independence Payment, this is called the consultation report form, while for new style ESA or Universal Credit, it is the assessment report form. Go through your report when it arrives, marking any errors or anything you disagree with.

If you are not satisfied with the explanation provided by DWP, you can apply for a mandatory reconsideration. This is another consideration of your application by the DWP. You can do this by contacting DWP using the details on your decision letter or by completing the Mandatory Reconsideration request form.

In most cases, you will need to follow these steps before you appeal. However, in some cases you might not have to. Your decision letter will tell you whether or not you can go straight to appealing.

How to appeal a decision

You can make an appeal by completing an online form from the UK government website. You can also download and complete a form called the Benefit appeal form - SSC1, also available on the government website.

If you are struggling with completing your appeal form or the appeals process, you can ask for a family member, friend or someone else to act as your representative. However, you will need to register them.

In your appeal form, you will need to provide:

- a copy of your mandatory reconsideration notice or decision letter;
- an explanation of why you disagree with the decision;
- your National Insurance number;
- your name and address.

You will also need to sign and date the letter.

Some further points to consider when appealing:

- **Keep dated copies** of any application forms or decision letters relevant to your claim in one place.

- **Collect medical evidence** such as reports or letters from your GP relating to your brain injury, as these can be useful at any stage of applying or appealing for benefits.

- **Be aware of any time limits** within which you need to appeal. This is normally one month of the date on your mandatory reconsideration notice or decision letter. Make a note of important dates on a calendar and set alarms. If you miss the deadline because of the effects of your brain injury or because you are waiting for letters or reports to arrive, you may still be able to appeal but will need to explain why you missed the deadline.

- **Get specialist advice** before making an appeal. This is because, although the appeal may be successful, it may also lead to a reconsideration of your overall entitlement and leave you with less than before the appeal.

- **Contact the benefit appeals helpline** for help with any stage of the appeal process. Contact details are available on the UK government website.

Reconsiderations regarding ESA

If you are waiting for a reconsideration for an ESA decision, you will not continue being paid while waiting for a mandatory reconsideration, so you should consider going straight to appeal. If you stop receiving ESA while waiting, you can apply for Universal Credit instead but you will not be able to return to ESA.

Preparing for your tribunal hearing

After submitting your appeal, you will get a letter by post with details of a tribunal hearing. The hearing is where your appeal will be discussed and decided by a judge and experts. They will be independent of DWP.

You can choose whether to attend the hearing or not, and also whether someone attends with you. It can take up to 6 months to have a hearing date. This time can be used to prepare for it. For instance:

- Check the date of your hearing and make sure that it suits you. If you cannot attend the date for a good reason, phone the court straight away to explain and reschedule.

- Make a note of the date of the hearing on a calendar, and set reminder alarms closer to the day.

- Plan your route to the hearing by checking the location, making travel arrangements, making arrangements in advance for any accessibility needs you may have at the hearing venue, and checking how long it will take to arrive. You will be expected to arrive on time for your hearing, so it might help to aim to arrive a little earlier than your given time.

- Try to keep the days before and after the hearing date free so that you have time to rest and prepare.

- Gather your paperwork (such as your application form, medical evidence and decision letters), and keep these in a safe, clearly labelled place. The tribunal should have already received copies of your evidence, but it can be helpful for you take your own copies along too.

- Send on any outstanding evidence that you have not already sent to the tribunal team as soon as possible.

Remember, there is no need to be nervous about the hearing. It is an opportunity for you to present your case and inform decision makers about the impact of your brain injury. The discussion will be informal and it will not be held in a court room full of people. You do not need to dress formally.

At the hearing

You will have the opportunity to explain your appeal at the hearing. Consider also including details of any support you have needed to get to the hearing that day, such as any help

you have needed with preparing paperwork, getting ready in the morning or travelling.

You will also be asked questions by a tribunal panel. Do not feel rushed to answer these questions. Inform the panel if it takes you longer to process information due to your brain injury, and ask for questions to be repeated if needed.

Answer questions as honestly as you can and don't be afraid to add information that you feel is relevant to the panel understanding the impact of your brain injury.

You may be able to reclaim some expenses such as for travel or loss of earnings related to your attendance. Keep a note of any related expenses and copies of receipts, and bring these to the hearing with you.

After the hearing

You might receive your decision straight after the hearing. However, in most cases this will take a number of weeks and will arrive in a letter through the post.

If your appeal is successful, you will start to receive your new payments and any backdated payments owed to you by the DWP.

If you lose your appeal, you can only challenge this if you have a legal basis, not just because you disagree with the tribunal's decision. To challenge the decision at this stage, you will need to appeal to the Upper Tribunal Administrative Chamber. You can also cancel the decision and begin the appeal process again - this is called getting a decision 'set aside'.

If you are continuing to appeal at this stage, it is advisable to contact Citizens Advice or a welfare benefits advisor for guidance on next steps.

Getting help with welfare benefits

There are a number of services that can help with understanding your entitlement to benefits and the application process.

Some local Headway services are able to help, so it is a good idea to check with them for local support.

You can also check the supporting information on different benefits' pages on the UK Government's website, as there are different helplines available for different benefits.

Citizens Advice can also help with giving information and guidance on benefits.

The following organisations offer information on welfare benefits and helpful tools such as benefits calculators (Headway does not endorse these): Turn2Us, Entitledto, Advicenow.

Acknowledgements

The information on this page was produced with expert support from brain injury survivors and Peter R., solicitor and welfare benefits advisor at Potter-Rees-Dolan Solicitors.

We hope that this has been a helpful resource. Please consider sharing your feedback with us by scanning the QR code or by visiting our publication feedback survey https://uk.surveymonkey.com/r/hwpublications.

Learn more and support our work at www.headway.org.uk/get-involved.

This information was last reviewed in 2023.

We're here to listen.

If you need support, or have a question about brain injury, contact our free nurse-led helpline:

0808 800 2244
helpline@headway.org.uk

0115 924 0800 | enquiries@headway.org.uk
www.headway.org.uk

Head office: Bradbury House, 190 Bagnall Road,
Old Basford, Nottingham, NG6 8SF

Headway – the brain injury association is registered with the Charity Commission for England and Wales [Charity No. 1025852] and the Office of the Scottish Charity Regulator (Charity No. SC 039992]. Headway – the brain injury association is a company limited by guarantee registered in England [No. 2346893].