

## **Factsheet B23: What happens at a tribunal hearing?**

At the tribunal building you will be met by a security officer or the clerk to the tribunal. They will show you into a waiting-room and the clerk will give you an idea of the time when your appeal hearing might begin. Do be prepared for a delay if an earlier hearing has not finished on time. The clerk will sort out any expenses claim you may have, and deal with any last minute enquiries about the arrangements for the hearing. You can give the clerk any last-minute medical evidence to copy. The clerk will be present from time to time in the tribunal room during the hearing in case the tribunal needs admin assistance.

### **In the tribunal hearing**

You will be called in to the hearing room. There are usually three people on the panel for Disability Living Allowance and Personal Independence Payment appeals (Judge, Doctor, and a Disability Adviser) and two people for Employment and Support Allowance appeals (Judge and Doctor). Some appeals will just be before the Judge. You will not be asked to have a medical examination, unless you are appealing an industrial injuries decision. It is possible that another person from the Department of Work and Pensions will also be there and although they have the right to ask some questions, they will not be part of the decision-making process.

Although this is a legal and therefore formal process, it is not the same as going to Court. You are not on trial. The panel will just be asking you questions to see if they agree that the decision that has been made is correct, or whether they can decide in your favour. This is your chance to make sure they have the right facts about you.



They should be asking about how you were at the time when the decision was made, not how things are for you now. If your condition has got worse since the original decision, you will need to make a new claim (about a different set of circumstances); this is not something that can be included in the appeal.

## **Giving evidence**

In a court, evidence is given by lawyers asking questions. In the tribunal, the panel members will ask you questions. You should bear in mind the following:

- The tribunal will want to focus on the issues that are being disagreed about. Do not worry if the tribunal does not ask about every part of your case
- If there are big differences in evidence from you, or the benefit office or the council, the tribunal will ask detailed questions to try to resolve this
- The tribunal will try to make sure that you do not forget all the issues you have in your appeal
- In disability appeals, the tribunal may have to ask personal questions, but it will try to do this in a sensitive way
- The tribunal will try to make sure that everyone will get their turn to speak
- If you think anything has been missed out, let the Judge know
- The Judge will also allow relevant questions from any representatives who may be attending to support you. This would usually be someone from an advice agency who should know about the legal rules that the tribunal must follow

## **The decision**

The tribunal will consider the evidence and statements in private, so in most cases you will be asked to go back to the waiting room for a short period, and then you will be called back and given the decision.



A written decision notice will also be given. Announcing the decision closes the appeal, and there is no further discussion. Sometimes the decision may be posted, but mostly you will be given it on the day.

### **Adjournments**

Sometimes a tribunal panel cannot reach a decision on the day and there will have to be an adjournment. When adjourning, the tribunal will aim to set a date for the next hearing, but they may have to notify you by post.

### **After the hearing**

If you are not happy with the decision that has been made in your case, you have the right to ask for a Statement of Reasons, which will give you a full explanation of how they came to their decision. You would need to ask for this in writing.

If you require further information or would like this Factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing: [info@equallives.org.uk](mailto:info@equallives.org.uk), or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

