

How to support clients at remote tribunals- advice from NAWRA conference delegates

What to do in advance

- Avoid the need for a tribunal - request paper-based reviews from PIP and ESA/UC assessment providers to try and reduce unnecessary appeals
- Choose the right format - take time to explain the different formats (face-to-face, phone or video) with your client, and request a different format if better for the client. “Encourage clients (and shy reps) to try Video hearings as these seem a better format than just phone hearings.” “Need to ensure clients are not persuaded to a less stressful appeal at the expense of their chances of success”
- Consider whether you can be in the same physical space as your client during the hearing (pandemic regulations permitting) – or provide access to a safe room with access to IT even without an adviser. Arrange adjustments - find out if any adjustments will make it easier for client to participate (headphones, translators and interpreters etc)
- Head off technical problems - discuss the tech required with your client and get hold of the best option available. Provide devices for clients to use to access the hearings - a plug and play tablet, or a phone with headset etc
- Test the video function beforehand. Make sure your camera and microphone are working before the hearing. One adviser found their office phone system did not cope with conference calls so had to do them on handheld mobile.
- Focus on your written submission - “The least stressful tribunals are the ones when the written evidence speaks for itself and panel don't need to ask many questions”. Get as much evidence as possible, e.g. records from GP, and get your submission in promptly.
- Organise your client’s papers - Help the client get their appeal bundle in order, especially if there have been several subsequent additions to it, as the tribunal will direct hem to different pages etc
- Offer a telephone call with the client - either the day before or morning of, to run through and support/ answer any queries. Make sure to have a 3-way discussion altogether with client and anyone coming for support in advance (like we would have in the waiting room). Explain to the client beforehand the roles of the panel members and the areas that they are likely to ask about.

What to tell the client

- To keep a record of their ability / inability for a month and rate a pain scale for themselves so they have a clear and concise record of how many days they are capable and incapable
- The typical success rate at tribunal so they know their odds - that it's not a massive longshot but also no guarantee of success.
- To be prepared for a degree of technical problems especially when the call first starts eg with sound & connectivity
- To refresh their memory as to what was on the form/types of questions asked. To think of situations or examples that evidence their needs/difficulties
- For PIP appellants – to have a local reference for how far 20 metres is locally so they KNOW how far this distance is when the tribunal asks questions about mobility
- That the panel may not be local, so don’t assume local knowledge
- To treat the hearing like an anti-job interview! To be prepared to be open about some possibly embarrassing situations

- To ask the panel/judge to rephrase if they don't understand the question or to repeat if they don't hear it well – don't guess. So many clients are too embarrassed to interrupt a Judge
- To try and be as comfortable as possible and take their time and think before answering.
- To answer the question/ ask questions but not to be lured into "chatting". It rarely helps and the tribunal are not your friends!
- To explain any issues that would otherwise be readily apparent by looking at them, and be as explicit as they can about how they feel – they may sound relaxed and un-stressed due to being at home
- That (if you know a judge in your area is brusque or impatient etc) it's nothing personal, it's just their style and is no indication of the likely outcome
- That they can request a break if they need one
- If it is a phone hearing, to let the tribunal know if they need to change position due to pain and discomfort – as observations aren't being made
- To test the video function beforehand, and how to dial in by phone if video fails
- To make sure they will answer the phone- to have their phone charged, switched on and to hand, enough credit
- To have whatever they need to hand – e.g. water, tissues
- To have someone with them for support (eg Care Co-ordinator or Support Worker) – but that the person won't be able to take part ('advising/coaching' what to say etc).
- To dress as they normally do rather than 'dress up' for the tribunal.
- To explain any communication problems to the panel
- That you will be there to support and fill in any blanks or anything missed

What to do on the day of the tribunal

- Make sure you're available to answer the phone 15 minutes beforehand
- Have the papers with you, and put a 'do not disturb' sign on the room you are using
- Check the client won't be overwhelmed by a separate channel of communication between you and then – if not, set it up (text/Whatsapp etc)
- Listen for signs your client may need a break
- Request an adjournment if you, or your client, cannot hear the panel clearly
- Show the panel that you're trying to help them and enable them to make the right decision and be respectful, even if they are being "rude"
- Be careful with your communication over the phone as you can't give non-verbal signals of when you want to speak
- Make notes of what you want to say/address, ask the judge when there's a suitable pause if you can make your points
- Try to ensure that the judge/panel and the client are understanding each other and that communications are working in all directions.

What to do afterwards

- Ask the clerk to email the decision as sometimes they opt for posting and that delays it
- Have a debrief chat after the hearing if the client wants that support
- Give the client praise after for managing to go through that, and for all they said, as it's so tough and people often worry about what they could have said instead
- Encourage good recovery time afterwards

Thanks to delegates at the National Association of Welfare Rights Advisers conference, 10 December 2021, who gave this advice, based on a summary of IPR's research findings and their own experiences