# Thomas Written Reflection and Interview Transcript

*This document contains a written reflection (submitted by the participant before the interview) and the transcript of a semi-structured interview conducted online on 12 November 2020. Thomas was a Welfare Benefits Adviser and Clinic Coordinator (and founder of) an Independent Legal Advice Clinic in South London. The transcript and written reflection have been anonymised, with identifying names and places removed, or replaced with pseudonyms.*

## Written Reflection

Diary notes and reflections of a PIP appeal for a client with hidden disabilities

This memorandum reflects assistance given to [a] client between April and August 2018 on an appeal of a refusal to award PIP. It is prepared as part of Alexandra Murray’s PhD research project with the Open University.

Case timeline

4 April 2018: Email from [a] volunteer who handles telephone enquiries from prospective clients. He provided basic details of the client, [Richard], a 57 year old who, following an accident in 1983 and certain other incidents, had suffered from paranoid schizophrenia. [Richard] had been in receipt of Disability Living Allowance. When this had been withdrawn he was assessed for PIP but it had not been awarded.

11 April 2018: I met [Richard] at the clinic [name removed]. He provided more details of his case and we discussed the matter. [Richard] was very nervous and apprehensive. He later informed me that he had very nearly not attended due to his extreme sense of social isolation which means he finds it very difficult to deal with any interactions with people. The papers that [Richard] brought with him showed that the decision not to award PIP was made on 24 February 2018. He had sought a mandatory reconsideration but that had been rejected in a Mandatory Reconsideration Notice (*MRN*) dated 21 March 2018 which had awarded [Richard] 0 points for both the daily living and mobility activities.

I took the view that we would be able to help with his appeal and telephoned him the next day to explain this to him.

24 April 2018: I met with [Richard] and we went through his grounds of appeal. This focused on stating that the MRN had failed to take any, or any adequate, notice of the health consequences of [Richard] suffering from paranoid schizophrenia. The appeal notice highlighted how his mental condition impacted on various of the daily activities and what descriptors were applicable to his case. We also had to explain why the appeal was being submitted late which was in part due to the fact that the MRN decision had led to [Richard] being so upset as to binge on alcohol (brandy) and it took some time once he’d been to see his GP to identify an advice agency who could help him.

25 April 2018: Appeal lodged and treated as received by HMCTS on 30 April 2018.

1 May and June 2018: Kept in touch with [Richard] by phone on various occasions and also helped him with an ESA matter which had come in in May.

15 June 2018: Calling HMCTS to try to find out likely timing of appeal being heard. Was awaiting response from DWP to our appeal papers. Was told the average time for PIP appeal to come on in [London area] was 15 weeks and the papers had been with them for 6 weeks.

29 June 2018: Called [Richard] and both he and I had received the Appeal bundle from DWP.

18 July 2018: Call with [Richard]: appeal date confirmed as 31 August 2018. We discussed certain of the documents in the appeal bundle and also [Richard’s] recollection of the PIP assessment meeting/interview which he had found traumatic.

29 August 2018: Met [Richard] to prepare for hearing and discuss our approach. Decided that the Mother of [Richard’s] former partner [Irene] should attend as she could speak to his social isolation and need for help with his daily living activities.

30 August 2018: Completed written submissions for the Tribunal hearing. This was handed in at the hearing. It set out [Richard’s] health history and condition; described the PIP assessment with ATOS healthcare in February 2018 which [Richard] felt had not been well handled and misdescribed in the DWP appeal papers and went through the issues he had over the nil points awarded for various of the daily living and mobility activities.

31 August 2018: Attended the Tribunal hearing. The hearing lasted about 45 minutes to an hour and largely involved the 3 people panel asking questions of [Richard]. They were most interested to hear from him rather than anything from his legal adviser. He described the way his illness affected him in terms of not going out or mixing with people; his medication was discussed; he described effects of his paranoid schizophrenia; went through his ability to do the daily living tasks; [Irene] was also given an opportunity to speak to [Richard’s] social exclusion.

We waited at the hearing centre and went back in to hear the decision. The tribunal found that he was entitled to the daily living component at the standard rate from 28/03/18 to 27/03/23. This amounts to an award of £57.30 per week.

The tribunal found he had limited ability to carry out various activities of daily living, awarding him 11 points (preparing food: 2; managing therapy: 1; washing & bathing:2; dressing & undressing 2; and engaging with other people face to face: 4.). He scored 4 points for the mobility component which did not meet the threshold for that component.

[Richard] was well treated throughout the tribunal hearing. From the time he first arrived and it was explained where he would wait and what was happening, through the treatment by the tribunal during the hearing. It was a well-managed, ordered and humane experience for people who are often in a stressed and nervous state of apprehension.

Interview Transcript

**AR11 Transcript**

I= Interviewer P= Participant

I Hi there.

P Hey.

I Can you hear me okay?

P I can, yes. Can you hear me?

I I can yes, oh it's exciting. It's going well already. I was gonna say, just in case our internet goes a bit funny or if we have any trouble, we can just switch to like having the camera off, because sometimes that helps.

P Yeah, I've got it, um, I've got some internet problems here, but I've managed to use my iPhone thingy Bob [laughs]. I was thinking to tell you that we're gonna have to do it by phone, but it seems to be fine.

I Yeah, okay, brilliant. Well, we’ll see how it goes, but we can always switch to doing it over the phone as well if that's a problem. But thank you very much, you've been one of the most patient research participants I've had, when I was looking at, um, your case study that you sent in. It's from July, so it's been a whole…end of the world away.

P Yeah. Indeed.

I So, just to get us started, um, you've had the research information in the consent form. And you're voluntarily participated in the research.

P That's right, yeah.

I Brilliant. Thank you. And so, thank you so much for sending the case study, it was really, it was really good to see the length of space as well from your client. And so, you're at there, is it a law centre that you're working?

P Yeah, I mean we're a pro bono clinic… we’re the [name removed] Clinic, so yeah that's equivalent of a Law Centre, we just use the word, we could have called our service an advice centre, but we called ourselves the [name removed] and so, yeah.

I How long have you been working there?

P Well we set it up three years ago, we started in 2017. So, it's so, yeah, we just passed our third anniversary as it were.

I Wow. How's it, how's it gone since you first started?

P Yeah, it's gone, it's gone very well I think, um, there are 10 of us, 10 solicitors who volunteer there. Three of us are retired so we can take on clients and do, sort of, kind of end to end for those clients. Um, the others tend to do a 45-minute appointment, when they come along, we hold face-to-face appointments, at least we did until COVID struck. So, this year has been kind of, rather different, um, we are adjusting to going online, um, I act as clinic coordinator, so I have to do a lot of the admin, which I've been kind of… I have good, good periods and bad periods of doing the admin and getting cases out to people. So, at the moment I've given myself lots of cases and nobody else any, so I need to sort that out, that’s not very satisfactory [laughs].

I [Laughs] That’s it, delegation is a key part of coordination.

P It really is. It really is.

I Yeah, so, um, so you're all, it's sort of based on pro bono work or, or free volunteers?

P It’s all free yeah, we don't charge anything to any of our clients. If we've had, um, if a client goes to court and there are court fees, then the client would have to pay those, but we don't handle any money or anything like that. So, that obviously doesn't apply for welfare benefits stuff, but, um, it does if we're doing a piece of litigation in the high court or the county court, is more typically we're where, where we are.

I Have you noticed, sort of a difference in your clients or, or people that come to you sort of since you first started?

P Um, no, I'd say, I mean we deliberately target those with the least resources. So, um, well I suppose there's an element to which we might be getting wealthier people, applying to us, people who have actually got some jobs. From time to time, we take on clients because they interest us, because the matter is of interest to us. And in fact, I'm just doing one right at the moment for people who, um, they can’t afford… well they probably could afford a lawyer, but it just happens to be people that live close by, and I'm helping them on a lease matter. Um, but I've said to them, look, I'm not gonna take you on as a long-term client, I'll give you a bit of advice and point you in right direction. Um, and there probably have been…uh, a few more inquiries from people who simply have got issues coming up, students with issues around their university premises and what have you. Um, but vast majority tend to be, uh, people who've got… who are on benefits, have got a legal issue of one sort or another, um, and live within [South] London, we have… they have to be within [the] postcode.

I Yeah. So, what made you decide to, to go into this was it sort of part of your professional background from before or was it something new?

P Nope. No, it set up… my professional background was as a commercial lawyer. I used to do, um, big ticket commercial litigation for banks and completely the other end of the spectrum from what I’m now doing. So, it was totally unprepared me, or didn’t prepare me for this, if you know what I mean. Uh, it came out of, um, we operate out of [a] church in [South London], and my wife is the Vicar there, and there are a few solicitors in the congregation. One of them said to my wife, you know, we got few solicitors, we really ought to run a pro bono clinic and, um, or just a legal advice clinic. And then my wife said, ‘yes terrific idea, go and talk to [Thomas]’, and uh, so it was [James] who runs a high street law firm in the area. He was one. It was me, and another lady, called [Sharon], it was three of us, that was the genesis of it.

And I looked into it, I thought, you know, there's no way I'm going to reinvent a wheel that must have been gone through numerous times to set this sort of thing up. And I came across Law Works, who are the um…., they're the sort of pro bono arm of the Law Society, uh, although they're not connected to the Law Society, but if you go online, you'll see Law Works as a sort of coordinating organisation. And we are therefore signed up as a Law Works clinic, and you'll get all the details about them, you can see them online. And so, there's a lot that they, they oversee pro bono things most… many of which are operated out of universities. So, there's an awful lot of university clinics, quite a few are affiliated to mainstream law firms who will sort of sponsor a clinic. And I think we're probably a bit of an exception, being a free-standing clinic, just operating kind of independently ourselves, but very pleased to be part of the Law Works network because they give lots of support in terms of advice, well in terms of podcasts and learning materials so, you know, they'll do something like have a 15-minute podcast about Universal Credit or something like that. And they do adult housing and all sorts of different things and so it's a useful, very, very useful resource and it kind of gives you a sort of sense of belonging to something, that you're not just out there floating on your own, as it were, you feel connected to this thing which is good.

I Yeah, because I'd imagine it's, it's very different from your professional background sort of welfare law is a ...?

P Uh, totally yeah. I mean, I used to be, I was a partner with a magic circle law firm with some 400 partners in the city of London. Which I loved, I was there for 30 years, it was great, and it was a hugely hard work but hugely rewarding. But by the end, after 30 years, I was ready to do something different. I was in a fortunate position to be able to retire. I didn't see myself doing this, I have to say, I mean I kind of helped a number of friends do various bits of pro bono of various sorts. And because of my connection and my wife's church, my involvement there meant I picked up a few cases and I've helped a number of people in the congregation. You know, people who would, there's a couple who've got learning difficulties and he's an alcoholic. And he lives in [another borough], but they come along to the church, and he was having to go onto Universal Credit when it came in at the start of 2016. And I mean, he's just… would not be able to do that, he can’t use a computer or anything like that. So, I said, look, I know nothing about welfare benefits I said, [John] I'll help you out with this, it'll be kind of interesting for me to see how this works. And so that was my sort of first step into the world of welfare benefits, was setting up his Universal Credit account. I act, and I'm effectively him online, you know, the DWP knows it’s me that's sending in the messages and stuff because I'm, obviously upfront and saying that I'm doing this for [John] and I go to the meetings with him.

Yesterday, in fact he had a friend, it was a PIP thing yesterday. He was called by Atos, the healthcare people to do his sort of assessment two years on, and um, we were going to meet at church, so that I could listen on the phone call and help him through it. And he rang me to say he couldn't come because his, his knee’s gone, he is just stuck in his flat. And I said are you going to be able to do the call yourself? And he said, ‘yes I will try and do that’. And I said look, do tell them if you, if you're struggling ask them to call me, and later that afternoon I got a call from, actually a very nice woman through Atos health care, and they're not always as nice as this from my experience [laughs] is pretty mixed. And she said that, you know, she had quite a difficult conversation with [John] because actually, he's sober at the moment he's a lot, lot better than normal, but she couldn't really make him understand what she was doing. She said, ‘oh, I'm concerned it wasn't being fair for him’, because they were doing a review of how, how he was, and I had filled in a form for him a few months ago. And so, she said ‘look, we'd like to do when you can be there so that kind of we feel that we're getting a proper assessment of how he is’. So, um, I mean that's just a typical thing of that’s how that relationship has evolved over the four years I've been helping him, as it were. And that started, as I say back in 2016, a year before we started the clinic. So I kind of built up some experience in the pro bono world of welfare benefits before we started doing something like [Richard’s] case that was a… and I've done some mandatory reconsiderations for [John] and got him through those. [Richard] came to us when he had his Mandatory Reconsideration refused. So, the next step was to go to the tribunal. And we've done that for three or four clients, I guess over the period we've been operating and that's been an interesting experience. And I’d have to say the welfare benefits tribunals is a positive experience, compared to going to something like the local County Courts, which is a pretty frightening cattle shed of, you know, when you've been used to rather more rarefied atmosphere of the High Court and the Court of Appeal, or even the Supreme Court as I've had the good fortune to do in my career, I mean, seeing what goes on in there is pretty rough justice.

I Hmm, that's interesting that you've got that… comparison. And because I know for a lot of the tribunals, and quite a bit is made of it being more informal and have you have you noticed sort of the atmosphere there and how, how people are treated and how that sort of works practically?

P Absolutely I mean, I have been very impressed with the way that you've been treated, um, the nature of both of tribunal’s dealings with you, and the reception. Now of course, I always do wonder slightly and because when I turn up, they know I’m obviously not stupid [laughs]. They can tell somebody who's not, you know that … Whether I get a better treatment than if you turn up as a frightened, anxious, individual on their own. Um, I don't know. But when I was there for [Richard], I observed them with somebody else who was quite concerned and that certainly seemed to be good and as I say, my observations from going to one of the centres is up in London when I went to a tribunal hearing and when my client couldn't even turn up… again the atmosphere in the waiting room area was so much better than it is sort of waiting outside at [local] County Court. Or what have you, where there’s loads of people milling about and it's, it's a fairly intimidating atmosphere. So, yeah, it's not a host of experience going to the tribunals, but what I've had has been positive. Significantly better, I kind of feel like, the issues much more earlier on in the process around the way that the Atos system is, as was with [Richard’s] case, you know, they kind of do a review, he had a very difficult time on the, on the meeting with the healthcare assistant. He didn't really understand what was going on, I think, and he got nil points, and then we turn that completely around at the tribunal and there's a too much of a mismatch there between getting the right answer first time around and having to take it to tribunal and I suspect that must impact many thousands of people who don't then go on to the tribunals stage and are stuck with a misrepresentation… that would be my sense of what's going on.

I I was gonna ask, do you mostly get people coming to you or encounter them after the sort of MR stage, or do you sometimes get people earlier, sort of like, with their form filling at the start?

P We get all of them, so we, we cover all of them. Um, uh, with [John], the guy that I was talking about, I mean, obviously I'm doing the form filling stage with him, uh, not that that always wins out first time around. Yeah, it's, it's a mixture. Yeah, we have seen clients at different stages, it tends to be… well, yeah, I'm sort of thinking of the ones where we have gone to the tribunal scenarios. So, the ones that's more in my mind have kind of um, but yeah, we, we have had experiences at all different stages through the process.

I How have you, found it, is there a difference when you've managed to get someone say from the start of the process to when you're coming in, sort of right at the end of the MR stage maybe?

P Um, I guess the thing about coming in at the MR stage, is that I realised you've got… you get, you get hold of the information that has driven the decision. So, you get hold of the Atos report, and then you have to play a bit of a legal game of looking for the inconsistencies between what is in the report, and what you think the reality is, and you have to pick into part of it. At least that's the kind of approach I've done, because I'm a lawyer I can do that. And that's been successful on the three or four times that I've had to do that. But you do have to have the evidence there. I mean you, you kind of, you do need to have someone who's got the issues that they are that… that you're putting forward as being why they should be getting the help they're asking for, why… I’ll just grab my welfare benefits book [CPAG Welfare Benefits Handbook], do you know this one?

I I’ve got several yeah [laughs].

P [Laughs] This is my Bible. The other thing you find, that when I'm doing it… when I'm learning at this stage when you're… I've just turned 60. At this stage, none of it sticks with me now. When I was younger, I’d do it once and it would stick with me but … sorry let me just take this.

[Interruption – phone call]

P Yeah, that's one of the difficulties about trying to learn new issues of law now, simply that you have to kind of, I do a case in the same area and I think, yeah, I know about this, but you have to always go back and check it all out. But what was I thinking of… it was the, yeah, the limited capability for work stuff, that always gets quite complicated. You know, getting yourself into the right category, then at the right levels and things we've done a couple of things for, we had the one for a woman who came along, and she... I think got into the right category in the past, and then she moved so that she couldn't go back to the people who had helped her to get to the right category first time around. So, when it came up again three years later, she came to see us or something but yeah, that was all around limited capability to work and work-related activities and those sorts of things.

I It's often… can be quite hard to follow because there’s can be quite a few changes depending on some legal action that's been happening for the wider regulations and then appeals that you do or take them sort of to the upper tier. There's a lot to keep on top of, isn't it?

P It would be… I think if you weren't a lawyer, I think… well actually that's not, that's not true, there are clearly some very good organisations and charities out there and people out there that are much better than the lawyers, it's quite an interesting thing in that, they're experts in the field, and they've got into it and there's some good websites for people to kind of go on and plot their way through. But yes, it is a very specialised area in a lot of respects and for, you know, your average person who has the need for welfare benefits help, it's a minefield to try and find their way through is… a fair representation of that. That, I’m afraid, is true of so much of our legal system full stop when we, the people come to us whatever the matter is, whether it's housing or welfare benefits or just a piece of ordinary, a civil claim in the courts, it's very difficult for them to know how to navigate their way through the situation that they find themselves.

I Yeah, it's um, it seems quite difficult in how you approach that with the people that you work with because obviously you'll have a far better grasp of the legal background, than you can probably, or need to explain to them. And, you know, it's, it seems tricky.

P Yeah, it's, it's, you have to try and keep it simple for them in kind of... there's lots of things that don't need to know, but uh, at the same time you want to keep them properly appraised to what you're doing. And if they don't understand everything you're telling them, then that's not the end of the world but I try and keep it as simple as possible. But we had um, um, I mean, interestingly the, there was quite an interesting thing, you'll be able to see it on the Law Works. They held pro bono week last week, which is something that they use pro bono week across the country, I guess and Law Works is quite involved in that. And I was on the panel involved in a seminar about pro bono and ethics which was, had some very interesting speakers on there. And I spoke a little bit about the ethics of running, a client service for pro bono clients. And my kind of pitch was a little bit sort of, you know, I used to be in a city in large international firm in the city London and now I’m completely at the other end of the spectrum. It's very different but one thing that's the same is that your client is very important, whether you're kind of a big law firm or in a pro bono clinic. And then I talked about one particular area, though that we see a lot of in pro bono clinics, is the vulnerable client. And what are the ethics around acting for vulnerable clients. And, um, in fact, because I only had five minutes what I talked about, and indeed I quoted from a letter from [Richard], who I wrote this thing about, had sent me. I talked about creating an environment in which the vulnerable clients can feel, to the extent they're ever going to feel comfortable that they can actually stay there and talk to you about their matter rather than just be so… overwrought and panicked by it that they can't do that. And [Richard] was one of those because it was social isolation, was right on the edge of being willing to, you know, he could have easily just turned around and gone, but he felt safe enough to stay. And so, I talked a little bit about, kind of, the way that… the environment you create, plus the way you give your advice and deal with them in terms of how we deliver our advice is almost as important as the advice you're giving them, because if they can't take it on board or kind of its, it's just too frightening for them. Um, you know, it's, there's things you have to think about there, which is quite different from when you're in an ordinary, well I say ordinary firm, in a large firm dealing with people who are not vulnerable because you're on a more of an equal footing from an emotional or intellectual level with them as it were. I don’t mean that in a disparaging way.

I Is that something that's been quite challenging? Because, I guess, that that is quite a change in client base, if that's the right phrase for it?

P Yes. Although, as I said kind of, at the end of the day, what do I regard is the most important skill in this: whoever your client is, the most important skill as far as I'm concerned is the human one, of how you're treating and dealing with your client, whoever that might be, whether it's a kind of a managing director of a bank or the person who comes in with severe disabilities or what have you. So, it's kind of getting that human connection in a way that then enables you to get from them the information that you need to enable you to work out what the legal issue is that you're facing. Um, and that's obviously a kind of, you know, something that you need to be able to do. But I find it fascinating, because, I find people interesting and, therefore, I met a lady yesterday who came through to… we held a… we're not holding our clinics face-to-face now but because I, I can go into the church because my wife's the vicar I kind of have met with two people there yesterday.

Um, and the first one was a woman who has, um, she lives literally just up the road from the church. She has a, an 18-year-old severely autistic son, who she's wanting to get a deputyship for, she wants to open a bank account for him and try to get Barclays to open a bank account when he's not got a passport and she can't get a passport because he can't focus. She actually showed me the, the picture that they’d taken in the home that he’s currently in, where he’s a nice looking lad, but he's looking slightly off camera, and therefore the passport office rejected it. And she said this is about as good as they think can do, for goodness sake…[laughs] and I said yeah I can understand that. But again, I find that fascinating, again how to, how to bank and I'm going to, I'm no great fan of Barclays in other cases I've done. I am going to try and look into how are they dealing with vulnerable clients in terms of enabling people to open a bank account, banking with them, when you don't have the usual things about, you know, addresses that are permanent or what, what have you. And I know the banks are trying to be better but I'm going to slightly push it to see if I can help this woman to do that and see what it's really like. I fear, it's not going to be, it's not going to be as straightforward or as helpful as their glossy adverts on the TV suggests they are.

I Yeah, yeah, it's always worth pushing a bank though isn't it [laughs].

P [laughs] it is yeah, if there’s one person you don't mind kicking it’s the banks. I say that but I worked for them for many years.

I Well that makes you all the better placed. That's it.

P It does give me the odd other advantage, I have to say yeah.

I It's interesting what you're saying because it sounds very similar. In, like for PIP in terms of the evidence and what you're trying to gather for that and how that differs for people with different conditions, um, and yeah just wondered what you've seen from when you're trying to do that evidence gathering either ready for their application or their appeal.

P Um, well I guess it's primarily around the filling in the form isn't it and sort of trying to satisfy the criteria that are there. And that can be, um, I mean, you just have to put in there what you can do. But I do… one of the things I find slightly troubling, again from a moral point of view, is take something like [John], the guy I was talking about in the beginning, the alcoholic. Um, the fact of the matter is, we went for a health assessment with him, and I drove him there, because there's no way he could have got there without being taken by somebody else to get there. This was a little while ago so I'm slightly struggling to remember all the details of this. Um, but it's the way they observe you from when you're there, so when you're sitting in the waiting room when they call your name, if you hear your name and if you stand up and you can walk across unaided, all of that counts against you [laughs] in a way. And, you know, whereas I spent my career telling people how to do the best that they can do when they're in the witness box to give their evidence, or whatever. I mean I don't, I wouldn't say to [John], ‘[John] it would be terribly helpful if you could fall over on the way’ but, you know, that's the truth of the matter, it actually would be. And I'm sure, I mean there are people out there that try to play the system, by knowing that that’s what goes on, who sort of all across [recording sound lost] … That's a bad way to be running anything really in terms of that, that part of it but… Yeah, that the, that that interview that I'm remembering. [John] answered all the questions, and they got a bit uppity with me when I intervened at one point because I think [John], if I remember rightly had been stuck indoors for a week, because for some reason he couldn't get out. So, he sobered up. So, this was actually kind of quite a good day in terms of what he's normally like. And, you know, when I made that observation, I was roundly told to shut up. And I'm not gonna try and intervene and whatever, I recognise that I'm just there as the least important person in that room. It’s between the client and the assessor. But, you know, I was quite cross when I saw the report that came back saying… making [John] out to be much more capable and able than was really the case. And so, we challenged that, and we were successful on the challenge, but you know you felt like the health care assessor, it was almost as though they had an agenda to get people to pass this thing, uh, as best they could. But that was, again that's an anecdotal observation rather than anything else but that's how one is left feeling somewhat.

I Is that something that your clients are aware of, that sort of… the trust in the process, I guess?

P Yeah, the… some of them certainly, I think, kind of feel… have a lack of trust in the process. {Richard] was an example of, I didn't, I wasn't there when he had an assessment, but because he, because he's got a number of issues around being paranoid and overly sensitive, he will take very quickly against a situation if he feels that he's not being listened to, for example. So he went along to an assessment, and he wanted to show them a letter from his GP, and they didn't want to look at the letter from his GP, and he was… that completely threw him, and he had a very difficult encounter as a result. And that sort of thing really breaks down trust, in terms of not being helpful. And that's not all the fault of the assessors as it were, I mean, that's recognising that the individuals have got issues, and doubtless when you’ve got a whole caseload of people to get through in a day, it's not easy. I'm not for a moment wanting to, um, slag off everybody's doing these assessments, but it's… I'm sure it could be better.

I It's interesting what you're saying about [Richard] and his, his sort of trust in any sort of engagement, how did you prepare him for the tribunal knowing that those were sort of issues that he had?

P Yeah. Um, I spent a lot, I spent a good deal of time with him, I built up a high degree of trust between him and me, and he knew I was going to be sitting there. One of the brilliant things that we did though, and the interesting thing about [Richard] is that, I mean, the tribunal panel the three of them were very good. And they asked him questions just in the way I'd been asking him questions and he was brilliant because he's not a stupid individual by any stretch of the imagination. And he, he just told him, he’d just speak straight and just told them what his life's like, and how it is. But quite late in the preparation for that, he, you know, I'd been talking to him about something, and I sort of said so, his social isolation means effectively he sees his mum. And, uh, and a woman called [Irene]. [Irene] is the mother of his former partner who committed suicide, so part of [Richard’s] terrible journey through life has involved having a partner who's been an addict and has committed suicide or what have you. But [Irene], whose daughter had committed suicide, she was someone who's a good friend of [Richard’s] mum and [Richard] could go along to see his mum and [Irene] would cook food for to them and bring food home that [Irene] had cooked. And I said, how do you spend your days when you're there then he said, ‘oh we just go for a walk on the beach’ and I said, well, what happens if you encounter other people that [Irene] knows? And he said, ‘oh well, you know, I'll let [Irene] speak to them and I’ll slightly sort of wander off’. And I said, do you think [Irene] might be prepared to come along and talk to the tribunal? She could be a witness for you at the tribunal. Because I kind of had that sense that [Irene] was going to be a salt of the earth, really good, really good news in terms of backing up what we were saying. And I called that one correctly, I'm pleased to say, [Irene] turns up and was terrific. She, she just sort of said exactly how [Richard] is and what it's like when he is with them or whatever and so… The tribunal, you know, they didn't want to hear from me, I put submissions in, I just sat there, they made it clear that I was just… because I could tell that they were going to handle this well I didn't have any need to. So, they only wanted to talk to [Richard], and then they were interested to hear from [Irene] and at the end, they, you know, kind of, barely were interested. I didn't, I don't think I said anything really at the end as far as I can recall because I knew that this has either gone extremely well or [laughs] not at all well. And my sense was it had gone extremely well, and we got what we wanted, so that was fine. But that was an interesting experience of, yeah, getting, um, forgotten quite what the question was now, but it was, around, [Richard] being well treated by the tribunal because he was prepared for it, he just talks straight to them. And it wasn't an intimidating atmosphere. They explained, they were sitting across the table, it wasn't like a court, it was, it was formal, but it wasn't intimidating. Not like kind of seeing the judge at the other end of the room, being slightly barky about kind of, you know, whatever, the way that he or she is going to run their court and the rest of it, which is very intimidating for, for non-lawyers and can be quite intimidating for lawyers as well, quite frankly. So, that was, that was a good experience that went as I'd hoped it might do, and he was ready. He was nervous but you know I was sitting next to him, and he had those conversations and he was very, very good.

I Um, have you found, I guess, again having a three-person panel would be quite different from your previous experiences? How have you found sort of that dynamic between the three of them and what they bring to the tribunal?

P Yeah, and I haven't had a lot of experiences, there’s a couple of hearings where there's been three of them there and this one… because you had the sort of the health, mental health, person was there that was more sort of independent. The chairman person in the middle, it worked well. It was fine because again all three of them, I think, actually two of them were more involved [recording sound interference]. But they knew what they wanted to ask, they knew what the questions were to test out, what medication [Richard] was on, and how severe that was or whatever, you know, kind of what the implications of that were. Um, and they were interested in asking about his, his day to day living, what he does with himself day by day. Um, and, um, yeah, my impression of that, on that occasion was fine. The other time that I was in front of three of them, my client wasn't there but they pretty much made their minds up on the papers that we submitted it wasn't, wasn't really an issue. So, again we had a very easy ride through as it were. Um, and it's clear that there are an awful lot of decisions that are successful on appeal. If you go to the tribunal, you've got to, you know, you've got a better than 50% chance you're going to win. And in fact, that percentage might be much higher than that.

On this pro bono, ethics thing last week, there was a woman from [a large firm] up in London who I know well. I didn't know her, but she runs their pro bono thing, and she was talking about [their] pro bono lawyers who have a very high, she was sort of, extolling the virtues of their high success rate they have in the tribunals. I thought, jolly good on you, [laughs] it’s not actually that difficult from my experience, but you know, it's good that they do it, you know. The more concerning thing is why you have to go that far down the system to get the right answer. That's kind of more the, why are we not getting the right answer at the assessment stage? Is it because, and this is again slightly more cynical side of one saying, is it because they know that if they passed everybody, the budget just simply wouldn't manage to meet all those needs? So, they are particularly, uh, severe at that stage to knock out a lot of claims that may otherwise have been justified. As I say that's the slightly cynical, we do have to wonder whether that's kind of what's going on in the background.

I Yeah, and again the so… I keep an eye on the appeal rates, and it's been in the high 70s for quite some time. And, yeah, I think that's, that is a reflection of something going wrong in the process, earlier on

P Well I would, I would from, from my experience I would certainly be looking at, kind of, the ATOS, or the health care assessment stage and the way that gets interpreted. If you're doing research looking about that, that’s my sort of slightly anecdotal thing where the issues are.

I Um, let me just have a quick, quick check of my notes. Yeah, so from your, your case study about [Richard] that you sent in, one of the things that really struck me was how much time you spent with him. And I think that's something that you've mentioned again here is that that was, um, that was quite an intense process. How much time do you think you generally spend with client’s sort of preparing them and going through the process?

P Um, it, it varies and it was probably more than some, uh, but in the welfare benefits field, he would have certainly been more than the I think be more than the others I've, I've done. And a number of them will have been literally a meeting, maybe two meetings, a telephone call, uh, and putting some submissions in. And we did that for one woman who came along with some quite significant issues around drugs and, uh and the like, and she was one of those ones that have been put into the work-related activity camp or whatever, I can’t quite remember which one it was, but she was in the wrong one. And I couldn't go to the tribunal hearing, but we put in a written submission for her, and she went to that on her own, and she was delighted when she got the right outcome of that. So that, that was probably a couple of meetings, maybe a couple of telephone calls and me preparing the document which I got her to approve the documents. So, that was more typical, but still would have been, and to write, because again, I'm coming to this as a newbie rather than someone who's experienced, it takes me that much longer to get through the right bits of the book, look at some of the law, go into some of the cases, find them all that sort of stuff. So, it may well have been, to write the four- or five-piece submission may have been the best part of a day of research and writing by myself. And then sending it off, um, to the clients who read it through and say, yes, she was happy with it.

I Locally where you are, are you sort of the only ones providing this kind of help to people?

P Well there's, there's the [local University] have got a pro bono clinic. They do I think three areas, they certainly do family, I've got a feeling they do welfare benefits. They've got going again recently and I must say… I say recently but they weren't… when we, when we started three years ago, I tried to link up with them because I knew, I knew that they were there, but I could never… they seem to have stopped. I think the woman that was running it was not well at the time or something, I can't quite remember, quite what it was. And clearly, they're going now. And I've been meaning to drop them a line because I'd like to sort of let them know more about us and learn more about what they're doing. I know they’re doing something quite interesting in helping the Windrush generation fill in the forms that they need to fill in in order to get entitlements, which I think is a great thing to be doing. Um, but I've also got selfish interest in kind of, I think it'd be really quite useful if I could get access to the University law Library facility, because at the moment I go up to the Law Society library. Which is excellent and I quite enjoy going into central London, again because I used to do it every day and it's now a treat [laughs] but it would be quite useful to have access to their resources if, if I was able to do that so. It's one of those things it's not going to happen at the moment but maybe in the new year I'll try and get a meeting and just chat to them about what we do and what they do. And the other thing about it is that, as I say we have 10, we have 10 solicitors operating. We get a lot of requests from students who want to, um, help out and get something on their CV. And again, I haven't integrated students as well as I might do, what I really need is a good administrator who could do all this stuff for me. And then we could be vastly more effective than we are, I suspect. But I would be very happy to work with some of the [local University] law students who want to see kind of what the solicitors are like when they do it. It would be different experience, I suspect, from what they do in their clinic so there might be some, um, two way help we can give. Which is where, we’re literally a mile from each other so that would make a lot of sense.

I Yeah, and it's, it's definitely, from what I've seen and the people that I've spoken to so far, it's very patchy about, sort of, what is available depending on where you are, across the UK, um…

P Yeah, its… its, the number of conversations I have with people who are just outside of the area that we say, you know. Kind of, lots of people from East London, if they ring or if they come from Bromley or Dartford area. And I'm having to say I'm sorry, but we have a completely voluntary clinic, we are getting many more requests for help than we can actually handle. And they say ‘well, who is there in my area?’ And I say, well, I don't know, we can go onto the law works site and see something. It's another thing that I'm actually going to try and get it, and we'll get one of the students to do, is to do some research and we'll suggest this to law works. It would be really good to have a good resource available for where the places are to go in the different areas of law we’re dealing with. For example, welfare benefits, I think is, is better than many from the searching online that I’ve done. There seems to be quite a few sites where people know what they're talking about in terms of how to get through this process, but I haven't pulled it together in anything that's sort of… might be a useful thing of, I'm sorry, we can't help but go on to this website, go onto this website, you might get some help there, and that would be a useful thing to be able to point to.

I Yeah, I'm trying to think, whether it's Turn2Us, or someone else that does have a postcode search thing that you can put in and then it brings up what help there is in your area.

P Okay, yeah….

I I'll have a look and see if I can remember what it is and I'll email you if you if it's not Turn2Us, if it is someone else.

P Yes that would be very helpful. Yeah. Yeah.

I Um, because yeah it must be really tricky. Especially when you're a team of volunteers and you've, you've got to kind of stick to your boundaries, haven't you? Otherwise, you don't have the time to support the people that are coming to you.

P Exactly, well you have to recognise that you can't help everybody. And you just have to accept that that’s it and you take the view that it's better to be helping some than none, but we can't help all. You just crack on from there really…

I Yeah, it's, it's really tough. And I think, yeah, it's by no means unique to your situation it's definitely for them.

P Well it’s tough for them

I Yeah. And quickly, because I'm mindful that you, you need to go at 4 don’t you?

P Yeah, I’ve got another one, slightly different.

I So just quickly, to circle back on something that you'd mentioned. So, in the assessment about how you're very aware that they're sort of observing you and what you're doing from quite early on, and I just wondered if that was… what that is like for the tribunal side of things and whether you're maybe a bit less aware that that would be a similar situation where you're being observed and that's been noted?

P Um, no, I, I think you're aware of the fact that in a tribunal you are going to be being observed as to how you're coming across and what you're, you're saying so…. Um. And I don't say that it's entirely wrong for that to be happening at the health assessment stage, it’s part of it. But it feels slightly, when you read it in the report that they heard their name when it was called, and they walked for 25 metres to the door unaided and you feel sort of… it feels somehow slightly more underhand than it perhaps should do. I don't know, maybe I’m being a bit naive about it but, yeah, it's, I think it probably grated, grates more because the approach seemed to be maximising the positive things and minimising the negative things in terms of the way that the report is written.

I How have you found the reports as well from the, the assessment?

P Some of them, uh, I’ve had certainly clients who said that these reports are simply wrong, and they're saying things are completely wrong. We took part in one report where, I think it may have been for [Richard], where he'd had a really difficult time because he’d fallen out with the person who was assessing him and there’d been quite a confrontation there. And none of that was referred to in the report, as sort of the kind of the difficulties of it. And I’m, I’ve forgotten quite how we used that, but we did sort of pick apart the report, saying effectively that it was not reliable, and it shouldn't have been relied on to make the mandatory reconsideration decision because it was plainly inconsistent with… with, um, the evidence that [Matthew] had put forward as it were. Yeah, that was, we felt it was far too slanted in, as I say, in a direction to get zero points rather than to be a fair assessment of the state of that particular individual.

I How do you think it's, um, sort of different in tone, like the assessment compared with the tribunal hearing?

P I'm sorry you broke up there.

I Oh did it break up? How do you think it compares, sort of the difference in tone or atmosphere, so the assessment and the appeal hearing?

P Um, again, probably albeit slightly wary because I've done two or three of both of those, I'm in terms of being in the room for an assessment and being at a tribunal hearing. Um, I would certainly, my sense is that it's been a more, it's been a warmer atmosphere of the tribunal, and in the environment that you are there, and a more accepting and...um, uh, an atmosphere where they're more willing to listen to what you've got to say than has always been the case at the earlier stage.

I Um, is there anything sort of in general that you can think of? Um, so I think, quite a few people that you've mentioned that you've supported would, would definitely come under the category of having an invisible disability. Is there anything that you've noticed through the process where that, sort of, presents a different challenge to someone who say, has a more visible or obvious disability?

P Um… yeah, that's a good question in terms of, um, in a way, anxiety is a visible disability. With all of the clients that we had to deal with, and I'm thinking about one woman that we helped quite recently, she was having, she's just been completely overcome with anxiety. And she was doing a job, I think something like a librarian or something like that, and she had encountered very significant difficulties. And she was hugely apologetic when she came to see us because she, again, knew that she was going to find it very difficult, because she is so wracked by the condition and the anxiety that she has. I’ve forgotten whether she had a particular diagnosis, actually. And I didn't meet her very much, but I actually warmed to her in just the one encounter I had with her. And I spoke to her on the phone, a little bit, if I remember rightly. And we had a successful outcome for her, but, um, she on the face of it, you know, she is the classic sort of person that you'd almost think… oh kind of, you know, why doesn’t she just get it together? That's the whole issue, she can’t, and that for whatever the reasons are that she's found herself in that, that…uh, place. So, yeah, um… I haven't seen enough of that in a way to, or haven't thought through quite enough about how that's playing itself out in terms of the assessment or the tribunals as to how they're interacting with it, but um, yeah, it's, it is, it is quite, it is quite a tricky one in some ways,

Take someone like [Richard], who I've got to know quite well over the years, he goes along he presents himself, and there’ll be times in the, in the meetings I have with [Richard]. There'll be times when I'll be thinking to myself, because we were having a remarkably normal conversation, on one level, or most levels in fact, I'll just be asking myself, ‘am I having the wool completely pulled over my eyes by this chap?’ And, you know, that that went through, has gone through my mind on two or three times with him. And I know that I’m not from, you know, the amount of time I spent with him and meeting someone like [Irene], and indeed I went, I went to his flat, which is rather unusual but he told his parents say to him, [Richard] how on earth do you spend your days? Because he's … doesn't like going out, he doesn't like the radio, he doesn't like this, that and the other. And he says, ‘Oh well I make, I make models’, and I say, what do you make models of? And he said, ‘well I've been making a model of the Cutty Sark’, the ship at Greenwich. So, we finished the case and I said to him at one point, I’d like to see your model. And we finished the case, and he invited me to his flat to see this model. So, I went to his flat and he showed this incredibly big, I mean he has OCD so it's incredibly… his flat was spotless and perfect. He was very nervous having me there, which I can also absolutely understand, made me a cup of tea. We have a nice chat. And, yeah, this model…. Uh. But the thing that absolutely took my breath away he was that at one point he says, I said something to him like, so how long have you been living here? And he said ‘oh, about 13 years’. And he's got two daughters he sees in addition to his mother and [Irene[. He said, ‘my daughters come over from time to time, one of them comes over. But you're the first visitor I've had’. And I thought, blimey. And he said, ‘Yeah, no I don't, I don't like having people here’. And so, that felt actually such an incredible privilege that, you know, he'd actually asked me to go to this flat and see him and I've met up with him about once and in fact we send messages. And, you know, he’s probably not stupid, he realises in two years on from what we did before, he's gonna have to go through these things again, [laughs] so he’s worked out, oh he’s not a bad person to try and kind of get me through all that hassle. He’s an interesting chap, so we, you know. But that's, there's lots of kind of in a way invisible stuff going on there because to talk to him, you wouldn't realise all the issues that he's going through and in fact, you're asking yourself, is what he's saying the truth? But it is.

I And it seems like a really good reflection of how much trust you did build up with him, that you were his first visitor in 13 years.

P Well, yeah. Then again probably, he hasn't allowed people to probably get close to him either in a way. He hasn't got the trust to do that. And, you know, that's, that's really sad because there's many people there that probably could befriend him and would be okay with him, but you know we can't fix everything for him [laughs]. Yeah.

I Well, thank you so much. It's been really interesting. And before I let you go. Is there any questions or anything else that is in your head that you can think of before we go?

P Look, I would be interested to know how, um, not now, but I would be interested to see what comes out of it as it were, in terms of what you're doing with the work and if there are things that you want to ask me about ping me an email or something I'm very happy to chat again

I Brilliant, thank you.

P I feel like I really rambled rather a lot in that sort of way that one does sometimes when you ask a question.

I It’s perfect, rambling is exactly what I was after [laughs]. So, after this what I'll do is hopefully, either by the end of this year or early next year is just send a sort of little research summary out to everyone that wants one so it, sort of, be a collection of what's come out from all of the interviews with everyone so I can send that to you.

I Yeah. Yeah. I’d be very interested to see that yeah.

P Thank you so much.

P Okay, I must go because I wish you all the best anyway. Get over the line. I know PhDs, well what do I know, but I’ve got a friend who's just completed one and I think it was a nightmare getting to the end for her, but she was pleased to get there.

I It is a unique experience, yeah [laughs].

P [laughs] Yeah. All right.

I Thank you. Bye.

P Bye.

[End of recording]