

## **Whether and how to write a submission**

Written submissions, as opposed to written evidence, are used to set out your client's case or to challenge particular aspects of the DWP's case. Written submissions are becoming increasingly common because many advice agencies funded via Community Legal Services cannot get money for representing a client at a tribunal, but can get money for helping them to prepare their case.

However, the general rule is that evidence is best given by the claimant in person at the hearing, where the tribunal can make a judgement about the claimant's honesty and reliability and ask further questions. There are some circumstances, nonetheless, when a written submission is appropriate.

### **Complex matters**

You are unlikely to be involved in complex legal arguments in relation to DLA, particularly if you are not a welfare rights worker. However, if for example, there is a serious disagreement between various items of evidence scattered throughout the papers, you may want to put it in writing so that the tribunal has all the page references and quotes needed to support your argument.

### **No representation**

If you can't accompany your client and you can't get anyone else to represent it may be a good idea to set out the major grounds for the appeal in writing and submit them.

### **Disadvantages of written submissions**

One of the major disadvantages is that a tribunal Chair may say something along the lines of:

*"Thank you for your very detailed submission, Mr Donnison, which we have all read very carefully. Have you anything you wish to add to it?"*

The problem here is that they may not all have read it, or they may not have read it very carefully and not really followed the arguments. But although you may suspect this, it may be difficult to do anything about it. (It might not go down well if you started grilling the tribunal to test their understanding and recall of your submission). If, instead, you had made your argument orally the tribunal would have had little choice but to listen.

One possible way around this is to make your argument orally and then say;

*"If it would assist the tribunal, I have prepared a brief summary of this argument."* and then offer copies to the tribunal. That way they've heard your argument but they also have it in writing to refer to when coming to their decision. In addition, there will be a detailed record in the papers if you come to challenge the tribunal's decision.

Another major disadvantage of written submissions is that they can be very time consuming. If you have only a limited amount of time at your disposal it may be better used preparing your client than preparing a written submission.

### **Producing a written submission**

There is no standard format for written submissions, but it is worth numbering paragraphs so that you can direct the panel to them in the course of the hearing if you need to do so. Sub-headings also make a written submission more reader friendly. There is a brief sample written submission on the following page.