

Disability Benefit Tribunal Representation – Client Engagement Letter



This letter confirms that you have given permission for your disability benefit appeal case to be referred to Z2K. Once we have received your documents from the organisation that has helped to refer you to us (your referrer) we will review your case and check if we have the capacity to accept you as a client.

In order to ensure that we provide you with the best service possible, it is important that you read and understand this letter as we may refer to it again later.

Who are Z2K?

Zacchaeus 2000 Trust, or Z2K for short, is a charity which works to support those on low incomes living in London by providing them with practical advice and support, and by campaigning to change the law. We do not charge for any of our services and nor do any of our representatives.

What is the Z2K Disability Benefit Tribunal Representation Service?

Through this programme, we help people to appeal their disability benefits claim at tribunal level.

If we take on your case, we can help you with a tribunal appeal of the refusal to award any of the following disability benefits:

- Employment and Support Allowance (ESA)
- Personal Independence Payment (PIP)
- Disability Living Allowance (DLA)

We help by assigning you a representative, who will be a volunteer, in-house caseworker or a solicitor from a London law firm providing their time on a pro bono (free) basis; all of whom will be fully trained by us.

We can only provide representation to clients who meet the following conditions:

- Live in a borough of London
- Are in receipt of, or would be eligible for, a means-tested benefit

What can I expect from my representative?

What your representative can do for you:

- arrange a meeting to talk to you about your case
- write submissions on your behalf to the tribunal, outlining why you should have been awarded the benefit
- give advice on which pieces of medical evidence (e.g. GP letters), if you have any, would support your case, and submit these to the tribunal for you
- attend the tribunal appeal hearing with you

What your representative cannot do:

- guarantee a successful outcome for your hearing
- help you arrange transport to your hearing

- give you financial assistance for medical report fees or transport
- accept any gifts from you at any point

What if I don't speak English or have a hearing or speech impairment?

If you are not able to have an interview in spoken English (due to language needs or a hearing or speech impairment), it is your responsibility to tell your referrer so that they can tell us. We will ask you to bring a friend or family member to help interpret at the interview. If you do not have anyone that can interpret, we will try to find a volunteer interpreter. We cannot pay for a professional interpreter, and so if we cannot find a volunteer interpreter, we will unfortunately be unable to take your case.

What happens now?

We will aim to call you and tell you whether we can provisionally take your case within **one week** of receiving your documents from your referrer. If you do not hear from us after a week, you should start by calling your referrer to make sure they have sent us your paperwork. We will answer any questions you may have, and if we cannot take on your case we will advise you about how best to self-represent. Please note we are working with limited resources, and the demand for our service is high; if we do not accept your case, it is usually because we already booked as many clients as we can manage.

If we do take on your case, we will send your signed Form of Authority to the Tribunals Service to register with them as your representative, so that they will keep us informed and send us copies of any letters they send to you.

Your case will then enter a queue with Z2K and we will assign you a representative when it is your turn, as we help people in the order they come to us. In 2017/18, the Tribunals Service estimates that it may be **4-6 months** from when you lodge an appeal against a benefit decision until you receive a hearing date. Therefore, please do not worry if you do not hear from us for several weeks or months after our first phone call. When we assign you a representative they will call you to arrange an interview.

If you receive a Notice of Hearing, giving you a date that your case will be heard, we will have received the same letter and you do not need to call us to let us know. If we have not yet assigned you a representative **we will prioritise your case and take urgent action**. We have representatives who specialise in taking cases at this stage.

We cannot guarantee to find you a representative, even if we provisionally take your case. This is because we have to estimate our capacity several months in advance, and it is possible that we may not have anyone available on the date of your hearing. However, we do find representatives for the majority of our clients.

If we cannot assign you a representative we will inform you no later than **one week** before your hearing date.

When you have been assigned a representative, and they interview and write submissions on your behalf, there is a very small chance they will then not be able to attend your hearing with you (e.g. they are ill). If this happens, we will endeavour to find another representative to go in their place. Similarly, at times we may be able to assign a representative to write submissions on your behalf, but not to attend the hearing. If this happens, we will contact you to discuss the situation.

What we will expect of you:

- to respond to all requests for information and be available to attend meetings we may set up for you
- to act in a reasonable and polite manner in all dealings with our staff
- not to arrive at the office without an appointment as we are unable to deal with queries without an appointment
- not to call us repeatedly when we have told you that we will contact you when we receive a response.
- to listen to our advice. If you prefer not to do so then we may discuss with you that we may not be able to cannot continue to help you.
- to try to bring someone with you to interpret if necessary
- to bring any letters, or other documents, that may be relevant to your case when you come to see us.

What you can expect from Z2K

We will:

- do our best to help you whilst acting in a fair and reasonable manner towards you
- aim to return any telephone call from you within 2 working days
- aim to reply to all relevant correspondence within 5 working days. If you require communication in writing you must inform Z2K and all letters will be sent by second class post.
- contact you as soon as we have an update on your case
- only disclose details of your case and medical history to our staff, volunteers and members of organisations that provide representation on our behalf, or to the tribunals service, or to health and other professionals you have given us permission to contact.

We will **not**:

- discriminate against you for reasons of race; ethnicity; nationality; gender; religion; disability; sexual orientation; transgender status or any other reason
- tolerate any discrimination against others
- ask you to do anything which is unlawful or might cause you financial or other harm

We would like to make it clear that when we help you we are not acting as lawyers. If we think you need legal advice we will try to find solicitors to take on your case.

How Z2K manages your information (Z2K Client Privacy Notice)

- We collect and process a range of information about you on the basis of legitimate interest under the General Data Protection Regulation (GDPR) in order to provide you with this service.
- Z2K is the data controller with office located at Fourth Floor, 79-80 Petty France, London SW1H 9EX. Please email or contact the Office Manager, Tanya Sutton at tanyasutton@z2k.org, 0207 259 0801 for all matters regarding your privacy.
- The information includes:
 - Your name, address and contact details, including email address and telephone number, date of birth and gender;
 - Your medical information related to your tribunal
 - Your personal history related to your tribunal
 - Information of your right to public funds
 - Information on your housing, or welfare benefits
 - Information on your personal needs
- We will process your data (i.e. collect, store and use) according to the requirements of the GDPR at all times and shall endeavour to keep your personal data up-to-date, ensuring its accuracy and will not keep it for longer than it is required.
- We will only disclose details of your case and medical history to our staff, volunteers and members of organisations that provide representation on our behalf, or to the tribunals service, or to health and other professionals you have given us permission to contact.
- There are special circumstances where we may have to release details of your case:
 - As an Advice Quality Standard accredited organisation, we are subject to an external assessment every two years on the quality of our work, and will have to give the external assessors access to our case files to verify the quality of our advice and file management. The external assessors are required to maintain confidentiality in relation to your file and it is important to note that they are assessing us as an organisation and not you as an Individual. If you would prefer that your file did not form part of this independent assessment, please notify your Tanya Sutton of your preference in writing.
 - We will have to release your case file if required to by the law
 - We will have to release information about you if there is a safeguarding concern and we are lawfully required to raise this with safeguarding agencies such as the local authority's adult social care team. We will follow the Z2K Adults Safeguarding policy and procedure.
- We will store your data in accordance with the requirements of the GDPR. Your data is stored on Z2K's IT system or filing drawer, which can be accessed by those working on all Z2K projects. Other than office equipment and filing drawers in Z2K's office, Z2K uses other IT systems to process your data such as cloud based Salesforce for case management, and Microsoft Office 365 for its emails and document storage. Z2K aims to keep your data within the European Economic Area (EEA). Where Z2K need to use the services of an IT provider who has to have your data transferred outside the European Economic Area

(EEA) for processing, for example, Salesforce, Z2K will ensure that the provider meets the requirements of GDPR, for example, the country has an adequate level of protection for personal data by The European Commission or if the provider is based in the US, it is part of the EU-US Privacy shield.

- Z2K takes the security of your data seriously. It has internal policies and controls in place to ensure that your data is not lost, accidentally destroyed, misused or disclosed, and is accessed only by Z2K.
- If we cannot assist you, we will keep a record of your first name, last name, and date of birth, and information related to any advice and/or casework you received from us. All other information that is irrelevant will be destroyed.
- We are an Advice Quality Standard accredited organisation and we are required to keep your case file for 7 years from the date your case file is closed. This is both to protect you (who may discover years later that our advice was inaccurate and therefore seek redress) and to protect us (without records we will have no evidence to check whether the case is correct or not).
- You can access your case file kept by Z2K by completing a subject access request form and we will have 30 days to provide the information from the date the form is received. We have the right to charge a fee or refuse if the request is unfounded or excessive.
- We aim to keep your information correct and up to date. You should inform us as soon as possible by phone, email or in person when you find an information of yours is incorrect and we will rectify it within 30 days.
- You can ask for your information to be deleted from Z2K's database by completing a case deletion form. However, as mentioned above, we are required to keep your case file for 7 years from when it is closed. The senior casework manager will consider what information can be deleted, or have the information stored out of the database. This may lead to incomplete advice from us, or us not being able to continue to work with you.
- You can, at any time, request for us not to use or not to release any information about you. You can withhold any information from us. However, this may lead to inaccurate or incomplete advice from us, or result in us not being able to continue working with you. Your caseworker will be able to let you know.
- You can, at any time, request for us to stop providing you with advice or work on your case. You need inform us as soon as possible by phone, email or in person.
- You can, at any time, request for pass on your case file to another organisation. You will need to inform us by phone, email or in person.