

Mandatory Reconsideration - Challenging benefit decisions

April 2018

From 28th October 2013, new rules were introduced for people who disagree with decisions about their benefits. The change in the rules applies to all benefits administered by the DWP but it is particularly important if you have been turned down for Employment and Support Allowance (ESA).

Now if you disagree with a decision about your benefits, you need to ask the Jobcentre to look at the decision again by requesting a 'mandatory reconsideration' and then if you still disagree with the outcome, you must appeal on form SSCS1 to the Tribunals Service.

HM Courts and Tribunals Service hold independent tribunal hearings for benefit claimants who disagree with decisions relating to their benefit entitlement.

It is no longer possible to appeal until you have asked for a mandatory reconsideration and received a decision notice. You ask for the reconsideration by phoning and/or writing to the Address at the top of the decision letter and asking them to look at their decision again. Even if you make your request by phone, it is a very good idea to follow it up in writing. Just send a letter to ESA, Post Handling Site B, Wolverhampton WV99 2FS, or take a short letter to the jobcentre stating why you disagree with their decision. Remember to sign and date the letter and keep a copy.

When the Jobcentre have looked at the decision again, they will send you a mandatory reconsideration decision notice. If you still disagree with this new decision, you can appeal but you must appeal directly to the Tribunals Service on form SSCS1. You can get this form online at www.gov.uk or www.justice.gov.uk/tribunals or ask for help from one of the organisations listed at the end of this document. There are details on the form about where to send it once you have filled it in.

ESA claimants turned down after a medical assessment

Unfortunately, if your ESA is turned down following an ESA medical assessment, you will not be paid any ESA until your appeal has been lodged with the Tribunals Service. This means that your benefit will stop being paid from the date of the decision that you don't qualify for ESA and won't be paid while you request and wait for the mandatory reconsideration decision notice.

Once you send in your completed appeal form, and the Jobcentre have been notified that it has been received by the Tribunals service, your ESA can be paid again at the basic rate. Providing you have a medical certificate covering you from the date of the original decision that stopped your benefit, then once your appeal is accepted, the basic rate of benefit can be paid back to you from that date and there should be no gap in payments. You will stay on the basic rate of benefit until

Welfare Rights Team

Revenues & Benefits
Brighton & Hove City Council
1st Floor Bartholomew House
Bartholomew Square
Brighton
BN1 1JP

Advice Line: 01273 291116
(Monday, 10am -1pm)

Email: welfarerights@brighton-hove.gov.uk

your tribunal hearing. Currently, in Brighton & Hove, it can take several months from the date the Tribunals Service receive an appeal to the date a tribunal hearing takes place.

Claiming a different benefit while you wait

It can be very difficult to manage without benefit whilst waiting for the mandatory reconsideration and for the appeal to be accepted.

You may be advised to claim Universal Credit instead. You should get advice before claiming UC in this case as you could end up on less money especially if you later win your ESA appeal.

Time limits

There is a time limit of a month from the date when the DWP sent you their original decision (i.e. the date on their letter) in which to ask for the reconsideration. If you don't manage to ask for the reconsideration within a month, the DWP can still accept your request but remember to explain why you are late, along with the reasons why you disagree with the decision.

There is no time limit for the DWP to give you the result of their reconsideration. The government has said 'there are no plans for a statutory timescale for the completion of the mandatory reconsideration process, although the department will monitor the process to avoid unnecessary delays.'

Other sources of help or advice:

HM Courts & Tribunals service, Social Security and Child Support Appeals

Cophall House, 9 The Pavement, Grove Road, Sutton, SM1 1DA
Tel: 0208 652 2301/2381

Jobcentre Plus

Tel: 0345 604 3719

Benefits Service

Brighton & Hove City Council, Bartholomew House, Bartholomew Square, Brighton, BN1 1JP
Tel: 01273 292000
Email housing.benefits@brighton-hove.gov.uk

Brighton & Hove Citizen's Advice Bureau

Customer Service Centre, Bartholomew House, Bartholomew Square, Brighton, BN1 1JA.
Tel: 01273 223951
Website: www.brightonhovocab.org.uk

Disability Advice Centre

Montague House, Montague Place, Brighton. BN2 1JE Tel: 01273 894050

Brighton Unemployed Families Centre Project

6 Tilbury Place, Brighton, BN2 0GY. Tel: 01273 671213

CASE Central

4 Crestway Parade, The Crestway, Brighton, BN1 7BL. Tel. 01273 540717