

# Mandatory Reconsideration - Challenging benefit decisions

April 2016

**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 a new form 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 jobcentre 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 a new form SSCS1. You can get this form online at [www.gov.uk](http://www.gov.uk) or [www.justice.gov.uk/tribunals](http://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 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.

## **Welfare Rights Team**

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

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

Email: [welfarights@brighton-hove.gov.uk](mailto:welfarights@brighton-hove.gov.uk)

## **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 might be entitled to claim a different benefit until your appeal has been accepted. If you are a carer or a lone parent with a child under 5, you might be able to claim Income Support.

You can make a claim for Jobseekers Allowance (JSA) while you wait for the reconsideration decision. To claim JSA you need to be available for and actively seeking work but the jobcentre staff may be able to take some account of your health condition(s) so you can limit your job search to part-time work.

## **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](mailto: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.brightonhovecab.org.uk](http://www.brightonhovecab.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