

Mandatory Reconsideration - Challenging benefit decisions

April 2019

Factsheet 6

Across all benefits, new rules were introduced for people who disagree with decisions about their benefits. The change in the rules administered by the DWP are particularly important if you have been turned down for benefits.

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' (MR) within one calendar month of the date on the decision letter. If you still disagree with the MR decision, you must appeal on form SSCS1 or online
<https://www.gov.uk/appeal-benefit>

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. 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. It is very advisable that if you are requesting a reconsideration that you provide additional evidence that can support your reason as to why you want your claim looked at again or good reason why you want the decision changed.

When the Jobcentre have looked at the claim again and any additional evidence you have provided, they will send you a mandatory reconsideration decision notice. If you still disagree with this new decision, you can then appeal but you must appeal directly to the Tribunal Service either by completing the form SSCS1 or filling it out online at the above email address. There are details on the form about where to send it once you have filled it in. You must ensure that you send the Mandatory Decision along with your completed appeal form.

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

Welfare Rights Team

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

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

Email: welfarerights@brighton-hove.gov.uk

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.

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. If you think the ESA decision is wrong look at our factsheet UC, ESA, sickness and disability.

Time limits

There is normally a time limit of one further month from the date when the DWP sent you their mandatory reconsideration decision to appeal the DWP decision. If you don't manage to appeal within month, you can still appeal if with good reason within 13 months of the date of the MR 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

Copthall House, 9 The Pavement, Grove Road, Sutton, SM1 1DA

Tel: 0208 652 2301/2381

Jobcentre Plus

Tel: 08001690190

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

Hove Town Hall, Tisbury Road Offices, Hove Town Hall, Tisbury Road, Hove

Tel: 03003309033

Website: www.brightonhovecab.org.uk

Possability People (Brighton & Hove)

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

Brighton Unemployed Families Centre Project

6 Tilbury Place, Brighton, BN2 0GY. Tel: 01273 671213 or 601211

Website: www.bucfp.org

CASE Central

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

www.recourcecentre.org.uk