

## **CHALLENGING A BENEFIT DECISION (MANDATORY RECONSIDERATION) INFORMATION SHEET**

### **Overview**

If you disagree with a decision about benefits, tax credits or child maintenance you can ask for the decision to be looked at again – this is called ‘mandatory reconsideration’.

### **Eligibility**

You can ask for a mandatory reconsideration if any of the following apply:

- You think the office dealing with your claim has made an error or missed important evidence
- You disagree with the reasons for the decision
- You want to have the decision looked at again

Some decisions cannot be reconsidered. Others can go straight to an appeal. Your original decision letter will say if this applies to you.

You need to ask for mandatory reconsideration within one month of the date of the decision.

### **Benefits this applies to**

You can ask for a mandatory reconsideration for benefits including:

- Attendance Allowance
- Bereavement Allowance
- Carer’s Allowance
- Carer’s Credit
- Child maintenance (also known as ‘child support’)
- Compensation Recovery Scheme (including NHS recovery claims)
- Diffuse Mesothelioma Payment Scheme
- Disability Living Allowance
- Employment and Support Allowance (ESA)
- Funeral Expenses Payment
- Income Support
- Industrial Injuries Disablement Benefit
- Jobseeker’s Allowance (JSA)
- Maternity Allowance
- Pension Credit
- Personal Independence Payment (PIP)
- Sure Start Maternity Grant

- Universal Credit (including advance payments)
- Winter Fuel Payment

There is a different process for Child Benefit, Tax-Free Childcare and 30 hours free childcare, Guardian's Allowance, Tax Credit, Housing Benefit and Vaccine Damage Payment.

### **How to ask for a mandatory reconsideration**

Contact the benefits office that gave you the decision. You can contact them:

- By phone
- By letter
- By filling in and returning a form. The form can be found at <https://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp>

The contact details are on your decision letter.

You need to ask for mandatory reconsideration within one month of the date on your decision letter. If you are writing, the letter or form must arrive by then.

If you do not have your decision letter, contact the office where you applied for the benefit.

### **If you get Universal Credit**

If you get Universal Credit you can use your journal to ask for a mandatory reconsideration.

If you are unable to use your journal, you can ask for a mandatory reconsideration in any of the following ways:

- Writing to the address on your decision letter
- Filling in and returning a form, which is available at <https://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp>
- Calling the Universal Credit helpline (0800 328 1744, Monday to Friday, 8am to 6pm)

### **Before you ask for mandatory reconsideration**

If you are unsure whether to ask for a mandatory consideration or what evidence to give, call the benefit office dealing with your claim. They will be able to explain the reason for your benefit decision and answer any questions that you have.

You can still ask for a mandatory reconsideration after you have spoken to your benefit office.

#### If you want an explanation in writing

You can ask for a written explanation from the benefits office dealing with your claim – this is known as a ‘written statement of reasons’.

You do not need to do this for Personal Independence Payment (PIP) – your decision letter will include a written statement.

You can still ask for a mandatory reconsideration, but you must do this within 14 days of the date on your written statement of reasons.

#### **Applying after one month**

You can ask for a mandatory reconsideration after one month but there must be a good reason, for example, if you have been in hospital or had a bereavement. You must explain why your request is late.

Call the telephone number on your decision letter first.

#### **What you need to provide**

You need to give:

- The date of the original benefit decision
- Your name and address
- Your date of birth
- Your National Insurance number

Explain which part of the decision is wrong and why.

#### If you want to send evidence

This needs to show why the decision is wrong. The evidence could, for example, be:

- New medical evidence
- Reports or care plan from specialists, therapists or nurses
- Bank statements or payslips

Only include evidence that you have not already sent.

Write your full name, date of birth and National Insurance number at the top of each piece of evidence and send it to the benefit office where you applied for your benefit.

You cannot claim back the cost of any evidence that you pay for.

It will not help your claim to include:

- General information about your condition – for example factsheets, medical certificates or sick notes
- Appointment cards or letters about medical appointments, unless you could not claim your benefit because you were at the appointment
- Letters about tests that you are due to have

If you are not sure what evidence to send, read the guidance for the request form, available at <https://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp>. You can also telephone the number on your decision letter.

### **What happens next?**

The benefits office that gave you the original benefit decision will reconsider it – you will get a ‘mandatory reconsideration notice’ telling you whether they have changed the decision. It will explain the reasons for that decision and the evidence it was based on.

Your benefit may increase, decrease, stop or stay the same following mandatory reconsideration.

### **If you disagree with the outcome**

You can appeal to the Social Security and Child Support Tribunal if you think the decision in the mandatory reconsideration notice is wrong. The tribunal is independent of government. A judge will listen to both sides of the argument before making a decision.

You usually need to appeal within one month of the date of your mandatory reconsideration notice.

You cannot appeal to the Social Security and Child Support Tribunal until you get your mandatory reconsideration notice.

Details of the appeal process are covered in a separate information sheet.