



*The Help and Advice
You Need!*

WELFARE BENEFITS FACTSHEET

V1, 20/4/2020

CHALLENGING A BENEFIT DECISION

When you receive the decision from the DWP, it may be that you do not agree with it and wish to ask for it to be looked at again, This can apply to ESA, Universal Credit, but this advice is particularly aimed mainly at PIP claimants.

You have four weeks from the date on the decision letter in which to submit your Mandatory Reconsideration. The DWP does provide a printed form for you to complete, but this does not give enough space for you to write everything that you may want to dispute, so it is always better to do this in letter format.

Do not, in any circumstances, contact the DWP to say that you do not agree with their decision, as they will take this as your request for a Mandatory Reconsideration, without their giving you the opportunity to submit more evidence, dispute the comments made by the Healthcare Professional/Decision Maker or to explain in more detail how your condition is affected on a daily basis in your ability to carry out the activities mentioned in the form.

We have produced a template letter to use to submit your Mandatory Reconsideration. You should work your way through each activity, stating what difficulty you have, why you disagree with the opinion of the Healthcare Professional, and mentioning any additional evidence you have to show why you have difficulties. If there is an activity that you are not disputing, then you can mention this fact—NOT DISPUTED.

It is worth pointing out that, by asking for a decision to be looked at again, it can, in some cases, not work in your favour. For example, you have been awarded points for the Mobility section, but feel that your difficulties have not been addressed in the Daily Living activities. The new Decision Maker could look at the whole decision again, and decide that actually, you are not entitled to the points for the Mobility section, and take those from you.

It is very important that you clearly understand the risk of asking for a decision to be looked at again. However, if you do feel that your condition has not been fairly assessed, then you should have the right to challenge that assessment.

If the award is not changed as the result of the Mandatory Reconsideration, then you have the right to apply to HM Courts and Tribunals Services. The DWP states that you have one month to do this, and you need to send a copy of the Mandatory Reconsideration notice with your appeal. This is done on the on-line form SSC1, which can then be printed off and sent off.

We suggest that you ask for an oral hearing, ie you wish to attend yourself, with your representative, if you have one, and that you do not wish to have your appeal heard within 14

For more advice, contact us on 0151 662 0059

(Tuesday and Wednesday—11 am—3 pm, and Thursday, 11 am—1 pm)

or via email on enquiries@liverpoolcommunityadvice.org.uk