

BENEFIT APPEALS AND MANDATORY RECONSIDERATIONS

If you do not agree with the decision the Department for Work and Pensions (DWP) has made you can ask the DWP to look at the decision again. This is known as a Mandatory Reconsideration and must be requested within one month of the date of the decision letter. You can request a Mandatory Reconsideration by calling or writing to the DWP (the contact details will be on the decision letter).

A Mandatory Reconsideration means that another decision maker will have a look at the claim and may either stick to the original decision or change it. When you request a Mandatory Reconsideration the DWP may ask you some questions over the phone in order to support your request and you can also use this as an opportunity to send in any further evidence that may not have been available at the time you made the claim. You may also find it helpful to send in a letter in support of your request as this is a good way of providing more detail about your child/young person's needs and why you feel they qualify for the benefit.

Once a decision has been reconsidered the DWP will send you two copies of the Mandatory Reconsideration Notice which will let you know the outcome of the reconsideration. If you still do not agree with the decision you can appeal and must do so within one month of the date on the Mandatory Reconsideration Notice. When you lodge an appeal you must send in one of the copies of the Mandatory Reconsideration Notice to show that you have been through this process.

To lodge an appeal you must complete an SSCS1 appeal form which is available to download here: Form SSCS1: Appeal a social security benefits decision (Notice of appeal) - GOV.UK (www.gov.uk)

The form will ask whether you want to take part in an 'oral hearing', which may be via telephone or face to face, or a 'paper hearing' whereby the tribunal will consider all of the appeal paperwork and will come to a decision on the paperwork alone. It is usually best to ask for an oral hearing as you are then able to give more detail about what your child/young person's needs are, how they affect their day to day life and what help they need.

When you lodge an appeal this also an opportunity to send in any further evidence that may not have been available at the time you made the claim or when you made the Mandatory Reconsideration Request.

Once the appeal has been lodged the DWP will be asked to provide their response which sets out their reasoning for their decision and they must do so within 28 days. You will receive a copy of their response which will also include copies of the claim form and any evidence you have sent in to date.

For oral hearings you will be given 14 days notice of when the appeal will take place. The appeal tribunal will be made up of a legally qualified judge and usually two panel members one of whom is a care expert and one is a doctor. The DWP may also send a representative to put forward their case.

The panel members are completely independent from the DWP and are there to ensure the law has been applied correctly. They will ask questions about the issues related to the appeal and you will be given the opportunity to explain your case, including giving details of what your child/young person's needs are, how they affect their day to day life and what help they need.

Once the tribunal is satisfied that everyone has had the chance to put forward their case the hearing will finish and the tribunal will then make their decision which is usually posted out to both parties the next day.

If the appeal is unsuccessful you can ask for a 'statement of reasons' which explains in more detail the reasons why. If you disagree with the decision you can appeal to the Upper Tribunal but can only do this if the Tribunal has made a legal error.