

# Mandatory consideration of revision before appeal

Government response to public consultation

September 2012

# Contents

- The consultation ..... 3
- Overview of the consultation responses ..... 4
  - Summary of comments made ..... 4
  - Question 1..... 4
    - The Government’s response..... 6
  - Question 2..... 9
    - The Government’s response..... 11
  - Question 3..... 14
    - The Government’s response..... 14
  - Question 4..... 15
    - The Government’s response..... 16
- Impact of the comments on the legislation ..... 17
- Annex 1 – Organisations that responded to the consultation ..... 18
- Annex 2 – Explanation of terms..... 20

# The consultation

Between 9 February 2012 and 4 May 2012, the Department for Work and Pensions (DWP) undertook a 12-week public consultation exercise<sup>1</sup> seeking views on issues relevant to the implementation and operation of the appeals reform provisions in the Welfare Reform Bill. The Bill received Parliamentary approval and has now become the Welfare Reform Act 2012.

Section 102 of the Act enables regulations to be made to require claimants and other persons who disagree with a decision to request consideration of revision before they may appeal against a decision.

Mandatory consideration of revision before appeal, also referred to as ‘mandatory reconsideration’, describes the process that claimants will need to follow when they dispute a decision on their benefit claim. Claimants will be unable to appeal until they have asked the Department to look at the decision again.

When a claimant asks for a decision to be reconsidered, the Department will contact the claimant to provide an explanation of the decision and to establish whether any additional information is available that may allow the decision to be revised.

Regardless of the outcome of the process, once it is complete, claimants will be able to appeal to the Tribunal should they wish to do so.

Alongside mandatory reconsideration, the Department, working with Her Majesty’s Courts and Tribunals Service (HMCTS), proposes to introduce the direct lodgement of appeals with the tribunal. Once this change is introduced appeals will no longer be sent to the decision maker, but will be sent direct to HMCTS. The Tribunal Procedure Committee recently consulted on the proposed changes to the Tribunal Procedure Rules to allow this to be implemented<sup>2</sup>.

The public consultation was aimed at:

- claimants of DWP benefits;
- clients of the Child Maintenance and Enforcement Commission;
- claimant representative organisations;
- voluntary organisations;
- employees of DWP;
- Her Majesty's Courts and Tribunals Service (HMCTS);
- members of the judiciary; and
- workers and the general public.

---

<sup>1</sup> <http://www.dwp.gov.uk/docs/mandatory-consideration-consultation.pdf>

<sup>2</sup> <http://www.justice.gov.uk/downloads/about/moj/advisory-groups/consultation-tribunal-procedure-committee.pdf>

## **Mandatory consideration of revision before appeal – Government response**

The consultation asked the following questions:

1. Please give us your views on how decision making and appeals standards can be further improved.
2. Do the proposed changes go far enough in order to deliver a fair and efficient process?
3. Please give us your views on whether the draft regulations meet the intention as described in the summary section of this consultation document.
4. Please let us have any specific comments about the draft regulations that you would like us to consider.

# **Overview of the consultation responses**

The DWP received 154 responses to the consultation from a number of organisations, listed at Annex 1, together with comments from DWP staff, claimants and the general public. Names of individuals who responded have not been listed.

Many respondents commented on issues outside the scope of this consultation and, for that reason, those comments have not been represented or addressed in this response.

The DWP acknowledged and thanked organisations and individuals for their responses.

## **Summary of comments made**

The responses to the four questions were wide-ranging and varied but the main comments and issues raised are summarised below, together with the Government's response.

## **Question 1**

### **Please give us your views on how decision making and appeals standards can be further improved.**

#### **Background**

The context for the first consultation question was that the Department, in conjunction with the Ministry of Justice and HMCTS, has an ongoing programme aimed at delivering improvements to the reconsideration and appeals process for social security benefits.

This programme has delivered improvements in a number of areas, including:

### **Improvements to decision making**

- The Jobcentre Plus Director of Benefit Centres hosts a regular conference call for decision makers keeping them informed of initiatives to improve quality and effectiveness.
- Jobcentre Plus has developed new learning and development packages focused on equipping decision makers with the skills they need to consistently make good quality decisions.
- Decision maker training reflects findings from the Harrington report<sup>3</sup> in relation to the decision makers' role in the Work Capability Assessment process.

### **Improvements to the reconsideration process**

- Piloted, and subsequently rolled out nationally, a revised reconsideration process for Employment Support Allowance appeals where the disputed decision is reconsidered by a different officer to the one who made the original decision and the outcome of the reconsideration is notified by telephone to the claimant.

### **Improvements to the appeal process**

- The Department has worked with colleagues in HMCTS to streamline processes, including an end to end review of the appeals process. There has also been significant work to increase capacity to deal with more appeals and help reduce any backlogs. This has been achieved through recruiting additional judges, medical members and administrative staff and trialling extended daily, and Saturday Tribunals.

The Department wishes to build on this work and sought views from respondents on what further improvements could be made.

## **Responses to question 1**

A number of respondents felt that decision making could be improved and there were many suggestions as to how this could be achieved. The main concerns and suggestions for improvements are listed below.

- decision making could be improved by introducing a time limit for reconsideration;
- the proposal to deliver the result of the reconsideration by telephone would put vulnerable claimants under pressure;
- where a claimant requests reconsideration or makes an appeal, DWP and/or decision makers should become involved in the evidence-gathering process;
- reconsideration is already available, but the current process rarely results in the decision being changed;
- decision makers have insufficient knowledge of medical conditions to make properly informed decisions. Specific training in mental health conditions, in particular, would assist decision makers when considering evidence;

---

<sup>3</sup> An Independent Review of the Work Capability Assessment, Professor Malcolm Harrington, November 2010, <http://www.dwp.gov.uk/docs/wca-review-2010.pdf>

## **Mandatory consideration of revision before appeal – Government response**

- explanations of decisions to disallow Disability Living Allowance (DLA) and Employment and Support Allowance (ESA) could be clearer. Claimants sometimes do not understand why benefit has been disallowed and if this is remedied, there will be fewer requests for reconsideration and fewer appeals; and
- presenting officers are essential to the appeals process and their attendance at tribunals is necessary in order to provide explanations of decisions made.

## **The Government's response**

### **Improving standards of decision-making – general**

The Department is currently working with HMCTS to improve internal decision making and appeals processes. The Appeals Task Force, a joint initiative with HMCTS, has focused on improving decision making and efficiency throughout the appeals process. In 2011, DWP introduced a programme of learning for decision makers with the aim of improving the quality of decision making and providing greater consistency.

The Department is also working with HMCTS to improve feedback from Tribunal hearings to enable further improvements to decision making to be made. From the 9 July new information has been added to the Decision Notice issued by HMCTS, which will provide a helpful summary, in each case that is overturned, which will enable the Department to assess areas that may require further improvement. This will have a positive impact on evidence gathering and help improve standards of decision making.

A number of changes have also been made as a result of the reviews of the Work Capability Assessment conducted by Professor Malcolm Harrington. The recommendations relating to decision making and appeals accepted and implemented so far include:

- empowering and investing in decision makers so that they are able to take the right decision, can gather and use additional information appropriately and speak to claimants to explain their decision. This will include reviewing training and launching a forum for best practice;
- making the Work Capability Assessment (WCA) a more compassionate process by telephoning claimants to ensure they understand what is happening, explain their result and explain the support that is available after the Work Capability Assessment;
- accounting for the particular difficulties in assessing mental, intellectual and cognitive impairment by ensuring Atos employ “mental function champions” to spread best practice and understanding of mental, intellectual and cognitive disabilities; and
- improving transparency of the Atos assessment by ensuring that each report contains a personalised summary of the Atos healthcare professional's

## **Mandatory consideration of revision before appeal – Government response**

recommendations, sending this summary to all claimants and piloting the audio recording of Atos assessments.

Until December 2010, the Department worked with the DWP Decision Making Standards Committee. The Committee was a non-executive body which monitored the standards of decision making in benefits across DWP. It reported to the Chief Executives of Jobcentre Plus, The Pension Service and the Disability and Carers Service.

The Committee had three key objectives:

- to provide independent advice to senior executives on whether reports on the standard of benefit decision making are accurate;
- to identify and make recommendations on the areas where standards can be improved; and
- to look at specific issues raised by the Agency Chief Executives that may affect the standard of decision making.

The Committee was wound up in December 2010 following a review of public bodies.

## **Time limits for reconsideration**

A number of respondents suggested that a time limit should be introduced for the completion of the reconsideration of decisions. It is important to the Government that each stage of the decision making and appeal process is carried out within reasonable timescales and does not result in unnecessary delays for claimants. Some cases are considerably more complex than others and will require more time, to gather additional evidence, whereas other cases can be reconsidered very quickly. Because of this the Government does not accept that a statutory target would be appropriate. The Government will, however, consider making proposals for an internal performance indicator for decision makers dealing with reconsideration which will enable the Department to monitor performance and ensure that reconsiderations are carried out without unreasonable delays.

## **Vulnerable claimants**

DWP already makes special provision for vulnerable claimants. Guidance issued to staff aims to help them identify those claimants for whom it would be more appropriate to deliver services face to face. The guidance includes guidance specific to numerous categories of vulnerable customer groups, and gives staff advice on providing appropriate assistance and support. Speaking to the customer about the original decision can often provide additional information and help establish whether a visit or interview would be more appropriate.

## **Communicating the outcome of reconsideration**

The consultation document contained a proposal for a process to illustrate how mandatory reconsideration might operate in practice. It was suggested in this

## **Mandatory consideration of revision before appeal – Government response**

process that the decision maker would telephone the claimant after carrying out the reconsideration to discuss the outcome.

A number of respondents did not support this proposal.

The Government has considered the issues raised regarding communicating the result of the reconsideration by telephone. It should be noted that the process described in the consultation document was only intended to demonstrate how mandatory reconsideration might operate. After careful consideration, however, the Department does not propose to include a second telephone call to discuss the reconsideration in the final version of the process. Individuals must be notified of the reconsideration outcome and their appeal rights in writing following the completion of the reconsideration, it was therefore felt that an additional call at this point would not add to the information sent to claimants and would add unnecessary costs to the process.

The Department still intends to telephone claimants who request reconsideration in order to explain the reasons for the decision and to discuss whether the claimant may have any additional evidence that may assist the decision maker in considering revising the decision.

The final design of the process for Mandatory Consideration of Revision is ongoing.

## **Evidence gathering**

Under the new reconsideration process, the Department will provide assistance to claimants to identify additional evidence they may have that could support revision of the decision being disputed. Claimants will still need to obtain evidence and pass it to the decision maker. When considering revision of a decision, if a decision maker requires additional evidence they will contact the claimant to notify them of what is required and when they must provide it. Claimants will continue to be responsible for gathering evidence to support their claim, or child maintenance application, and ensuring that it is sent to the decision maker within the time limits specified in regulations.

## **Change from existing process**

As respondents have quite rightly highlighted reconsideration is already an option. However, the Government believes that formalising and improving reconsideration will result in a clearer, more efficient, process that will give claimants the opportunity to resolve disputes through reconsideration, rather than appealing from the outset.

## **Mental health issues**

There was concern amongst some respondents that decision makers had insufficient knowledge about mental health issues to make informed decisions on entitlement to benefit. A decision maker's role does not require them to have expert knowledge of either physical or mental health conditions. However, they can seek advice from Atos healthcare professionals if they have concerns or questions about a particular health



## **Mandatory consideration of revision before appeal – Government response**

condition, evidence presented in support of a claim, or related issues. For Employment and Support Allowance (ESA) and Incapacity Benefit (IB) reassessment purposes, Atos Mental Function Champions have been in place from May 2011, providing support on a regional basis to Healthcare Professionals.

## **Clear communications**

DWP makes every effort to ensure communications are clear and will be easily understood by claimants. Where ESA is disallowed following a WCA, the decision maker telephones the claimant to explain the decision and the options available to them. This will continue when mandatory reconsideration is introduced.

## **Presenting officers**

A small number of respondents felt that presenting officers were essential to the appeals process. DWP is looking at how to improve the quality of decision making and appeals and is currently reviewing its approach to fielding presenting officers at appeal hearings.

## **Question 2**

### **Do the proposed changes go far enough in order to deliver a fair and efficient process?**

#### **Background**

The changes proposed by the Department will affect how individuals can dispute a benefit claim, and when and how a appeal can be made.

The Department proposes that following implementation of the regulations claimants who dispute a decision on their claim will be required to request revision, also called reconsideration, before they will be able to appeal against that decision.

A request for revision can be made informally, it does not need to be in writing and may be made by telephone. Following a request for revision the Department will try to contact the claimant by 'phone to discuss the decision and explain the reasons for it, and to help the claimant identify any additional information or evidence that may result in the decision being changed.

A written decision will be issued following completion of the reconsideration process, which will also contain information about making a subsequent appeal.

## **Responses to question 2**

Two areas of concern dominated the responses to this question:

- time limits should be set for reconsideration; and

## **Mandatory consideration of revision before appeal – Government response**

- that Employment and Support Allowance (ESA) should be paid pending reconsideration.

A fuller summary of the other issues raised is listed below:

- the Government should consider setting time limits for reconsideration. Without clear deadlines for decision makers, cases may become protracted, which may in turn cause stress for claimants awaiting the result of their application for reconsideration;
- ESA should be paid pending reconsideration in the same way that ESA is currently paid pending the outcome of an appeal. Jobseeker's Allowance (JSA) could be claimed pending appeal but an individual with a health condition may not consider themselves available for work;
- the proposal to deliver the result of the reconsideration by telephone would put vulnerable claimants under pressure. A written communication gives both claimant and adviser time to consider the reasons for the decision together before taking further action;
- information and appropriate methods of contact should be accessible to claimants who are unable to use the usual channels of communication;
- there may be insufficient time available to gather evidence for reconsideration, especially medical evidence, and that may impact on vulnerable claimants;
- DWP already has a process for reconsideration, which works well, and the proposals do not change that process significantly;
- DWP should be able to achieve better use of reconsiderations within the existing appeals process;
- giving claimants the option of requesting a written statement of reasons together with an explanation of the original decision would result in confusion and unnecessary delay for claimants;
- vulnerable claimants, in particular, would be adversely affected because they will not understand the new process;
- Housing and Council Tax Benefit should be included in the proposals, Not doing so may cause difficulties because claimants will have to negotiate different dispute systems according to which benefit is in issue;
- conversely some respondents supported the proposal to exclude local authority administered benefits from the proposed changes given the forthcoming changes to housing and council tax benefit;
- under the current rules once an appeal is lodged then recovery action is frozen. When a reconsideration is underway, any recovery action should be put on hold;
- it is important that the current DWP practice of acknowledging appeals is continued by HMCTS under the proposed changes; and
- funding for organisations representing claimants has been cut, which will adversely affect claimants who may not have access to representation to assist them with the new process.

## **Mandatory consideration of revision before appeal – Government response**

Generally, respondents were concerned about the impact of the changes on vulnerable claimants, although one charity worker commented “I think the new system will be fairer, in that people will not be able to accidentally end up in a stressful appeal system. A clearer, gently escalating system of complaint is a definite improvement.”

There were a number of comments expressing support for the proposal for appeals to be lodged directly with HMCTS. Some concerns were raised, however, in relation to the following: claimants receiving acknowledgement of their appeal; the process followed when an appeal is attempted without first requesting reconsideration; and the ability of HMCTS to identify the benefit being appealed.

These issues relate to the administrative process for dealing with appeals that is currently being designed by HMCTS and is out of scope for this consultation. However, the Department has made sure that HMCTS are aware of the concerns raised.

There was some support for mandatory reconsideration, in that it was perceived to be an improvement on the current process and would be clearer for claimants to follow.

## **The Government’s response**

### **Time limit for reconsideration**

As stated above, the Government will consider making proposals for an internal performance indicator for decision makers dealing with reconsideration which will enable the Department to monitor performance and ensure that reconsiderations are carried out without unreasonable delays.

### **Payment of benefit pending reconsideration**

No decision has yet been made with regard to paying ESA pending reconsideration but other benefits may be available to claimants where ESA has been disallowed.

### **Telephoning claimants following reconsideration**

Following respondents’ concerns regarding the method of communicating the reconsideration decision to claimants, it has been decided that a decision maker will only telephone the claimant to explain the initial decision and gather additional evidence for reconsideration where it is requested. The decision maker will not telephone the claimant to communicate the outcome of the reconsideration decision.

Individuals must be notified of the reconsideration outcome and their appeal rights in writing following the completion of the reconsideration, it was therefore felt that an additional call at this point would not add to the information sent to claimants and would add unnecessary costs to the process.

## **Existing reconsideration process**

The point was made that DWP already has a reconsideration process and should be able to make better use of reconsideration within the existing appeals process.

The Department is looking to improve the way it deals with disputes. Individuals can ask for a decision to be looked at again, i.e. reconsidered, by the decision maker which may result in a revised decision. In practice many people do not do so and instead make an appeal from the outset.

To resolve more disputes through the internal reconsideration process, mandatory reconsideration will ensure that applying for a revision will become the automatic first step in the process.

This change, alongside improved guidelines for staff, aims to ensure any additional evidence is sought from claimants, which could lead to a successful reconsideration. Previous figures have shown that a significant number of the decisions overturned on appeal were a direct result of additional evidence being provided to the tribunal that was not available to the decision-maker.

## **Communication with claimants**

In response to concerns about clarity, timescales and methods of contact, the new process will be communicated to claimants in decision notifications, as set out in the consultation document. There will be no changes to the methods used to convey information to claimants and DWP already ensures help is available for vulnerable claimants if required. There are no plans to change the timescales for review, other than for vaccine damage payments.

## **Exclusion of Housing Benefit and Council Tax Benefit**

Respondents' differing views on the exclusion of Housing Benefit (HB) and Council Tax Benefit (CTB) from mandatory reconsideration and direct lodgement have been noted. However the Department has no plans for these benefits to be included in the mandatory reconsideration process for the following reasons:

- the transfer of existing claims for HB for working age and pension age claimants to Universal Credit (from October 2013) and Pension Credit (from October 2014) respectively;
- expected replacement of CTB with localised support from April 2013;
- complexity of implementing this change across 380 local authorities especially in light of the changes already planned, e.g. the transition to Universal Credit; and
- the investment required to implement the change for the remaining time that HB and CTB will be in payment cannot be justified.

## **Overpayment & Recovery of benefit**

The procedure for recovery of benefit under the new process will remain as it is now. There are no plans to put on hold any recovery during the reconsideration process. As now, any benefit incorrectly recovered will be repaid to the claimant.

## **Providing evidence to the decision maker**

Several respondents raised concerns over timescales for gathering evidence but the new process should not make any material difference. This is because evidence should always be made available to the decision maker at the earliest opportunity, rather than at the reconsideration or appeal stage. For example, form ESA50, the questionnaire that ESA claimants are asked to complete prior to assessment, clearly states that if the claimant has any medical reports from their doctor, consultant or health care professional, or any other relevant information, it should be sent to DWP with the questionnaire. The decision maker can then consider all relevant evidence when deciding entitlement to benefit.

## **Acknowledgment of receipt of an appeal**

The finer details of the new process are still being developed and have yet to be decided, although the acknowledgement of receipt of appeals by HMCTS will continue when direct lodgement is introduced.

## **Legal aid reform**

Several respondents raised the impact of funding cuts in relation to the ability of claimant representative groups to act on behalf of claimants for the purposes of making an appeal. DWP does not arrange, or fund, representation for claimants making an appeal and responsibility for setting the scope of legal aid lies with the Ministry of Justice.

The appeal process is designed to be accessible, inquisitorial, and user-friendly. This means that appellants can generally present their case without assistance. For appeals to the First-tier Tribunal with respect to welfare benefits, the appellant is required only to provide reasons for disagreeing with the decision in plain language.

## Question 3

**Please give us your views on whether the draft regulations meet the intention as described in the summary section of this consultation document.**

### Background

The consultation document included a copy of draft regulations to illustrate the policy intentions for mandatory consideration of revision.

### Responses to question 3

Fewer respondents answered this question specifically, but the main points raised are listed below:

- In relation to the amendments to the Tribunal Rules, “it would be helpful to know what obligations will be placed upon the Secretary of State to prepare a response and any time limit for doing so, and the powers of Tribunals to require a response to a specific request as well as the furnishing of further evidence or information”;
- in the draft legislation, the policy intention would be better served if the words “only if the Secretary of State has first considered an application to revise the decision” had “and notified the person accordingly” added at the end;
- the provisions requiring a purported appeal to be treated as an application for revision, should read “*shall treat*” rather than “*may treat*”; and
- broadly, the regulations would seem to meet the intention in the consultation paper to introduce mandatory reconsideration.

## The Government’s response

There were very few responses to this question, with respondents either having no comments, or generally agreeing that the draft regulations met the policy intention as described in the consultation document.

### Obligations to prepare a response

The Tribunal Procedure Rules stipulate the obligation on the Department to send a response to the appeal<sup>4</sup>. A proposal to amend these rules, to take into account the changes that will be introduced as a result of mandatory reconsideration, was recently subject to a consultation exercise. The proposals include an amendment to the Rules that would introduce a time limit for the decision maker to provide the Department’s response to an appeal.

---

<sup>4</sup> The Tribunal Procedure (First-tier Tribunal)(Social Entitlement Chamber) Rules 2008, Rule 24

## **Mandatory consideration of revision before appeal – Government response**

The Tribunal Procedure Committee consultation on proposed tribunal rule amendments closed on 15 June 2012, but can still be viewed at: <http://www.justice.gov.uk/about/moj/advisory-groups/tribunal-procedure-committee/ts-committee-closed-consultations>.

## **Notification of the outcome of reconsideration**

The Government does not consider that it is necessary for the legislation to state that the Secretary of State has notified the person of the outcome of the reconsideration – this is implicit. The Secretary of State will demonstrate that the reconsideration is complete by writing to the person to inform them of the outcome – whether the original decision stands or has been revised. The person will then be able to appeal if they wish to dispute the decision.

## **Welfare Reform Act**

The wording of the Welfare Reform Act it cannot be altered by the draft regulations. Section 102 of the Welfare Reform Act 2012 is intended to give powers to the Secretary of State to make the regulations in respect of mandatory reconsideration, the subject of the consultation.

## **Question 4**

**Please let us have any specific comments about the draft regulations that you would like us to consider.**

### **Background**

Question 4 also concerned the draft regulations that were included as an annex to the consultation document.

## **Responses to question 4**

There were a small number of comments on the draft regulations and these are outlined below:

- we recommend neutralising the gender language in, for example, the proposed new regulation 24A(3)(b) of the Decisions and Appeals Regulations and other places. A missing 'the' in paragraph (3)(a) of that same regulation i.e. 24A;
- the proposal to introduce mandatory revisions should be accompanied by a less rigid and more standardised approach to late applications for revisions and appeals. The provision for admitting late applications for revision in regulation 4 of the Decisions and Appeals Regulations should be brought into line with the provision for admitting late appeals in rule 5(3)(a) of the Tribunal Procedure (First-tier Tribunal) (SEC) Rules 2008. The latter gives wide discretion to admit late

## Mandatory consideration of revision before appeal – Government response

appeals subject to the overall 13 month time limit, whereas the former only allows late revisions in restricted circumstances; and

- if the DWP refuses to carry out a revision because it considers there are no grounds, or the request was made out of time, the time limit for appealing runs from the date of the original decision. Claimants will be denied the right of appeal if a mandatory requirement to apply for a revision takes them beyond the time limit for appealing and we believe that the law should be changed and clarified to ensure that this does not happen.

## The Government's response

While there were very few responses to this question the issues raised are addressed below.

### Gender language

In response to the comment about neutralising the gender language, the regulations are amending regulations. As such they have been drafted in the style of the instrument being amended, none of which are drafted in a gender neutral style. The missing word “the” has now been included in the relevant draft regulation.

### Late application for revision

Where a person makes a late application for revision, the Department will be removing the requirement that an application for revision cannot be granted unless it has merit, and removing the regulation which requires that, in deciding whether an extension of time is reasonable, the decision maker cannot take into account the fact that the individual misunderstood the law or was ignorant that they could request reconsideration.

In considering a late application for revision, the decision maker will look at whether it is reasonable to grant the application for an extension of time, and what the circumstances were that meant that the application could not be made within the one month time limit.

The decision maker will still consider whether an any time revision can be made, or whether the decision should be superseded when considering a late application for revision as they do now.

Where a request for reconsideration is made out of time, and the decision maker refuses the application to revise the original decision, the effect of the draft regulations is that there can be no appeal as the Secretary of State must consider **whether to revise** the decision before an appeal can be made.



# Impact of the comments on the legislation

The Government has considered whether respondents' comments will impact on the changes to legislation and concluded that they will not, while minor drafting changes have been made.

# Annex 1 – Organisations that responded to the consultation

Administrative Justice and Tribunals Council (AJTC)  
Advice Services Coventry (ASC)  
AdviceUK  
Centrepoint  
Citizens Advice  
Child Poverty Action Group  
Derby City Council (Derby Advice)  
Disability Rights UK  
Diverse Cymru  
Durham County Council  
Harehills and Chapeltown Law Centre  
Homeless Link  
Institute of Revenues Rating and Valuation  
Kirklees Benefits Advice Services  
Lancashire County Council Welfare Rights Service  
Law Centre NI  
Liberata  
Low Incomes Tax Reform Group  
Mind  
MS Society  
National Aids Trust (NAT)  
National Association of Welfare Rights Advisers (NAWRA)  
Nottingham City Council  
Oxfordshire Welfare Rights  
Parliamentary and Health Service Ombudsman  
President of Appeal Tribunals NI  
Royal College of Nursing  
Reading Community Welfare Rights Unit  
Rethink Mental Illness

**Mandatory consideration of revision before appeal – Government response**

Royal National Institute of Blind People

South Lanarkshire Council

Scope

Scottish Council on Deafness

Social Fund Commissioner

South Hams CAB

Social Security Advisory Committee

Stockport Welfare Rights Service

Surrey Disabled People's Partnership

Swansea Social Inclusion Unit

Tameside MBC

The Riverside Group Ltd

York Carers Centre

## Annex 2 – Explanation of terms

### **Atos**

Atos Healthcare carries out independent medical assessments on behalf of the DWP. They provide impartial medical advice on how a claimant's condition limits their activities.

### **Council Tax Benefit**

Council Tax Benefit is available for those people on a low income, whether or not they are working, who may need financial help to pay their council tax bill.

### **Decision Maker**

A decision maker is someone who takes all necessary actions on behalf of the Secretary of State, including gathering information, making decisions on claims and applications and dealing with administrative matters such as suspension of payment.

### **Disability Living Allowance (DLA)**

Disability Living Allowance is a tax-free benefit for disabled children and adults to help with extra costs they may have because they are disabled.

### **Employment and Support Allowance (ESA)**

Employment and Support Allowance provides financial help to people who are unable to work because of illness or disability. It also provides personalised support to those who are able to work.

### **Jobseeker's Allowance**

Jobseeker's Allowance (JSA) is a benefit paid to eligible people who are currently unemployed and looking for work.

### **Her Majesty's Courts and Tribunals Service (HMCTS)**

Her Majesty's Courts and Tribunals Service is an executive agency of the Ministry of Justice. It manages the magistrates' courts, the Crown Court, county courts, the High Court and Court of Appeal in England and Wales. It also oversees the administration of the main central government tribunals.

### **Housing Benefit**

Housing Benefit is available for those people on a low income, whether or not they are working, who may need financial help to pay all or part of their rent.

### **Reconsideration**

Reconsideration is not referred to in legislation, but it is the process by which an application for revision of a decision is considered, or a decision is looked at again following an appeal.