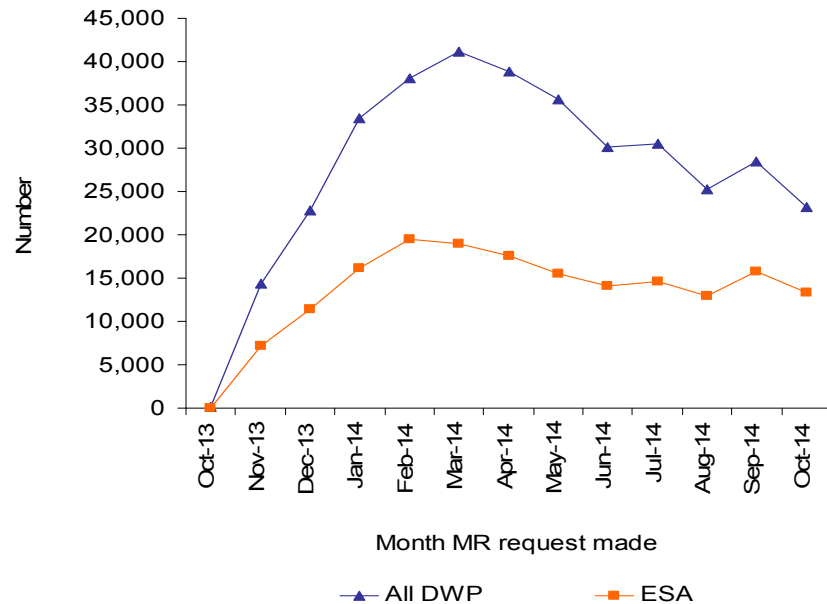


Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain: Experimental Official Statistics

The Department has reformed its appeals process to enable more disputes to be resolved as early as possible in the decision-making process. Under this reformed process claimants who wish to dispute a decision are required to ask DWP to reconsider and revise the decision. This is called a 'mandatory reconsideration' (MR). The intention is that claimants will then be able to make an informed decision on formally appealing to the Tribunal. An appeal cannot be lodged with Her Majesty's Courts and Tribunals Service (HMCTS) until the mandatory reconsideration process has been completed. This reform was introduced in April 2013 for Universal Credit and Personal Independence Payment (from the go-live date for those benefits). The change was extended to all other DWP-administered benefits and child maintenance cases for decisions made from 28 October 2013.

The number of MR Requests peaked in March 2014

Monthly MR Requests received by DWP to 31st October 2014, Great Britain



Main Findings

- Most Employment and Support Allowance (ESA) MR Requests are cleared within 30 days (75%)
- The average clearance time on ESA MR Requests is 13 calendar days.
- Since October 2013, there have been over 362 thousand MR Requests made to DWP. Of these, 177 thousand (49%) were related to Employment and Support Allowance (ESA).
- Monthly numbers of MR Requests peaked in March 2014 at over 41 thousand; subsequent months have shown a steady decline.
- 98% of all MR Requests made between 28th October 2013 and 31st October 2014 have been re-examined and cleared.

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

Introduction

The Welfare Reform Act 2012 introduced changes to the social security disputes and appeals process to enable disputes to be resolved by DWP decision-makers as early as possible in the process, and to reduce unnecessary demand on HMCTS by resolving more disputes without need for appeal to the Tribunal.

If a claimant disputes a decision made on their claim, they now need to request a mandatory reconsideration from DWP before they can lodge an appeal with HMCTS.

The Department, in conjunction with HMCTS, also introduced changes that require appeals to be lodged directly with the Tribunal, rather than DWP under the former process. This is called 'Direct Lodgement'

This is an ad-hoc release of experimental statistics on MR requests made between 28th October 2013 and 31st October 2014. It gives an overview of MR requests across all benefits recorded on DWP's operational systems, and a focused summary on Employment and Support Allowance (ESA).

An ad-hoc release is being made in response to the recommendation of the Work and Pensions Select Committee that the DWP need to publish statistics on Mandatory Reconsiderations¹ and the Department's commitment to publish statistics on Mandatory Reconsiderations by the end of 2014². Going forward, DWP plans to incorporate information on mandatory reconsiderations into the relevant existing regular statistical publications in 2015. As each publication is ready, we will pre-announce the improvements in accordance with the UKSA release protocols.

¹ <http://www.publications.parliament.uk/pa/cm201415/cmselect/cmworpen/302/30202.htm>

² <http://www.statisticsauthority.gov.uk/reports---correspondence/correspondence/letter-from-sir-andrew-dilnot-to-sheila-gilmore-mp-13062014.pdf>

Table of Contents

| | |
|---|----|
| Summary | 1 |
| Introduction / Contents / Contact | 2 |
| Requests for Mandatory Reconsiderations | 3 |
| Mandatory Reconsideration Decisions | 4 |
| ESA MR Clearance times | 5 |
| ESA MR Cohort analysis | 6 |
| ESA MR Average Clearance times | 7 |
| Background | 8 |
| Methodology | 10 |
| Abbreviations | 12 |

Statistician:

Judith Correia

Information Exploitation and Security Directorate

Department for Work and Pensions

Telephone 0191 216 2939

E-mail: judith.correia@dwp.gsi.gov.uk**Press Office:** 0203 267 5129

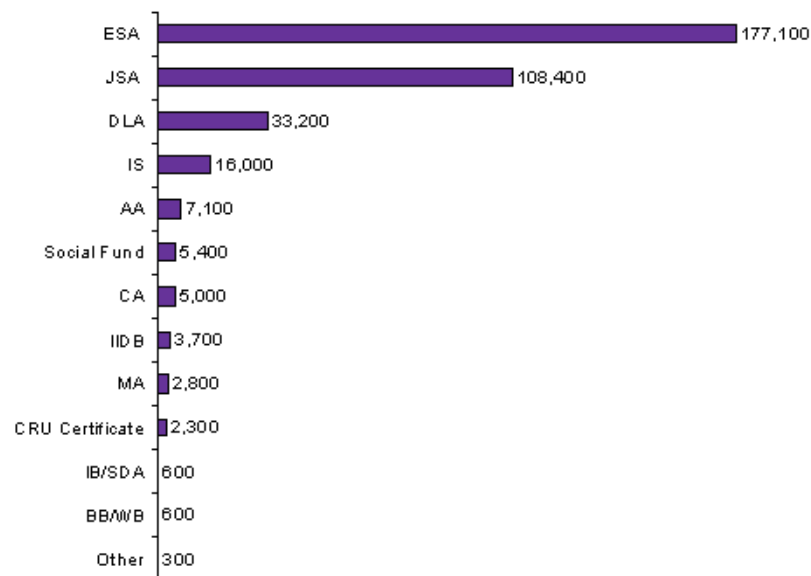
Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

Requests for Mandatory Reconsiderations

The purpose of Mandatory Reconsideration is to consider the grounds for the dispute and complete a full review of the initial decision, whilst assisting claimants to provide additional evidence and information that they think may change the decision. Claimants therefore have the opportunity to provide evidence at an earlier stage of the process and where evidence is provided the Department can consider this prior to an appeal tribunal. While this was often the case under the former system, it was not necessary for a claimant to request a reconsideration before appeal. This helps DWP ensure that a full, reasoned decision is provided and that as many disputes as possible are resolved quickly without the need for an appeal hearing.

The highest numbers of MR Requests are on ESA and JSA

MR Requests made to 31st October 2014, by benefit, Great Britain



Main messages

ESA and JSA receive the largest volume of MR requests.

JSA and ESA are two of the largest benefits administered by DWP: JSA with 974 thousand claimants at May 2014, and ESA with 2.1 million claimants at May 2014. Given these volumes and conditions of entitlement around these benefits, it is to be expected that these benefits will be associated with the highest number of MR Requests.

Overall there have been 177 thousand requests for Mandatory Reconsideration on ESA decisions by DWP to 31st October 2014. This accounts for around 49% of all MR Requests made. Most ESA MR requests (90%) are in relation to Work Capability Assessment decisions.

108 thousand MR Requests were also made on JSA claims (30 % of the total MR requests made). 79% of JSA MR requests relate to labour market decisions.

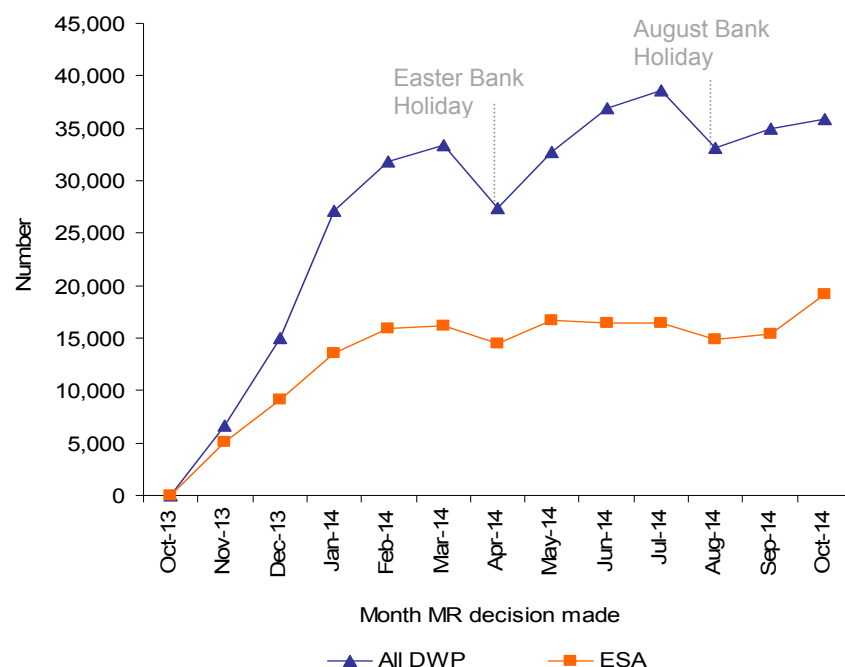
Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

Mandatory Reconsideration decisions

When a claimant makes contact with DWP to dispute a decision, they will be offered a detailed explanation of the decision (in addition to information about the decision contained in the decision notification). If this does not resolve the dispute, the next stage of the process is a Mandatory Reconsideration. Mandatory Reconsiderations can arise for a number of reasons, this data includes for example those resulting from failure to tell the Department about relevant evidence during the initial decision-making process (this could include non-return of forms required as part of the claim).

There is a general upward trend in numbers of MR Decisions made

MR Decisions made to 31st October 2014, by month of decision, Great Britain



Main messages

The overall number of decisions made on MRs each month shows an upward trend.

Dips in the series occur around public holiday dates (Easter and August Bank Holidays).

In relation to ESA, the monthly number of decisions on MRs levelled out in 2014 but in October 2014 rises again to peak at 19 thousand. This is being driven partly by increasing numbers of requests received in the previous month and increasing numbers of ESA cases cleared without a face-to-face assessment.

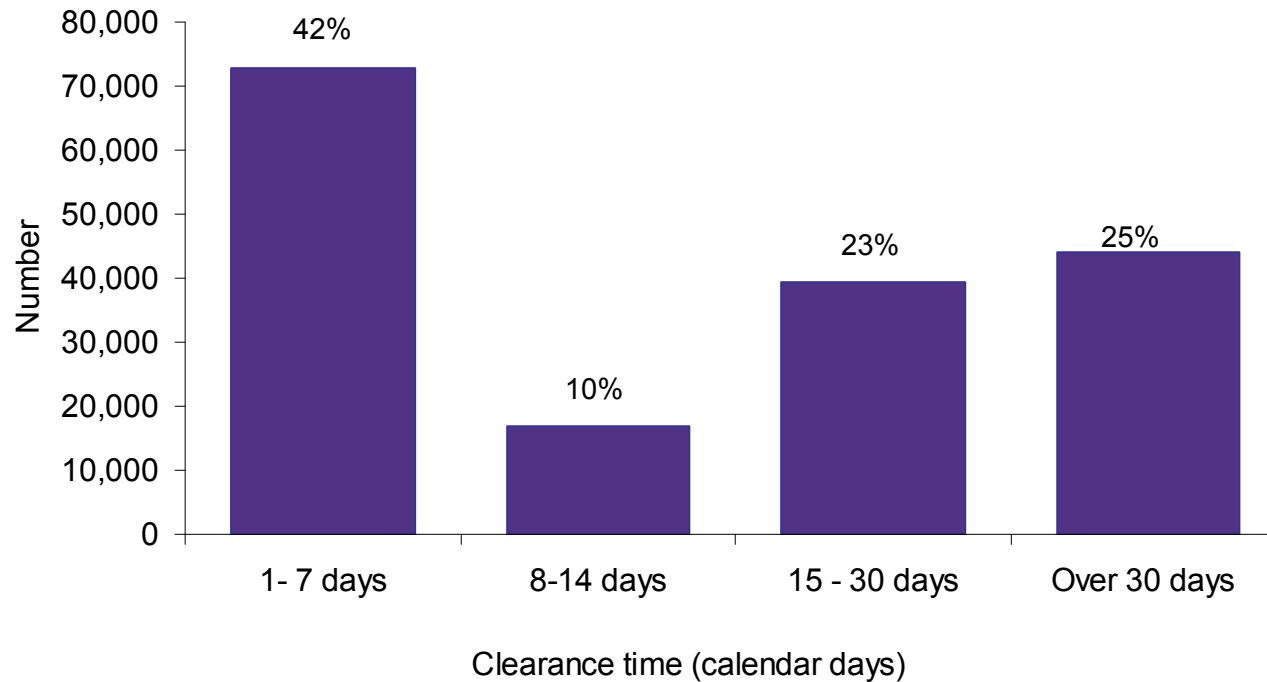
See [Table 1.2](#) for full data

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

ESA MR Clearance times

75% of ESA MR Decisions are made within 30 days

ESA MR Decisions made to 31st October 2014, Great Britain



Main messages

75% (129 thousand) ESA MRs are cleared within 30 days.

52% (90 thousand) were cleared within 14 calendar days.

25% (44 thousand) took more than 30 days to clear. Such cases are typically more complex cases, or where requested information has not been provided to the Department.

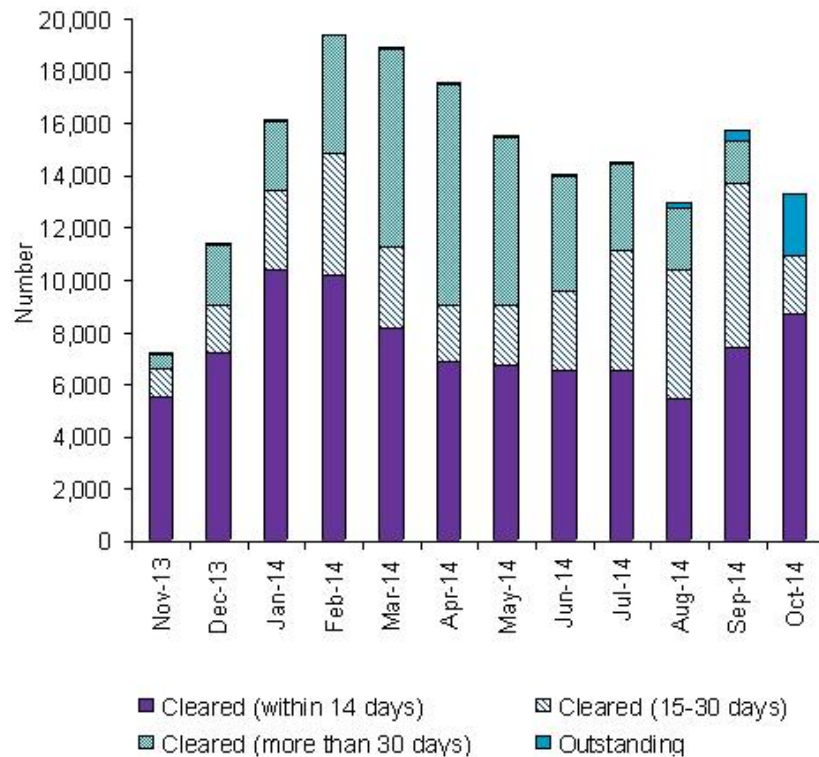
See [Table 2.1](#) for full data

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

Employment and Support Allowance (ESA) MR Cohort analysis

Since May 2014, the proportion of ESA MR Requests cleared within 30 days is increasing.

ESA MR Decisions, by month of referral and clearance time, Great Britain



Main messages

In total, 177 thousand ESA MR Decisions were made between 28th October 2013 and 31st October 2014, of which 75% were cleared within 30 days.

An additional 4 thousand cases remained outstanding at 31st October 2014, most of which (78%) were received in either September or October 2014.

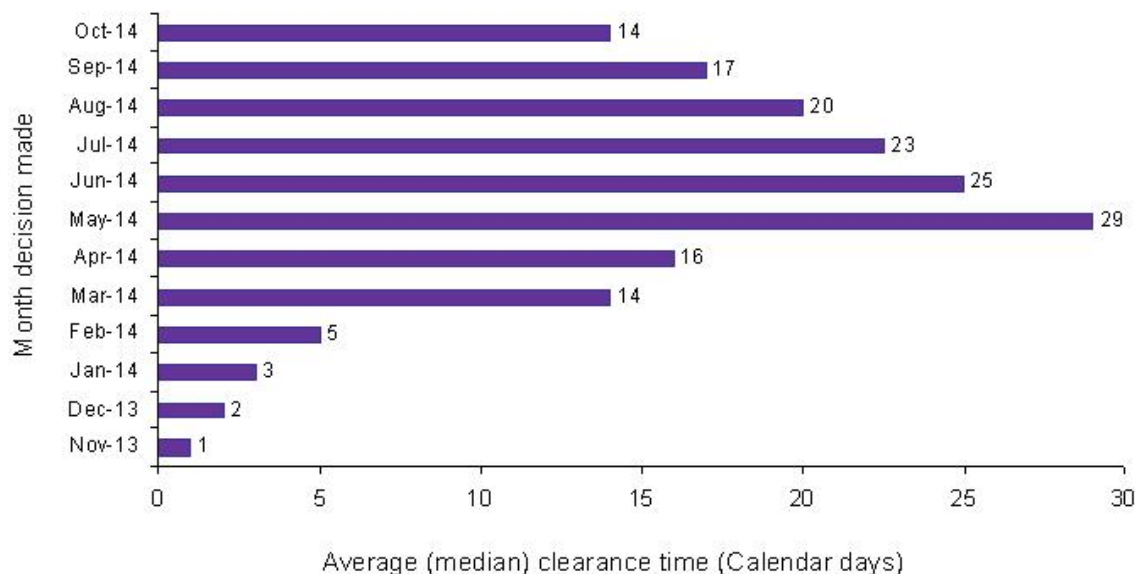
See [Table 2.2](#) for full data

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

ESA MR Average Clearance times

ESA MR Requests take on average 13 days to clear

Average (median) clearance time on ESA MR Decisions, by month of decision, Great Britain



Main messages

Overall in the period up to 31st October 2014, the average (median) clearance time for ESA MRs was 13 calendar days.

The average clearance time peaked at 29 days in May 2014, and has since steadily decreased to 14 calendar days in October 2014.

See [Table 2.1](#) for full data

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

Background

The Welfare Reform Act 2012 introduced a number of changes to the way reconsiderations and appeals are handled so that claimants and other persons disputing a decision will follow an escalating process of mandatory reconsideration and formal appeal.

DWP introduced this change for Personal Independence Payment and Universal Credit in April 2013 (when these benefits went live). The changes for all other DWP-administered benefits and child maintenance cases were introduced for decisions made from 28th October 2013.

From these dates, if a claimant disputes a decision made on their claim, they will need to ask DWP to reconsider the decision before they can appeal to HMCTS. This is known as a “mandatory reconsideration” (MR).

A MR means that DWP will reconsider all decisions before an appeal.

The change aims to:

- resolve disputes as early as possible;
- reduce unnecessary demand on HMCTS by resolving more disputes internally;
- consider revising a decision where appropriate;
- provide a full explanation of the decision; and
- encourage claimants to identify and provide any additional evidence that may affect the decision, so that they receive a correct decision at the earliest opportunity.

Resolving disputes without the need for an appeal should also help ensure that people receive the right decision earlier in the process.

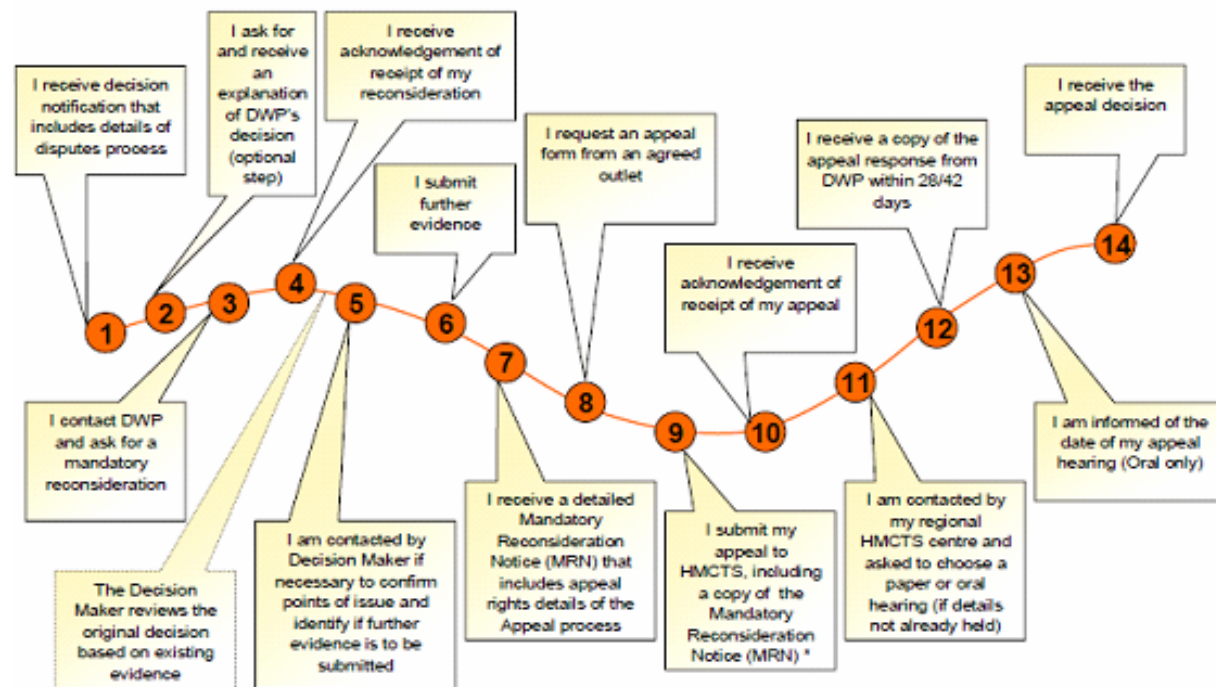
The MR process

The mandatory reconsideration process will involve an outbound call from decision makers, to talk through disputed decisions with claimants and invite them to provide any additional evidence at the earliest opportunity.

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

This allows the Department for Work and Pensions to carry out a robust review of the disputed decision, with claimants, or other persons, given an opportunity to provide supporting information. DWP are then able to change their decision at the earliest possible point if it is appropriate to do so rather than having to go through a long and costly appeals process.

High Level Appeals Journey (Mandatory Reconsideration and Direct Lodgement)



*if appeal includes further evidence it will be referred back to DWP Decision Maker for further reconsideration

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

Methodology

Data Source

Data from DWP's Decision Maker and Appeals Case Recorder (DMACR) has been used to produce these statistics and analysis. DMACR records decisions made by Jobcentre Plus decision makers on benefit claims.

Definitions used

Mandatory Reconsideration

Under the reformed appeals process claimants who wish to dispute a decision are required to ask DWP to reconsider and revise the decision. This is called a 'mandatory reconsideration'. The Mandatory Reconsiderations reported in this release may also include cases where a claimant has not contacted DWP with a dispute, but rather a Decision Maker has identified an issue with the decision and has subsequently revised it.

ESA

ESA includes ESA and IB Reassessment cases.

Other benefits:

Legacy Benefits that are not listed individually. For example, this category will include Vaccine Damage Payments.

Data coverage and reporting month

Data for all benefits recorded via the DMACR system, and across all Mandatory Reconsiderations, made on or after 28th October 2013 up to and including 31st October 2014, are included in this report. This covers a range of decision types on both new and existing claims, including Labour Market Decisions, Work Capability Assessments, capital, date of claim etc. Decisions on State Pension, Personal Independence Payments and Universal Credit are not recorded via DMACR and are therefore not included in this release.

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

The information presented relates to decisions made and not to individuals. An individual may receive more than one MR Decision on an aspect of their claim, or on more than one benefit. The figures should not therefore be used as a measure of individuals going through the MR process as an individual may appear in the numbers more than once.

Where a reporting month is referenced in this report it refers to the first calendar day of the month up to and including the last day of the month, unless otherwise stated. The month may relate to either the month in which the claimant requested a mandatory reconsideration, or the month in which a decision on the mandatory reconsideration was made. The month referenced will be clearly stated.

Summary statistics at Great Britain level are included within this report, with detailed statistics included in the associated Excel file.

Interpretation

Please note that in interpreting the figures the following could contribute to the statistics and allowance must be made for this:-

- information relates to numbers of decisions, not individuals
- not all claimants in more recent periods have had their MR completed;
- data for the most recent periods within this report may not be directly comparable with earlier periods and reports as more MRs are still in progress.

Future Releases

Going forward, DWP plans to incorporate information on mandatory reconsiderations into the relevant existing regular statistical publications. As each publication is ready, we will pre-announce the improvements in 2015 in accordance with the UKSA release protocols.

Mandatory Reconsiderations, requests and decisions to October 2014, Great Britain

Abbreviations

| | |
|-------|--|
| AA | Attendance Allowance |
| BB | Bereavement Benefit |
| CA | Carer's Allowance |
| CRU | Compensation Recovery Unit |
| DWP | Department for Work and Pensions |
| DLA | Disability Living Allowance |
| DMACR | Decision Maker Case Recorder |
| ESA | Employment and Support Allowance |
| HMCTS | Her Majesty's Courts and Tribunals Service |
| GB | Great Britain |
| IB | Incapacity Benefit |

| | |
|----------|---|
| IIDB | Industrial Injuries Disablement Benefit |
| IS | Income Support |
| JSA | Jobseeker's Allowance |
| JSA (LM) | Jobseeker's Allowance (Labour Market) |
| MA | Maternity Allowance |
| MOJ | Ministry of Justice |
| MR | Mandatory Reconsideration |
| MRN | Mandatory Reconsideration Notice |
| SDA | Severe Disablement Allowance |
| WB | Widows Benefit |
| WCA | Work Capability Assessment |