

Department for Work and Pensions

DECISION MAKING AND APPEALS (PART OF STRATEGIC COMMUNICATIONS)

Decision Makers Guide

Volume 1

Amendment – October 2016

1. This letter provides details on Amendment 52; the changes have already been incorporated in to the Intranet and Internet versions of the DMG.
2. PDF amendment packages are also available. These can be printed with the amended pages being reproduced in full. Each page will contain the amendment number in the footer.

PDF amendment packages can be found on the **Intranet** at:

<http://intranet/1/lq/acileeds/guidance/decision%20makers%20guide/index.asp>

or on the **Internet** at the 'Amdt Packages' tab on the following link:

<http://www.dwp.gov.uk/publications/specialist-guides/decision-makers-guide/>

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 52 affects Chapters 1, 2, 3 & 4
 - Chapter 1 minor amends.
 - Chapter 2 incorporates DMG memo 13/16.
 - Chapter 3 minor amends.
 - Chapter 4 incorporates DMG memo 13/16.
4. The last two amendment packages amending Volume 1 were

Amendment 51 [June 2016]

Amendment 50 [February 2016]
5. If using a PDF amendment package remove the sheets as stated in the left hand column of the Remove and Insert table below and insert the new sheets as stated in the right hand column (note the record of amendments at the back of the Volume).

**Remove
Statutory Instruments**

SS (LP & Misc Amdts) Regs – WP (Emp O) Des
O 14 (2 pages)

Chapter 1

01052 – 01062 (1 page)

Chapter 2

Conts 02001 – 02431 (2 pages)

02068 – 02079 (1 page)

02141 – 02153 (1 page)

Chapter 3

03070 – 03149 (2 pages)

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04630 - 04646 (1 page)

Annexes

Annex D (1 page)

**Insert
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Annexes

Annex D (1 page)

Statutory Instruments

The Social Security Lone Parents and Miscellaneous Amendments Regulations 2008 SI 2008 No. 3051	SS (LP & Misc Amdts) Regs
The Social Security (Loss of Benefit) Regulations 2001 No. 4022	SS (Loss of Benefit) Regs
The Social Security (Mariners' Benefits) Regulations 1975 No. 529	SS (Mariners' Ben) Regs
The Social Security (Maternity Allowance) (Work Abroad) Regulations 1987 No. 417	SS (MA) (Work Abroad) Regs
The Social Security (Maternity Allowance) Regulations 1987 No. 416	SS (MA) Regs
The Social Security (Maternity Allowance) (Earnings) Regulations 2000 No. 688	SS (MA) (Earnings) Regs
The Social Security (Maximum Additional Pension) Regulations 2010 No. 426	SS (MAP) Regs
The Social Security (Medical Evidence) Regulations 1976 No. 615	SS (Med Ev) Regs
The Social Security (Miscellaneous Amendments) Regulations 1997 No. 454	SS (Misc Amdts) Regs
The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2001 No. 652	SS (Misc Amdt) (No. 2) Regs
The Social Security (Miscellaneous Amendments) (No. 2) Regulations 2010 No. 641	SS (Misc Amdt) (No. 2) Regs 2010
The Social Security (Miscellaneous Amendments) (No. 3) Regulations 2011 No. 2425	SS (Misc Amdt) (No. 3) Regs 2011
The Social Security (National Insurance Number Information: Exemption) Regulations 1997 No. 2676	SS (NINO: Exemption) Regs
The Social Security (Overlapping Benefits) Regulations 1979 No. 597	SS (OB) Regs
The Social Security (Payments on account, Overpayments and Recovery) Regulations 1988 No. 664	SS (POR) Regs
The Social Security (Persons from Abroad) Miscellaneous Amendments Regulations 1996 No. 30	SS (PFA) Misc Amdt Regs 96
The Social Security Benefit (Persons Residing Together) Regulations 1977 No. 956	SS (PRT) Regs

Statutory Instruments

The Social Security (Reciprocal Agreements) Order 1995 No. 767	SS (RA) Order 95
The Social Security (Reciprocal Agreements) Order 1996 No. 1928	SS RA Order
The Social Security (Retirement Pensions etc.) (Transitional Provisions) Regulations 2005 No. 469	SS (RP etc) (Trans Provs) Regs
The Social Security (Severe Disablement Allowance) Regulations 1984 No. 1303	SS (SDA) Regs
The Social Security (Savings for Existing Beneficiaries) Regulations 1984 No. 1696	SS (SEB) Regs
The Social Security (State Pension and National Insurance Credits) Regulations 2009 No. 2206	SS (SP & NIC) Regs
The Social Security (Treatment of Postgraduate Master's Degree Loans and Special Support Loans) (Amendment) Regulations 2016 No. 743	SS (Treatment of Postgrad Master's Degree Loans and Special Support Loans) (Amdt) Regs 2016.
The Social Security (Unemployment, Sickness, and Invalidity Benefit) Regulations 1983 No. 1598	SS (U, S, & IVB) Regs
The Social Security (Widow's and Widower's Invalidity Pensions) Regulations 1978 No. 529	SS (W & W IVP) Regs
The Social Security (Widow's Benefit and Retirement Pensions) Regulations 1979 No. 642	SS (WB & RP) Regs
The Social Security (Widow's Benefit, Retirement Pensions and Other Benefits) (Transitional) Regulations 1979 No. 643	SS (WB, RP & OB) (Trans) Regs
The Social Security (Work-focused Interviews for Lone Parents) and Miscellaneous Amendments Regulations 2000 No. 1926	SS (Wfl for lone parents) Regs
The Social Security (Work-focused Interviews) Regulations 2000 No. 897	SS (Wfl) Regs 00
The Social Security (Working Tax Credit and Child Tax Credit) (Consequential Amendment) Regulations 2003 No. 455	SS (WTC & CTC) (Cons Amdt) Regs
The Statutory Sick Pay Regulations 1982 No. 894	SSP (Gen) Regs

Statutory Instruments

Education (Student Support) Regulations (Northern Ireland) Order SR 1999/192	Support (NI) Order
The Education (Student Support) Regulations	Support Regs
The Tax Credits Act 2002 (Commencement No. 3 and Transitional Provisions and Savings) Order 2003 No. 938	TC Comm No. 3 Order
The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 No. 2885	TP (FtT) (SEC) Rules
The Tribunal Procedure (Upper Tribunal) Rules 2008 No. 2698	TP (UT) Rules
The Workmen's Compensation (Supplementation) Scheme 1982 No. 1489	WC(S) Scheme
Work Programme (Employment Officer) Designation Order 2014	WP (Emp O) Des O 14

6. periods of wrongful imprisonment or detention in legal custody
7. auto credits for
 - 7.1 16-18 year old people
 - 7.2 men born before 6th October 1953
8. approved training where not awarded by DWP
9. Gulf crisis credits.

Credits awarded by DWP

01052 The DWP considers whether to award credits for

1. incapacity and LCW
2. maternity
3. unemployment
4. carers entitled to CA
5. approved training.

For further guidance on awarding credits, see Agency specific guidance.

01053 Where

1. a claim is disallowed because the contributions conditions are not satisfied
and
2. the claimant alleges that they should be awarded credits for a past period

the DM should decide the credits issue before dealing with the dispute about the contributions conditions. This may mean referring the credits claim to HMRC for a decision where appropriate.

Example

A claim for ESA is disallowed because the claimant failed the second contribution condition in one of the relevant years. In that year the claimant had been awarded 48 unemployment credits through two awards of JSA. In the remaining period he had been on holiday. The claimant argues that he should be awarded credits for the missing weeks. The DM awards two unemployment credits, and revises the ESA disallowance to award benefit.

01054 - 01059

Determinations on incomplete evidence

01060 The DM can make assumptions about certain matters where the evidence required to make a determination for the purposes of an outcome decision is incomplete. This enables an outcome decision to be made without waiting for information. A further determination can be made and the decision revised or superseded as appropriate when the evidence is received. See DMG Chapters 03 and 04 for guidance on revision and supersession.

Housing costs - IS, SPC and ESA

01061 Where

1. the DM has to decide a claim or make a supersession decision **and**
 2. a determination is required about what housing costs are to be included in an award of
 - 2.1 IS¹ **or**
 - 2.2 SPC² **or**
 - 2.3 ESA³ **and**
 3. there is not enough evidence to make that determination
- the DM can make the determination on the basis of the evidence already held⁴.

*1 IS (Gen) Regs, reg 17(1)(e), 18(1)(f) & Sch 3; 2 SPC Regs, reg 6(6)(c) & Sch II;
3 ESA Regs, reg 67(1)(c), 68(1)(d) & Sch 6; 4 SS CS (D&A) Regs, reg 13(1)*

Other IS determinations

01062 Where

1. the DM has to make a determination about whether
 - 1.1 the applicable amount is reduced or disregarded for persons affected by trade disputes¹ **or**
 - 1.2 a person is treated as receiving relevant education² **or**
 - 1.3 the applicable amount includes the SDP³ **and**
2. there is not enough evidence to make that determination

the DM makes the determination on the basis that the missing evidence is adverse to the claimant⁴.

*1 SS CB Act 92, s 126(3); 2 IS (Gen) Regs, reg 12; 3 reg 17(1)(d), 18(1)(e) & Sch 2, para 13;
4 SS CS (D&A) Regs, reg 13(2)*

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that the claimant provides evidence of his savings as it is likely that the amount of savings will have changed.

Social security information verified by a local authority

02068 Where SS information is verified by a LA and forwarded to DWP the Secretary of State must use this information without verifying its accuracy for the purpose of a claim for or an award of a specified benefit¹. However, information may be checked if either the Secretary of State has reasonable grounds for believing the information is inaccurate or the information is received more than four weeks after it was verified by the LA². SS information means information relating to SS, child support or war pensions or evidence obtained in connection with a claim for or an award of a specified benefit³.

1 SS (C&I) Regs, reg 4(2); 2 reg 4(3); 3 SS Admin Act, s 7B(4)

Claims made electronically

02069 The following benefits (together with any dependency increase) may be claimed electronically¹

1. CA
2. AA
3. DLA
4. RP
5. GRB
6. SAP
7. JSA
8. SP
9. ESA
10. IIDB

Detailed guidance on the conditions for the use of electronic communications and the Secretary of State's directions authorizing the use of such means are set out at Annex B. This means that electronic claims must be made using the claim form and the methods set down on the DWP website. If any other methods are used then the claim is treated as not having been submitted².

1 SS (C&P) Regs, reg 4ZC; 2 Sch 9ZC, para 2(7)

02070 A claim made electronically is deemed to have been delivered in the manner or form as described at DMG 02080 et seq.

02071 Where a claim is made electronically the date of claim is the date the claim is recorded as having been received on the Department's computer system (i.e. at the Government Gateway)¹. This might not be the same as the date the claim is received in the appropriate office.

1 SS (C&P) Regs, Sch 9ZC, para 4(1)

02072 The following should also be noted (see also Annex B, Appendices A & B)

1. for AA and DLA only - a claim form may be requested electronically
2. for CA only - any certificate, notice, information or evidence in connection with the claim may be provided electronically
3. for CA only - changes of circumstances can be notified electronically.
4. for SP information, including a change of circumstances can also be given electronically.

Claims for IIDB, SFFP, BB, RP, GRB, SAPs and SP made by telephone

02073 Unless the Secretary of State directs that in any particular case a claim must be made in writing, claims to IIDB, SFFP, BB, RP, GRB, WFP, SAPs and SP may also be made by telephone to a telephone number specified by the Secretary of State for the purpose of the benefit for which the claim is made¹. No claim form is issued and no signature obtained. Claims made in this way cannot be made to alternative offices (see DMG 02052).

1 SS (C&P) Regs, reg 4(11)

02074 A statement of details is incorporated into any outcome decision in these cases so that claimants can check the accuracy of the facts used to determine their entitlement.

02075 - 02079

of the case it is appropriate to do so, be treated as made on the day the claimant first informed an appropriate office of his intention to claim¹.

1 SS (C&P) Regs, reg 4F(3)

Defective claims made in writing

02141 If the claim for SPC is defective when first received, the Secretary of State must provide the claimant with an opportunity to correct that defect¹.

1 SS (C&P) Regs, reg 4D(10)

02142 If the claimant¹ corrects the defect with the result that the claim is made in accordance with DMG 02128 and does so within one month or such longer period as the Secretary of State considers reasonable of the date the Secretary of State first drew attention to the defect, the claim shall be treated as made on the date

1. the defective claim was first received by the Secretary of State or a person acting on his behalf²
2. if DMG 02140 applied, the claimant informed an appropriate office of an intention to claim SPC³.

1 SS (C&P) Regs, reg 4D(11); 2 reg 4D(11)(a); 3 reg 4D(11)(b)

Note: Where a defective claim is made during the advance period, it may be corrected at any time during that period.

02143 There is no definition of a “defective claim” in the context of SPC. However it is clear that a claim in writing is defective if it fails to satisfy the conditions in DMG 02128. Thus, if a claim is made on an approved form it is defective if

1. it is not completed in accordance with the instructions printed on it **and**
2. in addition it is not accepted by the Secretary of State as being sufficient in the circumstances of the case.

02144 There will be cases where a claim is not defective (that is, it satisfies the conditions in DMG 02127 to 02131) but the DM still needs further information or evidence for the claim to be decided. Failure by a claimant to provide this information or evidence **does not** render the claim defective. After allowing a reasonable period of time for the claimant to respond the DM must proceed to a decision on the claim made on the balance of probabilities (see DMG 02169).

02145 - 02147

Telephone claims for IIDB, SFFP, BB, RP, GRB and SAPs

02148 A claim for IIDB, SFFP, BB, RP, GRB or a SAP made by telephone (see DMG 02073) is made in the prescribed manner if the claimant provides the Secretary of State with all the information necessary to determine the claim during the initial

telephone conversation. Otherwise, (for example if the telephone conversation is cut short unexpectedly) the claim will be regarded as defective¹.

1 SS (C&P) Regs, reg 4(12)

02149 Where a claim would otherwise be defective every effort should be made to re-establish contact with the claimant so that missing information can be obtained. Where attempts to contact the claimant by telephone are unsuccessful a partially completed claim form should be sent out and the claimant told what information is required (and the date by which it must be supplied) for the claim to be properly made¹. The information can be supplied by any means (for example by completing the claim form or by telephone).

1 SS (C&P) Regs, reg 4(13)

02150 If the claimant corrects the defect within one month (or such longer period as the DM considers reasonable) the claim will be treated as having been properly made in the first instance (ie. the date of the initial telephone conversation)¹.

1 SS (C&P) Regs, reg 4(7)

02151 If the missing information is not supplied within the time allowed in DMG 02168

1. the claim should be disallowed on the basis that it is defective and not made in accordance with the legislation¹ **and**
2. the claimant should be notified accordingly².

*1 SS (C&P) Regs, reg 4(11) & (12), SS A Act 92, s 1(1);
2 SS CS (D&A) Regs, reg 28(1)(a), reg 28(1)(b); reg 28(1)(c)*

02152 If the missing information is supplied outside the time allowed in DMG 02168 and

1. no decision has yet been made on the claim then the date of claim is the date the missing information was supplied **or**
2. the initial claim has already been disallowed the DM should
 - 2.1 consider whether the original decision was correct **or**
 - 2.2 decide that the disallowed claim cannot be revised or superseded because the submission of the information is a change of circumstance occurring after the claim was decided¹ **and**
 - 2.3 consider whether a further claim to benefit has been made.

1 SS CS (D&A) Regs, reg 3(9)(a); SS Act 98, s 8(2)(b)

Claiming ESA

General

02153 When a claim to ESA is made and there is sufficient information to make an award of ESA(Cont) but insufficient information to enable an award of ESA(IR) to be made then the DM may make an award of ESA(Cont). No defective claim decision should be made. The DM should request information from the claimant in relation to ESA(IR).

now outside the prescribed time limit for claiming SSMG as it is more than three months since the child was born. Her claim for CTC was made more than 10 days after the first SSMG claim, so that the further SSMG claim cannot be treated as made on the date of the original SSMG claim. The DM treats the further claim as an application for revision, extends the time for applying for revision, and revises the disallowance to award SSMG.

03066 - 03069

Late applications

03070 The one month time limit for applying for revision can be extended where the conditions in DMG 03072 - 03074 apply¹.

1 SS CS (D&A) Regs, reg 4

03071 An application for an extension of the time limit can be made by

1. the claimant **or**
2. a person acting on behalf of the claimant¹.

1 SS CS (D&A) Regs, reg 4(2)

03072 The application must

1. give reasons for extending the time period **and**
2. identify the decision to be revised **and**
3. be made within 13 months of the date the decision to be revised was notified except where DMG 03073 applies¹.

1 SS CS (D&A) Regs, reg 4(3)

03073 Where the person applying for an extension of time for revision had requested a written statement of reasons within one month of notification of the decision, the 13 month period is extended by

1. where the statement was provided within one month of the notification, 14 days¹, **or**
2. where the statement was not provided until after the one month periods ends, 14 days and as many days as had elapsed since the expiry of the one month period before the statement was provided².

1 SS CS (D&A) Regs, reg 4(3)(b)(i); 2 reg 4(3)(b)(ii)

Example 1

On 12.11.04 a claimant is notified of the decision on his claim for IS. The application period is 13.11.04 to 12.12.04 (ordinarily, a late application might be possible up to 12.12.05). The claimant requested a statement of reasons within the one month period, and this was provided on 10.12.04. A late application, where appropriate, can

be made up to and including 26.12.05 (the 13 month late application period is extended by 14 days).

Example 2

On 9.2.05 a claimant is notified of the decision on his claim to IS. The application period is 10.2.05 to 9.3.05 (ordinarily, a late application might be possible up to 9.3.06). The claimant requested a statement of reasons. This was not provided until 15.3.05 (some 6 days after the initial one month application period ended). A late application, where appropriate, can be made up to and including 29.3.06 (i.e. the 13 month late application period is extended by a total of 20 days, being 14 days plus 6 days for the delayed issue of the written statement of reasons).

03074 The following conditions must **all** be satisfied for a late application to be accepted¹

1. it is reasonable to grant the application for the extension of time
2. the application for revision has merit (i.e. it may be successful if the application for an extension of time is granted)
3. there are special circumstances for the lateness
4. as a result of the special circumstances the application for revision could not be made within the one month limit.

1 SS CS (D&A) Regs, reg 4(4)

03075 The term “special circumstances” is not defined in legislation. It can include factors such as

1. the applicant, partner or dependant has died or suffered serious illness
2. the applicant is not resident in UK
3. normal postal services were adversely affected
4. the claimant has learning or language difficulties
5. the claimant has difficulty in obtaining evidence or information to support their application

The list is not exhaustive, and each application should be considered on its merits. For example, where the application concerns a benefit awarded because of incapacity or disability, it may be appropriate to accept serious illness as a special circumstance.

03076 Note that the later the application the more compelling the special circumstances for lateness must be¹ although applicants are not expected to show that their circumstances are exceptional. Where the delay is not excessive, the person's circumstances can be less compelling.

1 SS CS (D&A) Regs, reg 4(5)

Example

The claimant, a pensioner, is awarded IS without housing costs in a decision notified on 1 August. At the same time, he is asked to arrange for completion of form MI12. Before he can send the form to the building society, he suffers a stroke and is admitted to hospital for three months. He is discharged home on 6 November. On 11 December he returns form MI12, explaining why he has not done so earlier. The DM accepts a late application for revision, and revises the decision to award housing costs from the date of claim.

03077

03078 Where an application for revision is received but no reason for lateness is given and the application has merit (i.e. is likely to succeed) the DM should make enquiries as to whether there are special circumstances for the late application.

03079 Where a late application has not been accepted, an application for an extension of time cannot be renewed¹.

1 SS CS (D&A) Regs, reg 4(7)

03080 - 03100

Revision instigated by the DM

03101 The DM can instigate a revision within one month of notification of the original decision, and revise it in the same way as for a claimant's application¹.

Note: In cases where a DM considers that the decision may be subject to revision on their own initiative then a note to this effect should be made on the case.

1 SS CS (D&A) Regs, reg 3(1)(a)

03102 Decisions can also be revised at any time on the DM's own initiative in limited circumstances. For example, where an award of benefit is affected by an award of or change to another benefit which takes effect from the date of the original decision, or the decision is based on official error, the any time revision provisions apply. For further advice, see DMG 03250 et seq.

03103 - 03110

Challenging a revised decision

03111 Where an existing decision is revised, following a mandatory reconsideration, there are fresh appeal rights and a fresh application period. A claimant can challenge the revised decision provided the application is lodged within the time limit. A further application for revision is not required by the claimant who can appeal the decision as revised immediately.

03112 - 03149

Supersession - incomplete evidence

Housing costs

- 04630 Where, for the purpose of making a supersession decision in relation to SPC
1. a determination has to be made as to what housing costs are to be included in the claimant's appropriate minimum guarantee by virtue of specific legislation¹
and
 2. it appears to the DM not all the information needed to make that determination is in the Secretary of State's possession

the DM should make the supersession decision on the basis of a determination that the housing costs to be included are those that can be immediately determined².

1 SPC Regs, reg 6(6)(c) and Sch II; 2 SS CS (D&A) Regs, reg 13(1)

Additional amount for the severely disabled

- 04631 Where, for the purpose of making a supersession decision in relation to SPC
1. a determination has to be made as to whether the claimant's appropriate minimum guarantee should include an additional amount for the severely disabled¹ **and**
 2. it appears to the DM that not all the evidence or information needed to make that determination is in the Secretary of State's possession

the DM should make the determination on the assumption that the missing evidence or information is adverse to the claimant² and proceed to decide the claim or make the supersession accordingly.

1 SPC Regs, reg 6(4) & Sch I, para 1; 2 SS CS (D&A) Regs, reg 13(3)

04632 - 04639

Supersession - changes of circumstances

General effective date rule

- 04640 Unless otherwise stated in this Chapter, the effective date for any supersession decision for SPC (other than AIP decisions) follows the general rule for changes of circumstances¹. See DMG 04642.

1 SS CS (D&A) Regs, Sch 3B, paras 7 & 8

- 04641 Changes due to the automatic increasing of non state pensions are not subject to the normal rules regarding supersession¹.

1 SPC Act 02, s 10(2) & 10(3)

Change of circumstances - the general rule

04642 Except where DMG 04643 - 04644 apply, where a decision relating to SPC is superseded on the grounds of a change of circumstances, the general rule is that the effective date is¹ either

1. where SPC is paid in advance, from the day that change occurs or is expected to occur if either of those days is the first day of a benefit week but if not from the next following such day **or**
2. where SPC is paid in arrears, from the first day of the benefit week in which that change occurs or is expected to occur .

1 SS CS (D&A) Regs, Sch 3B, para 1

Advantageous change notified outside time limits

04643 Where a DM makes a supersession decision because of a change of circumstances

1. that is notified more than one month (or such longer period as the DM may allow under DMG 04204 - 04218) after it occurred **and**
2. where the result of the supersession will be advantageous to the claimant

the effective date of the supersession will be as set out in DMG 04644.

04644 In the circumstances described in DMG 04643, the effective date is

1. where SPC is paid in arrears, the first day of the benefit week in which the notification is made¹ **or**
2. where SPC is paid in advance² **and**
 - 2.1 the date of notification is the first day of the benefit week, that day, **or**
 - 2.2 the date of notification is a day other than the first day of a benefit week, the first day of the benefit week **following** that in which notification is made.

1 SS CS (D&A) Regs, reg 7(2)(b)(i); 2 reg 7(2)(b)(ii)

04645

Exceptions to the general rule

04646 The exceptions to the general rule are set out below.

Annex D

Decisions and determinations that are appealable

Benefit decisions

1. All decisions, other than those in Annex E, made on a claim for or award of a relevant benefit¹, including whether there has been a valid claim² or if the claim is defective.

1 SS Act 98, s 12(1)(a); 2 SS (C&P) Regs, reg 4

2. Entitlement to and amount of a benefit for which no claim is required¹.

1 SS (C&P) Regs, Sch 3 para 1 & 2; SS CS (D&A) Regs, reg 26(a); SS (C&P) Regs, reg 3

3. Whether benefit to which a claimant is entitled is not payable because¹

- 3.1 the claimant is disqualified for receiving benefit²

- 3.2 the claimant is in certain accommodation for the purposes of DLA care component³

- 3.3 the claimant is in hospital⁴

- 3.4 a sanction has been imposed⁵.

1 SS Act 98, Sch 3 para 3; 2 SS CB Act 92; 3 s 67(2) & 72(8); 4 s 113(2); 5 JS Act 95, s 19 & 17A

4. Payments to third parties¹ (but see Annex E for exceptions).

1 SS Act 98, Sch 3 para 4

5. Whether an overpayment of benefit is recoverable, and if so, the amount¹.

1 ESA(IR), para 5 & 6; SS A Act, s 71 & 71A

6. Recoverability of excess amounts of IS, JSA(IB), ESA(IR) or SPC where a prescribed payment is received after the due date¹.

1 SS A Act, s 74; R(IS) 14/04

7. Whether an accident was an IA¹.

1 SS Act 98, Sch 3 para 7

8. Decisions about a proposal to make or vary a JSAg¹.

1 SS Act 98, para 8; JS Act 95, s 9 & 10

9. Decisions about the assessment of extent of disablement¹.

1 SS CS (D&A) Regs, reg 26(c); SS CB Act 92, s 103, 106 & Sch 6

10. Where one member of a joint claim couple is working and the DM decides that neither claimant is in remunerative work¹.

1 SS CB Act 92, reg 26(d); Welfare Reform and Pensions Act 99, s 59 & Sch 7

11. Whether to specify a period as an AIP¹ made in accordance with specific legislation².

1 SS Act 98, Sch 3, para 8A; 2 SPC Act 02, s 6

12. Decisions as to the length of an AIP¹.

1 SS Act 98, Sch 3, para 8B

13. Decisions to end AIPs¹ made under specific legislation².

1 SS Act 98, para 8C; 2 SPC Act 02, s 9(4) or (5)

14. Where a decision is made under para 12, a decision as to when the AIP ends¹.

1 SS Act 98, Sch 3, para 8D

15. A decision that SP is not payable because a person is a prisoner¹

1 SS Act 98, Sch 3, para 6C

16. A decision that a person is not entitled to uprating increases because they are an overseas resident¹.

1 SS Act 98, Sch 3, para 6D

Contributions decisions

1. Whether a person was precluded from regular employment by home responsibilities¹.

1 SS Act 98, Sch 3 para 16

2. Whether a person should be credited with earnings or contributions¹.

1 SS Act 98, para 17; SS CB Act 92, s 22(5) & s 22(5ZA)