

# **Freedom of Information request 2533/2014**

**Received 6 June 2014**

**Published**

## **Information request**

I would like to know if the DWP has a particular definition of the word 'immediately' as used by the DWP to me in relation to request for a mandatory reconsideration.

Also does the DWP ever act in this way itself, as for example, when it receives a letter from a Pension Credit claimant for example. I have written letters months ago which got no reply at all, weeks ago and days ago.

I worried about this word because I would like to seek advice on which grounds I might be most effective on for asking for MR - from perhaps an officer of the Council. I am concerned that if I did not appeal 'immediately' I might lose the opportunity to have a Mandatory Reconsideration.

There is some evidence I would like to submit but I have been waiting for reply from the DWP as to whether I would need it. It would take time as it means writing to a solicitor in Ireland. Does DWP have any regulations to cover this eventuality? Can I request time to get advice and get this necessary written evidence from my solicitor in Ireland, otherwise 'immediately' will rule out much of what I want to have considered during a mandatory reconsideration.

Is there a, erm, protocol covering this; a time which is considered reasonable for replying, laid down, so to speak?

## **DWP response**

First, and to confirm, it is not possible to appeal a benefit decision (other than Housing Benefit – see below) to the Tribunals Service without first having gone through the reconsideration process. The decision notification which explains this does not say that the reconsideration application must be made “immediately” just that it must be made within one month of the date of the decision notice. Once the application is received it will be dealt with without delay. This will to a large extent depend on whether you wish to submit further evidence in support of your application. If the application is unsuccessful and you wish to appeal, then again there is one month to do this (from the date of the Mandatory Reconsideration decision letter).

If the dispute is about Housing Benefit then the Mandatory Reconsideration process does not apply. An appeal can be made immediately, that is, within

one month of the date on the decision notice. The option to request a review first is available, and again there is one month to apply, and this will not affect the right of appeal should the review not succeed. If an appeal is made immediately the decision will be reviewed anyway to ensure it is correct before the appeal is processed.

Whatever the benefit and the disputes process to be followed, the sooner you are able to tell us why you believe the decision is not right the sooner, of course, the decision is looked at again; and similarly with any additional evidence. If you are unsure as to whether you should provide further evidence and cannot get an answer from the department or your Council then you should just submit it.