

Freedom of Information request 343/2013

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Information request

Upon reading "Appeals Process Changes - Customer Representative Groups Questions and Answers) V1.0a I note the following:

Mandatory reconsideration

Q: Why is mandatory reconsideration being introduced?

A: The main reasons for introducing mandatory reconsideration are to:

- resolve any disputes as early as possible;*
- consider revising the decision where appropriate;*
- provide a full explanation of the decision;*
- encourage people to identify and provide any additional evidence that may affect the decision, to enable DWP to ensure that people receive the benefits or child maintenance to which they are entitled at the earliest opportunity.*

It appears that DWP are making these changes (for amongst other reasons) to speed up the appeals / reconsideration process. However nowhere in the document can I find information regarding regrading time limits for a reconsideration to be made, so my questions are:

1 Is a time limit for reconsideration following a customers request for one to be implemented

2 If the answer to 1 is "yes" then what will that time limit be and how has it been arrived at

3 If the answer to 1 is "no" then can you supply documentation showing consideration for a time limit and reasons for not implementing it

4 What will be the impact on a claim where a decision has been made to stop a claim for a benefit, the customer has requested a reconsideration, the reconsideration has not yet taken place and so the customer is, as yet, unable to make appeal to HMCTS e.g customer attends WCA, DM decides Fit for Work, customer requests reconsideration - at this point will the customer receive any ESA or will they be obliged to claim JSA as they are still considered fit for work until such time as a reconsideration is completed [currently a customer would be paid assessment phase rate once they

have made an appeal]

5 With regard to Q1 and Q4 if 1 is no and the answer to 4 is a cessation of claim during reconsideration are there any other safeguards to prevent a customer from entering a "decision limbo" of indefinite period if there is no time limit for DWP to make a reconsideration.

DWP response

1 Is a time limit for reconsideration following a customers request for one to be implemented

The Department has no plans to introduce a time limit for completing reconsideration.

2 If the answer to 1 is "yes" then what will that time limit be and how has it been arrived at

Not applicable

3 If the answer to 1 is "no" then can you supply documentation showing consideration for a time limit and reasons for not implementing it

The information requested does not exist, however further details of the reasons why the Department does not intend to introduce a target for completing reconsdieration are available in both the public consultation document on mandatory consideration of revision before appeal and the Government response.

Please see the final paragraph, page 14 of the consultation document (<http://www.dwp.gov.uk/docs/mandatory-consideration-consultation.pdf>) and the section entitled "Time limits for reconsideration" on page 7 of the Government response (<http://www.dwp.gov.uk/docs/mandatory-consideration-consultation-response.pdf>).

4 What will be the impact on a claim where a decision has been made to stop a claim for a benefit, the customer has requested a reconsideration, the reconsideration has not yet taken place and so the customer is, as yet, unable to make appeal to HMCTS e.g customer attends WCA, DM decides Fit for Work, customer requests reconsideration - at this point will the customer receive any ESA or will they be obliged to claim JSA as they are still considered fit for work until such time as a reconsideration is completed [currently a customer would be paid assessment phase rate once they have made an appeal]

There is no change being made to the existing arrangements. Once a decision has been made it will apply to the benefit claim unless the decision is revised through mandatory reconsideration or overturned by an appeal tribunal. Employment and Support Allowance will continue to be an exception where payment will continue to be made pending appeal where the claim has been disallowed because the claimant does not have limited capability for work. There is no legal basis for paying benefit during the reconsideration period where a claim has been disallowed.

5 With regard to Q1 and Q4 if 1 is no and the answer to 4 is a cessation of claim during reconsideration are there any other safeguards to prevent a customer from entering a "decision limbo" of indefinite period if there is no time limit for DWP to make a reconsideration

The information requested does not exist, however the Department is considering how best to manage and monitor the reconsideration process so that unnecessary delays are avoided.