

# Appeals Reform

An introduction

August 2013

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# Introduction – What is changing

The appeals process is changing in 2013 so that more disputes against DWP decisions can be resolved without the need for referral to Her Majesty's Courts and Tribunals Service (HMCTS). DWP is committed to preventing disputes, reducing the escalation of disputes, resolving disputes and learning from disputes. From April 2013 DWP began to introduce changes which were part of the Welfare Reform Act 2012.

## What are the changes?

**DWP will reconsider all decisions before an appeal.** This change will mean that if someone disputes a decision, they will need to ask DWP to reconsider the decision before they can appeal to HMCTS. This is known as “**mandatory reconsideration**”. The change aims to encourage people to provide additional evidence earlier in the process. Resolving disputes without the need for an appeal should also help ensure that people receive the right decision earlier in the process.

**Appeals to be made directly to HMCTS.** This change will mean that, after DWP has reconsidered a decision, if someone still disputes the decision and wishes to appeal, they must send their appeal directly to HMCTS. This is known as “**direct lodgement**”. It will bring the process for Social Security and child maintenance appeals into line with other major tribunal jurisdictions handled by HMCTS.

**Time limits for DWP to return responses to HMCTS.** DWP has agreed with the Tribunal Procedure Committee to introduce time limits to stipulate how long DWP has to respond to an individual appeal. Their introduction will mean that DWP will have 28 calendar days to provide an appeal response in benefits cases, and 42 calendar days in child maintenance cases.

## When will these changes be introduced?

DWP introduced all three changes for Personal Independence Payment and Universal Credit in April 2013.

The changes will be introduced for all other DWP-administered benefits and child maintenance cases from 28 October 2013, and DWP will begin to report against the time limits from October 2014.

More information about Appeals Reform is available at [www.gov.uk](http://www.gov.uk).

# Background – The case for change

## **Why is mandatory reconsideration being introduced?**

The main reasons for introducing mandatory reconsideration are 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.

Mandatory reconsideration allows us to look again at our decisions in a fair and thorough way.

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. Then, where appropriate, we can change our decision at the earliest possible point rather than having to go through a long and costly appeals process.

## **Why is direct lodgement being introduced?**

The main reasons for introducing direct lodgement are to:

- align the appeals process for Social Security and child maintenance appeals with other major jurisdictions handled by HMCTS;
- make sure that DWP is no longer involved in the administration of appeals, and can focus on its key role as a party to appeals; and
- speed up and clarify the appeals process.

The current process, where people submit their appeal to DWP and it then transfers to HMCTS, can cause delays in arranging tribunals, and confusion for people who may not realise which organisation is responsible for their appeal at any given point.

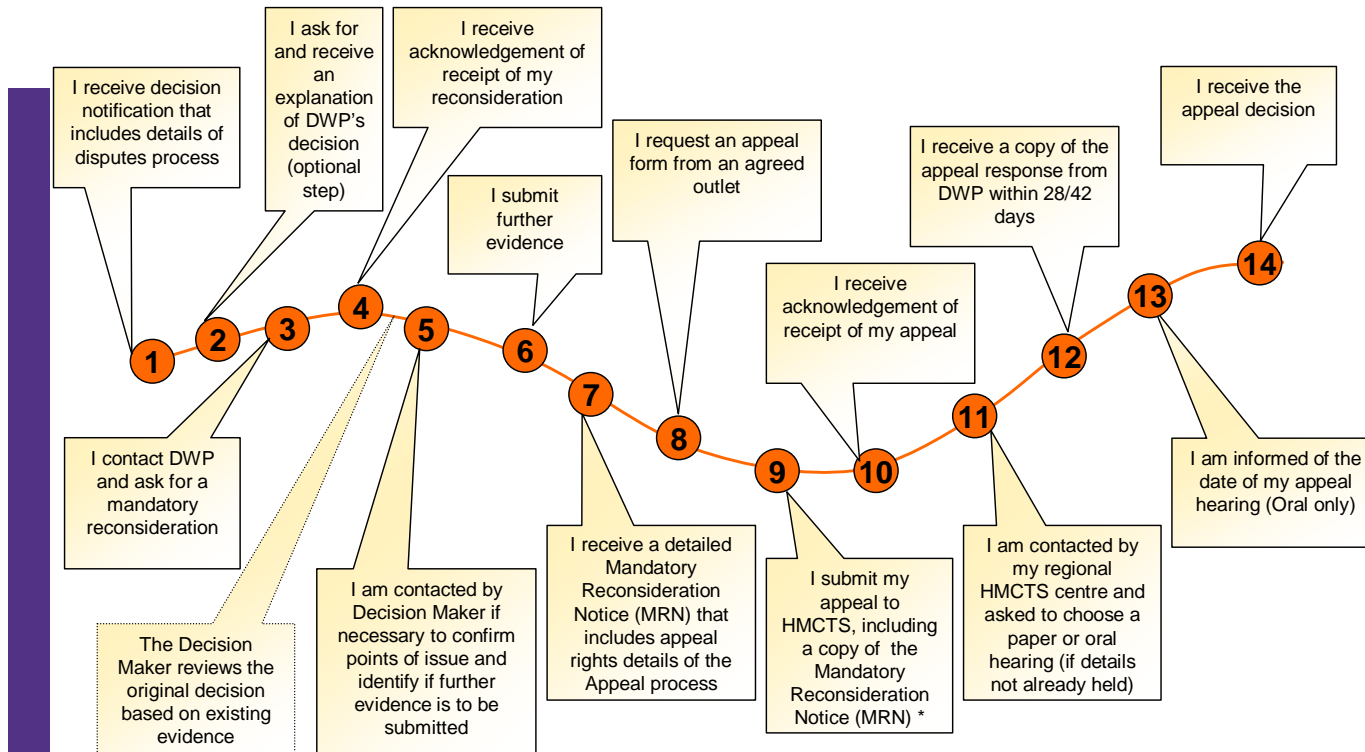
## **Why are time limits being introduced?**

The aim of time limits is to improve customer service by giving people a timeframe within which they can expect DWP to provide the response to an individual appeal.

In addition, the change will bring DWP into line with other departments that are already subject to time limits when submitting appeal responses to HMCTS.

# The Appeals Reform Journey

## 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

## Summary of key facts

- DWP introduced all three changes for Personal Independence Payment (PIP) and Universal Credit (UC) from April 2013. The changes will be introduced for other DWP benefits and child maintenance cases from 28 October 2013, and DWP will begin to report against the time limits from October 2014.
- Mandatory reconsideration may be confusing for people when it is first introduced. You may receive enquiries from people who do not understand why the process has changed. Some people may assume they can still appeal straight away if they dispute a DWP decision, without first asking for a mandatory reconsideration.
- DWP benefits other than PIP and UC will remain unaffected by mandatory reconsideration until October 2013, and so PIP and UC claimants who are also in receipt of any of these other benefits may want an explanation as to why there is a different disputes process for PIP and UC.
- If you're in contact with someone who wants to dispute a PIP or UC decision, it's important to make them aware that they have to ask DWP for a mandatory reconsideration before they can appeal.
- People who are appealing a PIP or UC benefit decision should use the new SSCS appeal form, which they can get online at [www.justice.gov.uk/tribunals](http://www.justice.gov.uk/tribunals) or GOV.UK, or in paper form from an independent advisory body like Citizens' Advice Bureau. People who are appealing a decision about their benefit or child maintenance claim should also use the new SSCS appeal form if their decision notification was issued on or after 28 October 2013.
- When a person has completed the SSCS form, they must attach a copy of their Mandatory Reconsideration Notice and lodge it directly with HMCTS. Their Mandatory Reconsideration Notice will contain details of where they should send the form.
- The GL24 leaflet will also still be available until the end of 2014, so it is possible that some people may appeal using the GL24 instead of the SSCS1, in error. If someone does appeal on the wrong form, their appeal will still be valid as long as it is accompanied by a Mandatory Reconsideration Notice.

## Lines to take

Lines to take for Customer Representative Groups are available from the DWP Corporate website.

## Important information

This information pack is only a guide and does not cover every circumstance. We have done our best to make sure that the information in this information pack is correct as of August 2013. It is possible that some of the information is oversimplified, or may become inaccurate over time, for example because of changes to the law.