

What happens next?

When you ask for a MR, a different decision-maker looks at your case. If they agree with the first decision, it stays the same, or they can [change the decision](#).

You may get what you hoped for, or at least something you feel you can accept.

However, the second decision maker could change the decision in a way that makes things [worse for you](#).

If you are unhappy with that decision, you have the right to [appeal to a tribunal](#).

If you were getting [Employment and Support Allowance](#) but have been found “fit for work”, you can [lodge an appeal with the Tribunals Service](#) without waiting for a reconsideration. This allows you to stay on ESA while your appeal is decided.

Get more advice about this.

Get Advice before you Appeal

If you get less benefit than you hoped for but [have been awarded something](#), try to [get advice](#) before you appeal.

This is very important if you have claimed PIP after being on DLA, or ESA after another sickness benefit. Because your new benefit has [different rules](#), you might be entitled to less than before. If you ask for the decision to be looked at again, you could get even less from the second decision-maker.

You should also get advice if you want to [appeal an overpayment](#), in case another decision-maker decides you [owe more](#).

Independent Tribunals

If you disagree with a reconsideration decision, you can take your case to an [independent tribunal](#). Tribunal members do not work for the DWP, Tax Credit Office or Council.

To appeal, you will need an [SSCS1](#) form. The link will take you to the different versions available.

Complete the form and send it to the [Tribunals Service](#): the address is on the form. Include a copy of the MR decision notice. You can send extra evidence too.

You have [one calendar month](#) from the date of the reconsideration decision to make your appeal.

If a crisis means your appeal is late, it may still be accepted if a tribunal judge decides you have [good cause](#).

To find out more about Tribunals, see our [Benefit Appeal Tribunals](#) leaflet.

For more information go to www.citizensadvice.org.uk or contact our **Citizens Advice Helpline: 0800 144 8848**



Potteries Gold is a **Citizens Advice Staffordshire North & Stoke-on-Trent** project to help people in Stoke-on-Trent cope with changes to the benefit system
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Appealing Benefit Decisions

Disputes and Appeals No 3



Staffordshire North & Stoke-on-Trent

If you think a Benefit Decision is Wrong

This leaflet explains what to do if you want a decision about your benefits changed because you think it is wrong.

In this leaflet, when we talk about **appealing** against a decision, we mean the **whole process of challenging a decision**, not just an appeal to an independent tribunal

Can I Appeal?

If you think a decision about your benefits is wrong, you can usually ask for it to be **looked at again**.

This is known as requesting a **mandatory reconsideration** or MR. You cannot ask for a MR until you have a **decision** about your benefit.

Example

Sandra's benefits have been suspended as she is accused of living with a boyfriend. She cannot appeal against the **suspension** but, if a decision is made to **terminate** her award, **cut her benefits** or **recover overpaid benefit**, she can appeal against any of these decisions.



Decisions you cannot appeal.

If you are turned down for a **discretionary payment**, you do not have full appeal rights.

You *can* ask for the decision to be **looked at again** but you cannot take your case to an independent tribunal.

My circumstances have changed.

If things have changed **since you made your claim**, appealing might not help you.

A mandatory reconsideration or appeal can only look at the facts **at the time the decision was made**. It won't take changes that happened later into account. For example, if your disability benefit claim was turned down and your health has got worse since that decision, a **new claim** may be the best option.

How Do I Appeal?

You have **one calendar month** from the **date of the decision** to take action. If the date on the letter is 4th February, you must ask for an MR **before** 4th March.



Make sure you **contact the right office**: use the contact details on the decision letter.

Universal Credit decisions don't come by post; they are sent to you electronically. Your **monthly statement** counts as a **decision**. Use your **UC journal** to ask for a reconsideration, then **call the UC helpline** to make sure it is acted on.

You can **phone**, or you can **write**. There is also a **form** you can use. You could phone, to make sure you meet the deadline, then write or use your journal to explain your case. You should send in **extra evidence** as soon as it is available.

However, late requests for reconsideration can be accepted if you have **good cause** for lateness.

Good cause could be something like illness, a bereavement or getting the decision late, which stopped you asking in time. Waiting to get advice is *not* usually treated as good cause.

What should I say in my letter?

Say that you want a mandatory reconsideration and explain why. Be sure to give the **date of the decision** and the **benefit concerned**.

Send **extra evidence** if you can. If you are accused of having a partner living with you, you could send proof that they have a **different home** and **pay bills** there.

If the decision is about a sickness or disability benefit, **new medical evidence** could help, if it explains why you meet the conditions to get a benefit.

A clinical report from a consultant full of medical jargon might be less helpful than notes from a nurse about the **care you need**, your **care plan** or a **letter from your support worker**.



If the DWP phone you.

Someone from the benefits office might phone you about your appeal. This can be helpful to clear up misunderstandings but be careful what you say.

If you need a support worker or another person to help you explain things, make that clear. Do not rush or guess your answers, and do not be talked out of appealing.