

Factsheet B22: Reconsiderations and appeals

Reconsiderations

If you want to challenge any decision that has been made about your benefits, you have to first ask the Department of Work and Pensions to reconsider their decision before you can start an appeal. It is called a **Mandatory Reconsideration**. It is best to do this in writing, so that you can prove that you have done this within the correct time period, and you have a record of what you say.

You have a month from the date on your decision letter to send this request, unless there are special circumstances that cause a delay, such as bereavement. You will not be given longer than a month if the reason for the delay is that you did not know or understand the law.

You can either write your own letter, or use the online form at:

<https://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp>.

If you would find it helpful, have a look at the two sample letters of how to write a letter requesting a Mandatory Reconsideration, one for ESA and one for PIP, listed with our Factsheets.

You need to say **why** you think the decision is wrong, and how you think **you meet the criteria** for a different award. It is extremely helpful if you can provide additional medical evidence at this stage. In our experience you are unlikely to get a decision changed just because you think it should be. The



person who makes the decision (the 'decision maker') needs a reason to think the original decision was wrong.

You need to send your letter (or submit your form) including any supporting evidence to the benefits office that your decision letter was from. It gives them a chance to look at your file again, and they can change their decision at this time. Keep a copy of everything you send, and obtain proof of posting which the Post Office will provide for free. When they have made a decision, they will send you what is called a **Mandatory Reconsideration Notice** – you will need this if you want to go on to appeal.

If you have had an assessment, it would also be helpful to ask the Department of Work and Pensions for a copy of your assessment report, as there might be something in that report that you can challenge. If you have had an assessment that you are not happy with for any reason, you can make a complaint directly to the assessment provider. See our Factsheet: How to deal with medical assessments.

Appeals

If you are still unhappy with the decision made, you may want to complete an appeal form. However, you need to check that you have a right of appeal; some decisions have no right of appeal, but it should say so in the decision letter.

You can get an appeal form (called SSCS1) by asking the Department of Work and Pensions for a copy by phone or letter, or by downloading it here: <https://www.gov.uk/government/publications/appeal-a-social-security-benefits-decision-form-sscs1>. If you would find it helpful, have a look at the blank



version as well as the example version, which you can use as a guide for how to fill the form in. These are listed with our Factsheets.

This form has to be sent directly to HM Courts & Tribunals Service – the address in Bradford is on the form. Keep a copy of everything you send, and obtain proof of posting which the Post Office will provide for free.

There is also a new way to submit an ESA or PIP appeal. You can do it online at <https://www.gov.uk/appeal-benefit-decision/submit-appeal>. Please be aware that we cannot help with completing the online form at the moment. They are testing this service in some areas, which includes Norfolk, but it might not apply if you live in a different area, or want to appeal a different benefit.

An appeal form does not give you very much space to explain why you want to appeal a decision, so you may want to attach additional sheets. If you do, please remember to put your name and National Insurance number on every page, and to sign it.

In order to make an appeal, it is not enough to just say that you think they have got the decision wrong. You will need to say **why** and explain exactly how you think you meet the legal rules for entitlement.

If you have been turned down for Employment and Support Allowance because you have failed the Work Capability Assessment, unfortunately it will not make any difference whether your GP thinks you are unfit for work.

For Employment and Support Allowance you will need to explain which points should have been awarded and why. If you think you should be in the support group, you will need to say exactly what grounds you have for thinking so.



This means you need to have a good understanding of the rules of entitlement. You may need some help to understand this.

The legal rules for entitlement for Employment and Support Allowance can be found online at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/535942/esa214-july-2016.pdf. The points system is outlined on pages 17 to 27. Please note that descriptors for the Support Group are listed on pages 25 to 27. You can also download the ESA points information if you look in the list of our Factsheets.

For Disability Living Allowance or Personal Independence Payment, you need to explain which component (mobility or care/daily living) you are appealing against. If you are happy with the decision that has been made about one component, please be very careful to explain that. You also need to suggest which rate you think should have been awarded and why. Again, this means you need to have a good understanding of the rules of entitlement, and you may need some help to understand this.

The legal rules for entitlement for Personal Independence Payment can be found online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/725533/pip-assessment-guide-part-2-assessment-criteria.pdf. The points system is outlined on pages 83 to 116 (looking at the page numbers at the bottom of each page). You can also download the PIP points information if you look in the list of our Factsheets.



You will find further information in our Factsheets about individual benefits at <https://equallives.org.uk/info-and-advice/welfare-and-benefits/overview-of-benefits-and-how-to-claim/>

If you require further information or would like this Factsheet in an alternative format you can contact us by calling: 01508 491210, by emailing: info@equallives.org.uk, or by writing to: Equal Lives, 15 Manor Farm Barns, Fox Road, Framingham Pigot, Norfolk, NR14 7PZ.

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