

DWP Central Freedom of Information Team  
e-mail: [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk)

**Our Ref:** Fol 192

**Date:** 5 February 2018

Dear Glenys Harriman,

Thank you for your Freedom of Information request of 16 January 2018. You asked:

*"I would be grateful if you could forward any documents- internal guidance and those for the public- on the exact procedure that a claimant should undertake, and that the DWP staff should follow, when someone in a Full service area wishes to request a mandatory reconsideration of a Universal Credit decision.*

*I particularly need confirmation of this issue:*

*Does a claimant needs to phone the service centre as well as writing on their journal, and how are they notified of this- including are claimants made aware of this before they request an MR?*

*(we have been told by Trafford Welfare Rights Service "A client from our advice line has requested an MR via her journal 3 times and had no response so when she rang the service centre - she was told that she had to ring them to request an MR and that it why no action had been taken")*

### **DWP Response**

*You asked whether it is necessary to phone a service centre as well as writing on the journal to request a Mandatory Reconsideration.*

I have copied the extract below from the Universal Credit Full Service (UCFS) guidance which states:

**'A claimant is able to request a Mandatory Reconsideration:**

- over the phone
- face to face
- by putting a note in their journal
- in writing'

*You also asked about what procedure DWP staff should follow when someone requests a Mandatory Reconsideration of a decision.*

Please see below an extract from UCFS learning guidance:

**'Revising decisions – Decision Maker consideration**

A claimant does not have to supply evidence or give reasons why they think the decision is wrong to request a decision be reconsidered. The original decision can be revised on any ground.

This includes if:

- a different conclusion about the facts of the case are reached
- the original decision was based on a mistaken view of the facts
- the original decision was based on an incorrect interpretation of the law
- the original decision was based on insufficient evidence
- there are new relevant facts which were not known at the time the decision was made

As well as offering Mandatory Reconsideration, the decision notice offers the claimant the option of seeking an explanation of the decision and requesting a Written Statement of Reasons. Neither is necessary before an application for revision can be made – it is the claimant's choice.

The explanation details why the decision was made and the law used to make the decision. The revision and appeal process including time limits is also explained. This will be dealt with by the DM or another suitably trained officer.

The Written Statement of Reasons includes justification of how the DM came to the decision, and outlines the evidence and law used to make the decision.

When considering an application, it should be ensured that all existing evidence is looked at carefully and, where necessary, further evidence obtained. If the claimant provides fresh evidence this must be looked at carefully. In looking at the decision afresh it is only necessary to look at issues raised by the application. If other errors are noticed then they must be corrected.

Should further evidence be required the claimant should be contacted by the most appropriate method such as by telephone, letter, office interview or visit. They have one month to reply (or a longer period as appears appropriate).

If the evidence is supplied then this is considered with any existing evidence when the decision is made. If there is no reply the decision is made using the evidence that is held.'

*In addition, you asked how a claimant is notified about how to request a Mandatory Reconsideration.*

In any UCFS decision letter, it states the following:

**'What you can do if you disagree with this decision**

If you disagree with this decision, you (or the person who has the authority to act for you) can call or write to us to request a written explanation. You'll need to do this **within 1 month** of the date on this letter.

If you have new information that may affect your claim or you think some information has been overlooked, you can request a mandatory reconsideration.

**You must do this within 1 month of the date on this letter.**

We'll look at the decision again and you'll receive a mandatory reconsideration notice telling you the outcome.  
You can only appeal a decision after a mandatory reconsideration. Your mandatory reconsideration notice includes details on how to appeal.'

A copy of the UCFS guidance is held on [www.Parliament.uk](http://www.Parliament.uk), the section relating to 'Mandatory Reconsideration' can be found at:  
<http://www.parliament.uk/business/publications/business-papers/commons/deposited-papers/?fd=2016-10-26&td=2016-10-26#toggle-778>

Guidance about Challenging a Benefit Decision (Mandatory Reconsideration) can be found at: <https://www.gov.uk/mandatory-reconsideration>

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Strategy Fol Team

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**Your right to complain under the Freedom of Information Act**

If you are not happy with this response you may request an internal review by e-mailing [freedom-of-information-request@dwp.gsi.gov.uk](mailto:freedom-of-information-request@dwp.gsi.gov.uk) or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF  
[www.ico.gov.uk](http://www.ico.gov.uk)