

# 16. Disputes Process

## This fact sheet provides details of the mandatory reconsideration and appeal process for PIP

The Welfare Reform Act 2012 includes the introduction of changes to the appeals process to ensure more disputes against DWP decisions are resolved without being referred to Her Majesty's Court and Tribunals Service (HMCTS).

The change to the appeals process for DWP consists of the following key elements:

- mandatory reconsideration of decisions prior to appeal
- direct lodgement of appeals with HMCTS
- time limits for DWP to return appeal responses to HMCTS.

DWP will introduce mandatory reconsideration and direct lodgement for PIP from April 2013.

### PIP Disputes Process

This means that for PIP the disputes process will be as follows:

Once a decision has been made on a claim, a decision notification will be issued to the claimant advising them of their award or disallowance, giving the reasons for the

decision and advising what steps the claimant needs to take if they dispute the decision.

Claimants have one calendar month from the date of issue of their decision letter to request a mandatory reconsideration

If a claimant isn't entitled to PIP or if they are awarded a lesser amount of PIP than their previous Disability Living Allowance (DLA) award either because of reassessment or a review of their claim, the DWP decision maker will telephone them so that they can discuss the decision and answer any questions the claimant or someone acting on their behalf may have.

If after the decision maker has discussed the decision, the claimant still disputes the decision and would like DWP to look at the decision again, they can request a mandatory reconsideration. The claimant will be asked to be specific about the points at issue or descriptors they are unhappy with and will be encouraged to send in any further evidence or information they may have to DWP at this point.

DWP expects that if the decision is communicated confidently and effectively there will be a reduction in the number of disputes.

When a mandatory reconsideration request is received, a second DWP decision maker will look at the decision, including any additional evidence or information that has been provided to decide if the original decision is fair and consistent with the evidence.

A letter called the Mandatory Reconsideration Notice will be issued to the claimant responding to any issues that they had about the decision and advising them of the outcome of their mandatory reconsideration request. It will also contain the claimant's right of appeal against the decision and advise them how to make an appeal to HMCTS and where they can get an appeal form.

If, after DWP have reconsidered the decision, the claimant still disputes the decision, they can lodge an appeal directly with HMCTS.

When lodging an appeal the claimant has one calendar month from the date on the Mandatory Reconsideration Notice to appeal direct to HMCTS.

If the claimant sends the appeal in error to DWP, DWP will not forward the appeal request to HMCTS. DWP will first check that a Mandatory Reconsideration has been carried out, and if not will treat any appeals they receive as a request for a mandatory reconsideration. If the claimant has had a Mandatory Reconsideration DWP will return the appeal to the claimant.

An appeal cannot be lodged with HMCTS until after DWP have reconsidered the decision. The claimant will need to include a copy of the Mandatory Reconsideration notice from DWP with their appeal.

When HMCTS receive the appeal, they will validate it and send it to DWP for a response. DWP will send their response back to HMCTS within 28 days.

HMCTS will administer and hear the appeal – you can find more information about HMCTS on their [website](#).

To see a pictorial view of the disputes process, download the [Disputes Journey](#).

More detailed information about Personal Independence Payment: [www.dwp.gov.uk/pip](http://www.dwp.gov.uk/pip)