

Explanations, reconsiderations and appeals following a sanction decision

Summary

How to record explanations, reconsiderations and appeal requests on the Work Services Platform

Content

Once a Universal Credit decision has been made a decision notification is sent to the claimant.

Decision notifications are issued when a Universal Credit claim decision is made or when a change affects the claimant's Universal Credit award, for example if a sanction has been imposed.

A decision notification can be either system generated or issued clerically.

When a complex decision has been made for claimants with complex needs, a decision maker (DM) sends an SMS text message to the claimant to invite them to an appointment to explain the decision using the SMS template 'UC – Complex Customer Interview'.

If the claimant requires further clarification or doesn't agree with the decision, they may request an explanation of the decision. In the standard text at the back of the decision notifications, claimants are directed to request a written statement of reasons. However, where possible Universal Credit will offer a verbal explanation first.

If the claimant disagrees with the decision, a Mandatory Reconsideration must be carried out before an appeal can be considered. A claimant does not need to have had an explanation prior to applying for a Mandatory Reconsideration.

Explanation of a decision

Claimants can request an explanation of a decision so they can fully understand why and how the decision was arrived at, so they can decide if they wish to ask for that decision to be looked at again if they think it was wrong.

When giving an explanation to a claimant, present it in a clear, concise way and ensure the claimant understands what they have been told and what to do next.

There are two types of explanations:

- basic explanations
- detailed explanations

The following agents will have access to conduct and perform this role:

- work services manager
- work coach
- assistant work coach
- personal and account team leader
- personal and account support agent
- telephony agent
- account developer
- account developer manager
- decision maker
- decision maker team leader

Basic explanations

If a claimant requests an explanation of a decision, the agent previews the case on the relevant systems which could include Work Service Platform (WSP) or the Agent Portal before giving a basic explanation.

In the case of joint claimants, the explanation should be provided to the claimant who is directly affected by the decision where possible.

If this is not possible and the agent is not satisfied that the joint claimant has the agreement to act on behalf of their partner, the explanation should be restricted to headline details only and/or refer to information that has already been provided in the decision notification:

Example of headline information:

“Your Universal Credit has been reduced as your partner failed to attend their appointment with their work coach/Work Program provider on (date) at (venue) without good reason which resulted in a low level sanction. This means that we will deduct an amount from your Universal Credit for every day until your partner books and attends another appointment”

In this example the agent does not give out irrelevant or personal information to explain why the claimant or joint claimant failed to attend their WC appointment. The agent should keep the explanation short and to the point.

Irrelevant and personal information includes the reasons the claimant provides for not attending their work coach appointment, for example, I was visiting a close friend in hospital.

To access details of the decision on WSP, the agent selects 'Doubt' under 'Related' on the left hand side of the screen and then selects the relevant doubt or appeal from the list on the Doubt associated view screen.

A basic explanation should consist of:

- details of the sanctionable failure to meet a work-related requirement as set out on their claimant commitment including the date of the sanctionable failure
- an explanation of any compliance activity for a low or lowest level sanction and if they have complied (the agent explains what the claimant needs to do to comply and that the open-ended part of the sanction will stay in place until they complete the compliance activity - the agent then asks the claimant to comply as soon as possible to stop the open-ended part of the sanction)
- if requirements have been lifted - an explanation of why they were lifted and how this affects the length of the sanction
- an explanation that based on the evidence provided at the time of the sanctionable failure, the decision maker has decided that a sanction is appropriate (including consideration of good reason)
- an explanation of how the decision will impact the claimant's Universal Credit including the length of the sanction
- where escalation has occurred, an explanation of the overall sanction period outstanding
- an explanation of the options and support available to the claimant (including reconsideration, Recoverable Hardship Payment and Personal Budgeting Support)

- confirmation of the time limits appropriate to the disputes process

The agent records on WSP that they have provided the claimant with an explanation. To do this the agent selects 'Yes' on the 'Explanation given' radio button within WSP Doubt screen and then selects 'Save & close' from the toolbar menu.

Options available to a claimant following a basic explanation

If a claimant isn't satisfied with the basic explanation of the outcome decision provided, they must be offered the opportunity to receive a detailed written explanation from the decision maker (DM). Alternatively, a claimant may apply to have the decision looked at again - this is known as a reconsideration.

The agent creates a CAMLite task with the following details for the DM to provide a detailed explanation of the decision to the claimant.

- Task Type: DM Entitlement
- Sub Type: Entitlement Decision
- Start Task From: Today's date
- SLA: 3 Days
- Notes: 'Claimant has requested a detailed written explanation of the decision'
- Assigned to: UC – DM Entitlement

Detailed written explanation

A detailed explanation should consist of:

- an explanation of why the decision was made
- full details of how the regulations were applied
- an explanation of the options available to the claimant (including reconsideration, Recoverable Hardship Payment and Personal Budgeting Support)
- confirmation of the time limits appropriate to the disputes process

If the claimant requests a written explanation of the decision, the DM completes either:

- UC103 'high, medium and low level sanctions'
- UC103a 'lowest level sanctions'

The DM prints and sends the notification to the claimant. The completed notification is uploaded to the Document Repository System (DRS).

On the Doubt screen in WSP, the DM selects 'Add a new note' from the 'Notes' section, records details of the explanation provided to the claimant and selects 'Save & close' from the toolbar menu.

The DM closes the CAMLite task.

Claimant requests a Mandatory Reconsideration

If a claimant is not satisfied with the decision they can request that it is reconsidered. The decision will carry the right of appeal, however, before an appeal can be considered it is mandatory that a reconsideration has been undertaken first.

Receiving an appeal response request from HM Courts and Tribunal Service

When an appeal response request is received from Her Majesty's Courts and Tribunals Service (HMCTS) at the Mail Opening Unit (MOU), the account developer (AD) receives and opens CAMLite task with the following details:

- Task Type: Scanned Correspondence
- Sub Type: Appeals and Recon letters
- SLA: 3 Days

The AD accesses DRS to view all documents scanned by the MOU. These include the appeal letter/form from the claimant, the MRN and the DL6 from HMCTS requesting the appeal response within 28 days.

Recording an appeal response request on the Work Services Platform

In the claimant record the AD:

1. Selects 'Doubt' link from the 'Related' menu.

2. Selects the 'Doubt' the appeal relates to (this will display details of explanation and reconsideration).
3. Selects 'Refer appeal'.
4. Selects the 'Referred on' field (the date will be the actual date the case is referred to the DM).
5. Selects 'Referred by' (this will default to the referring agent).
6. Selects 'Destination' and types 'decision maker' in free text box.
7. Enters 'Appeal reason' and types the reason provided from the appeal letter/form in the free text box.
8. Enters the date in the 'Appeal made on' field. This is the date the appeal letter/form was received.

The agent completes the CAMLite task and selects 'Save and close' on the claimant's record in WSP.

The AD creates a CAMLite task to notify the DM that an appeal has been lodged with the following details

- Task Type: Appeals
- Sub Type: Notif of appeals received
- Start Task From: Today's date
- SLA: 3 days
- Notes: Appeal lodged
- Assigned To: UC – Appeals

Lapsing an appeal on Work Services Platform

When an appeal is accepted by HMCTS, a DM can still consider revising the decision.

When the DM revises the decision to the claimant's advantage (and the claimant is happy with the revised decision) the Appeal can be lapsed.

The DM records the outcome on WSP for the lapsed appeal. To do this the DM:

1. Selects 'Doubt' from under the 'Common' heading in the left hand pane of the claimant record. The 'Doubt associated view' is shown.
2. Selects the doubt to be reconsidered from the 'Doubt associated view'. This is the doubt that the reconsideration relates to. To do this, the agent selects the hyperlink under 'Name'.
3. Selects the decision from the grid by selecting the hyperlink under 'Name' to open the reconsideration record. The 'Name' should be 'Appeal'.
4. Selects 'Outcome' under 'Appeal outcome' and chooses 'Allowed'.
5. Enters the date of the decision in 'Decision made on'.
6. Enters their name in 'Decision made by'.
7. Selects 'Save and close' to close the decision record and return to the doubt record.
8. Selects 'Save and close' to close the doubt record and return to the claimant record
9. Selects 'Notes'.
10. Selects 'Add new note' (populates notes with a note saying 'Appeal referred on (enter date) lapsed following revised decision'.
11. Selects 'Save and close'.

The DM then:

1. Updates the Universal Credit Agent Portal with outcome of the lapsed appeal.
2. Determines if there are any subsequent sanctions of the same level dated within 12 months of the original sanction decision date. If sanctions exist, they should reconsider these also.

Recording appeal outcomes on the Work Services Platform (appeal not lapsed)

Once an outcome of an appeal has been determined, the AD receives a CAMLite task with the following details:

- Task Type: Scanned Correspondence
- Sub Type: Appeal and Recon letters
- SLA: 3 Days

On receipt of the task, the AD accesses DRS to obtain copies of the appeal documents.

After viewing the appeal documents and the outcome, the AD enters the details of the appeal outcome into WSP.

To record the outcome, the AD:

1. Selects 'Doubt' within the Doubt screen which relates to the appeal.
2. Selects 'Appeal' from the decision field.
3. Selects 'Outcome'.
4. Selects 'Appeal outcome' and the relevant option as displayed:
 - Allowed
 - Disallowed
 - Withdrawn at claimant's request
 - Out of time
 - Struck out
5. Enters the date in the 'Decision made on' field (this is the date the appeal was decided on).
6. Enters the date in the 'Decision made by' field (populate with HMCTS).
7. Selects 'Notes'.
8. Selects 'Add new note' and populates with decision outcome including any change to the level or duration of the sanction.

9. Selects 'Save and close'.

Any further action required for the appeal is dependent upon the outcome of the appeal.

Outcome of the appeal isn't in the claimant's favour

If the outcome of the appeal isn't in the claimant's favour, for example the decision is 'Decision upheld', 'Disallowed', 'Withdrawn' or 'Struck out' then the outcome of the appeal must be recorded in WSP.

The DM selects 'Add a new note' from the 'Notes' section, records details of the revised decision and outcome in the 'Notes' field and selects 'Save and close' to save the notes.

Outcome of the appeal is allowed

If the decision of the First Tier tribunal is in favour of the claimant, see Claimant sanction appeal is allowed before returning to the next step.

If DWP has decided not to appeal further, the AD:

1. Updates the Universal Credit Agent Portal with the outcome of the appeal. This will include recalculating any overpayment or underpayments that may have occurred. Obtains a UC95 (and UC174 for partner if applicable), completes and sends one copy to the claimant (and partner) and uploads a copy to DRS.
2. Determines if there are any subsequent sanctions of the same level dated within 12 months of the original sanction decision date. If there are no sanctions, the AD closes the original CAMLite task. If sanctions exist, see 'Recording a request for a reconsideration' above.

If the outcome of the appeal is allowed (the HMCTS finds in the claimant's favour), the AD must record details of the appeal outcome in WSP.

Unless the appealed decision is for a pre-claim failure, the DM must impact the outcome of the appeal on any other sanctions imposed against the claimant. This is because where a claimant

has had a subsequent sanction imposed (at the same level as the appealed decision) the outcome of the appeal may impact upon the length of the sanction applicable for the subsequent failure.

On the 'Doubt associated view' on WSP the DM selects 'From' in order to sort all doubts into chronological order. Using the information in WSP the DM determines whether the claimant has had any sanctions (at the same level as the original sanction) imposed after the appealed sanction.

If the claimant hasn't subsequently had another sanction imposed at the same level, the DM notifies the claimant (and their partner if applicable) of the outcome of the appeal by issuing UC95.

If the claimant has subsequently had another sanction imposed at the same level, the actions the DM is required to take are dependent upon the level of the sanction.

If the sanction is at the lowest level, there is no progression (a claimant will receive an open ended sanction pending their compliance), therefore the DM notifies the claimant (and their partner if applicable) of the outcome of the appeal.

If the sanction is at any other level (higher level, medium level or low level) the length of the subsequent sanctions must be looked at again due to the outcome of the appeal on the succeeding decisions.

For each subsequent sanction (at the same level) the DM selects 'Add a new note' from the 'Notes' section and record details of the revised sanction applicable including:

- details of the appeal
- level of failure
- first, second or third failure

The DM selects 'Save & close' to save the notes.

The DM notifies the claimant (and their partner if applicable) of the outcome of the appeal.

Action must be taken to pay to the claimant any money that was wrongly cut from their payments in relation to a sanction that was subsequently overturned or amended.