

MRN - Claimant requests a Mandatory Reconsideration

Summary

How to process a Mandatory Reconsideration when a claimant disputes a Universal Credit decision by telephone, face to face or in writing

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

Separate decision notifications are sent to both members of a joint claim as each member of the couple has an individual right to be informed of the decision and of their right to challenge (and ultimately appeal) that decision.

Data Protection

The information disclosed in decision notifications is restricted to what is necessary to ensure joint claimants can understand how their level of entitlement has been arrived at.

Example:

It is relevant for a joint claimant to know that their partner is in receipt of the Limited Capability for Work and Work Related Activity (LCWRA) element as this directly impacts their Universal Credit joint claim. However, Universal Credit would not give them information about their partner's health condition or their Work Capability Assessment.

The Department for Work and Pensions (DWP) is obliged to protect a claimant's right to privacy and Universal Credit can only disclose personal information when it is considered both necessary and proportionate to do so.

DWP must adhere to the principles of Data Protection legislation.

Partnerships may be formed and ended during the lifespan of a claim and this means Universal Credit may hold sensitive information about individuals that they did not expect would be shared with someone else at the point they disclosed it to us.

Mandatory Reconsideration and Appeal

If the claimant disagrees with a decision, a Mandatory Reconsideration must be carried out before an appeal can be considered.

A Mandatory Reconsideration can be requested either by telephone, face to face or in writing. In a joint claim, either member of the couple (or both jointly) can request a reconsideration and/or make an appeal in respect of decisions on their joint claim.

Mandatory Reconsiderations should wherever possible be carried out by a different decision maker (DM) to the one who made the original decision.

The Mandatory Reconsideration request is recorded on the form UC108 and/or UC6 or provided in writing and uploaded to the Document Repository System (DRS). Form UC6 is used to record details of any further evidence or calculations used in the decision making process. Both of these forms need to be retained.

Once the DM has reconsidered the decision, two Mandatory Reconsideration Notices (MRN) are issued to the claimant (and two to the joint claimant if applicable) advising them of the decision made on the application.

Late application for a Mandatory Reconsideration

If a late application is made (after 1 month but within 13 months of the decision notification) which cannot be admitted and the decision cannot be revised for official error, a decision refusing to revise should be given and a Mandatory Reconsideration Notification (MRN) issued.

Decision makers must ensure that the MRN includes appeal rights.

If the claimant appeals, the First Tier Tribunal (FtT) will be able to consider the substance of the decision that the claimant has applied to have revised - and not just the question of lateness. Decision makers must also consider whether the application for revision can be treated as an application for supersession.

Hardship

A request for a Mandatory Reconsideration of a Universal Credit hardship decision should be handled in the same way as for any other decision with the following exceptions:

- when completing form UC108, it should be clearly noted in section 2c that the decision in dispute is hardship
- do not attempt to refer the case to the DM in the Work Services Platform (WSP) as no doubt will have been recorded for the hardship decision (however, the fact that the claimant has requested a Mandatory Reconsideration and that it has been referred to the DM must be recorded in the hardship notes for the case in question)

If the UC108 is uploaded to DRS, the agent creates the following CAMLite task for the DM:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- Start Task From: Today's date
- SLA: 7.days
- Notes: 'Urgent - Hardship - see UC108 held in DRS dated (dd/mm/yyyy)' (the agent should also state whether or not any further evidence has been provided)
- Assigned To: UC – DM Mandatory Recon

Because the DM will not be able to readily identify that the referral is for a hardship reconsideration, the referring agent must, in addition to creating the CAMLite task, send an email and:

- enter 'Hardship MR' in the email subject line
- include in the body of the email:
 - the claimant's name and National Insurance number
 - the date and time that the CAMLite task was created

Claimant requests a Mandatory Reconsideration by telephone or face to face

If a telephony agent (TA), account developer (AD) or an agent at a Universal Credit outlet receives a request from a claimant for a Mandatory Reconsideration, they should attempt to give a basic explanation as to why the decision has been made before submitting the request. Sometimes, a claimant may just require clarification of a decision and may not wish to continue with the Mandatory Reconsideration.

In the case of joint claimants, explanations should be provided to the claimant who is directly affected by the decision wherever 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/WP 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 work coach 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’.

If the claimant wishes to continue with the Mandatory Reconsideration, all the information the claimant is using to dispute the decision must be gathered and recorded. To do this the agent:

1. Accesses form UC108 and completes Section 1 (‘Claimants Details’). If there is a joint claim, the agent must record both claimant’s details. Either the partner (or both) can ask for a Mandatory Reconsideration, however the agent should encourage the claimant who is directly affected to make the dispute. Universal Credit may require additional information relating to the dispute and generally they would be in a better position to provide further details.
2. Asks the claimant for the date of the decision notification in dispute and records this on Section 2a of the UC108.
3. Determines if the date of the decision notice is more than 1 calendar month from the date in section 2a of the UC108:
 - if it is late, the agent asks for the reasons for the delay in contacting Universal Credit
 - if the reconsideration request is outside of the month, the agent selects ‘Outside the month’ on the UC108 and completes the reasons for delay in part 2b onwards, for example if today’s date is the 07/05/13 and the date of the decision notice was 04/04/13, this is outside the calendar month (the application period for a Mandatory Reconsideration begins on the day after the decision notice was issued - in the case of this example, the application period would be 05/04/13 to 04/05/13)
4. Records on part ‘2c’ of the UC108 what aspect of the decision they are disputing and the reason they disagree.
5. Summarises the call/interview. The agent acknowledges receipt of the request for the decision to be looked at again and advises the claimant that the information will be passed to a DM who will consider their request. They should also be informed that the DM may contact them for more information and/or evidence and will notify them of the decision in writing.

6. Advises the claimant that Mandatory Reconsiderations can take up to 20 working days dependant on volumes and complexity of applications. Any enquiry about the Mandatory Reconsideration should be made 20 working days after the request has been made.
7. Checks the WSP and Agent Portal to identify if the claimant has an open-ended sanction with a compliance condition outstanding, or if the claimant has provided evidence of compliance during the call/interview.
8. Ends the call/interview.
9. Uploads the UC108 to the DRS or sends the UC108 to the Mail Opening Unit (MOU).
 - if the UC108 is sent to MOU see 'UC108 is sent to the Mail Opening Unit' below
 - if the UC108 has been uploaded to DRS see 'UC108 is uploaded to the Document Repository System' below

UC108 is sent to the Mail Opening Unit

The Mail Opening Unit (MOU) will create a Scanned Correspondence task for an AD.

The agent:

1. Enters if the Mandatory Reconsideration is related to a sanctionable failure on WSP.
2. Updates CAMLite Contact history with the action taken.
3. Exits all claimant records

UC108 is uploaded to the Document Repository System

If the UC108 is uploaded to DRS, the agent creates the following CAMLite task for the DM:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- Start Task From: Today's date
- SLA: 3 days
- Notes: 'See UC108 held in DRS dated (dd/mm/yyyy)'
- Assigned To: UC – DM Mandatory Recon

See CAMLite and Work Services Platform notes.

The agent:

1. Refers the doubt to a DM on WSP.
2. Updates CAMLite Contact history with the action taken.
3. Exits all claimants records

Mandatory reconsideration in writing/further evidence received or UC108 sent to the Mail Opening Unit

A system generated task is created for the AD with the following details when a reconsideration request is received in writing or if further evidence relating to a Mandatory Reconsideration is received, or when a UC108 is sent to MOU for uploading to DRS:

- Task Type: Scanned Correspondence
- Sub Type: White Mail UN-STRUCTURED or STRUCTURED
- SLA: 3 days

The AD locates and views the item scanned into DRS and identifies if it is a written request, further evidence or UC108 for Mandatory Reconsideration:

- if further evidence relating to a Mandatory Reconsideration is received, see 'Further evidence received' below
- if a UC108 has been uploaded to DRS by the MOU, see 'UC108 uploaded to the Document Repository System' below
- if the claimant has sent in a written request for a Mandatory Reconsideration, see 'Written request for a Mandatory Reconsideration' below

Further evidence received

If further evidence relating to a Mandatory Reconsideration is received the AD creates the following CAMLite task for the DM:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- Start Task From: Today's date
- SLA: 3 days
- Notes: 'See additional evidence held in DRS dated (dd/mm/yyyy)'
- Assigned To: UC – DM Mandatory Recon

The AD updates CAMLite Contact history with the action taken and exits all claimant records.

UC108 uploaded to the Document Repository System

If a UC108 has been uploaded to DRS the AD creates the following CAMLite task for the DM:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- Start Task From: Today's date
- SLA: 3 days
- Notes: 'See UC 108 in DRS dated (dd/mm/yyyy)'
- Assigned To: UC – DM Mandatory Recon

The AD updates CAMLite Contact history with the action taken and exits all claimant records.

Written request for a Mandatory Reconsideration

If the Mandatory Reconsideration is a written request, the AD updates WSP if the Mandatory Reconsideration is related to a sanctionable failure, for example where there is reason to believe that a claimant has:

- failed to meet the work-related requirements set out in their Claimant Commitment
- failed to attend an interview (Work Focused Interview only and Work Preparation regimes),
or
- through their own actions have had a loss of pay or paid work – see Refer a reconsideration or revised decision to a decision maker

If the decision is not related to a sanctionable failure, the agent creates the following CAMLite task for the DM:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- Start Task From: Today's date
- SLA: 3 days
- Notes: 'See letter from claimant in DRS dated (dd/mm/yyyy)'. If the decision relates to hardship, ensure this is made clear and change SLA to 3hours

- Assigned To: UC – DM Mandatory Recon

Once the above actions have been completed the AD updates CAMLite Contact history with the action taken and exits all claimant records.

To complete this process a referral needs to be made to a DM in WSP.