

# MRN - Mandatory Reconsiderations

## decision maker action

### Summary

How to process a Mandatory Reconsideration including the sharing of personal information between joint claimants.

Following a request from a claimant for a Mandatory Reconsideration, or if further evidence relating to a Mandatory Reconsideration is received, a decision maker (DM) receives one of the following CAMLite tasks:

If further evidence relating to a Mandatory Reconsideration is received:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- SLA: 3 days
- Notes: 'See additional evidence held in DRS dated (dd/mm/yyyy)'

If a DM has requested further evidence and this evidence is received, the DM must close their follow up evidence task in CAMLite.

The DM uses the evidence provided to review the Mandatory Reconsideration. See 'Making the Mandatory Reconsideration' below.

If a UC108 has been completed:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration LT54 (UC)
- SLA: 3 days
- Notes: 'See UC108 in DRS dated (dd/mm/yyyy)'

If the Mandatory Reconsideration is for a hardship decision (see 'Hardship' below):

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- 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)

Note: apart from the text in the notes field, there is no way to distinguish a request for a hardship reconsideration from one for a sanction etc. Therefore, the referring agent must, in addition to creating the CAMLite task, send an email and:

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

If the Mandatory Reconsideration request is received in writing:

- Task Type: DM Mandatory Reconsideration
- Sub Type: Mandatory Reconsideration
- SLA: 3 days
- Notes: 'See letter from claimant in DRS dated (dd/mm/yyyy)'

The DM:

1. Searches the Document Repository System (DRS) to find the written Mandatory Reconsideration request/UC108 and the date of the request if the request was made in writing.
2. Views the original decision held on form LT54 (including whether the decision relates to a joint claimant).
3. **For Recoverable Hardship cases only** - if unable to locate the original decision in DRS, the DM contacts the Universal Credit outlet where the interview was held and requests a copy of the original decision documents. The Universal Credit outlet will securely retain all negative decision documents for 7 calendar days from the date of the decision pending such contact.
4. Determines if the application for the Mandatory Reconsideration was late.

If the application is accepted, see 'Making the Mandatory Reconsideration' below.

## 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 should must also consider whether the application for revision can be treated as an application for supersession.

## Making the Mandatory Reconsideration

The DM reviews the request and all other relevant information/documentation by accessing the appropriate systems. These could include:

- DRS
- Decision Making and Appeals Case Recorder (DMACR)
- Agent Portal
- CAMLite
- Medical Services Referral System (MSRS)
- Work Services Platform (WSP)
- Legacy systems

For all decisions, the DM records the outcome of the Mandatory Reconsideration on an LT54 and completes the Mandatory Reconsideration Notice (MRN).

If the outcome of the Mandatory Reconsideration is to fully revise in the claimant's favour, the DM records the decision on a LT54 and completes the Mandatory Reconsideration Notice (MRN).

See 'Recording the LT54 decision' below.

If the successful MRN is against a previous Work Capability Assessment (WCA) decision, the account developer (AD) or DM must consider the impact of this on the Universal Credit claim. To do this they must check the dates on which the claimant began their health journey.

If the decision cannot be changed or is changed partially, the DM makes an outbound call to the claimant. The call is to explain the decision, to clarify the points at issue in the reconsideration and to ask for additional information or arrange for any further evidence to be sent in.

In the case of joint claimants, the DM must adhere to the Data Protection Act when disclosing personal information about a partner. See 'Data Protection for joint claimants' below.

If the call is successful but no new evidence is being provided, or the DM is satisfied that all the evidence has been provided, the DM accesses DMACR and records the decision. See 'Recording the LT54 decision' below.

If further evidence is to be provided, the DM:

1. Creates the following CAMLite task:
  - Task Type: DM Mandatory Reconsideration
  - Sub Type: Mandatory Reconsideration
  - Start Task From: 1 calendar month from today's date
  - SLA: 3 days
  - Notes: 'Call successful, explained decision, claimant indicates further evidence to be reconsidered, see UC6 uploaded onto DRS dated (dd/mm/yyyy), await evidence to be received' Assigned To: UC – DM Mandatory Recon
2. Records the outcome of the call on form UC6.
3. Updates CAMLite Contact history with all action taken.
4. Closes the original CAMLite task.
5. Exits all claimant records.

If the call is unsuccessful (after three attempts over 3 hours apart), the DM proceeds to complete the Mandatory Reconsideration.

See 'Recording the LT54 decision' below'.

## Hardship

For hardship decisions, the DM:

1. Accesses the applicable WSP hardship decision and any supporting evidence uploaded into DRS.

2. Reviews all of the available information and evidence. If appropriate, the DM accesses Chapter L1 of Advice for Decision Makers for information on how the original hardship decision was made.
3. Makes a reconsideration decision.
4. Completes and issues two copies of a Mandatory Reconsideration Notice to the claimant.
5. Records full details of the consideration and decision on form LT54 which is then uploaded to DRS.
6. Records the outcome in WSP hardship screen 'Notes' applicable to the decision in question.
7. If the DM revises the original hardship decision in the claimant's favour, creates the following CAMLite task for an account developer (AD) to notify them of the decision and if applicable, instruct payment:
  - Task Type: Outbound Call
  - Task Sub Type: Call Back
  - Start Task By: Today's date
  - SLA: 1 hour
  - Notes: task notes to include the full details of the RHP Mandatory Reconsideration decision, the date the decision was made and the reason for revision

## Recording the LT54 decision

The DM:

1. Records the decision on a LT54 and uses the UC6 to record any further evidence or calculations. The LT54 must include:
  - the date of the original decision
  - name and NINO of any joint claimant held at the time the original decision was made (HMCTS will need this information if the claimant appeals)
  - the effective date
  - the relevant facts and regulations used to support the decision.

If the Mandatory Reconsideration results in an amended Habitual Residence Test decision, the DM must access the eHRT tool and enter the details of the revised decision in the Decision Recorder Screens.

2. Uploads the LT54 decision(s) and UC6 (where applicable) to DRS.

## Mandatory Reconsideration Notices

Mandatory Reconsideration Notices will be recorded on:

- UC481 (for MRN to applicant – no partner)
- UC477 (for joint claim - applicant)
- UC478 (for joint claim - partner)

An MRN will focus on the issues under dispute but must refer to all elements that make up the outcome decision.

Appeals for multiple elements can be heard by a single judge and a single MRN and appeal notice will be produced for these cases. The following are the exceptions to this rule:

1. Limited Capability for Work (LCW) and Limited Capability for Work and Work-Related Activity (LCWRA) will always be covered in a separate MRN and appeal response. This is because the appeal must be heard by a two person tribunal and one of the members of the tribunal in these types of appeals will be a medical practitioner. This means 2 MRNs and appeal responses will be required in instances where there is LCW or LCWRA in dispute and another element of the Universal Credit award is also disputed by the claimant.

Example:

A claimant may appeal the outcome of their WCA at the same time as appealing non-payment of childcare costs in the same assessment period the WCA outcome is received. Although the entitlement notice to the claimant will be made up of the different elements of the Universal Credit award, the DM will be required to write two different MRNs and two different appeals as one of the elements in dispute will require a medical practitioner on the tribunal.

2. Separate MRN and appeal response for sanctions cases.
3. Separate MRN and appeal response for overpayment and Civil Penalty disputes where they have the same root cause. However, where the Mandatory Reconsideration request is made at different times and/or the Civil Penalty and overpayment is unrelated, Universal Credit will produce a separate MRN/appeal response to cover each aspect.

A sentence should be included in these MRNs that make it clear that the Mandatory Reconsideration only covers the LCW decision, the sanctions decision or the overpayment and

Civil Penalty decision, as no other aspects of the Universal Credit decision are being challenged by the claimant.

If other elements are under dispute, 2 MRNs will be produced, for example an LCW specific MRN and a second MRN covering all other aspects relating to the outcome decision.

## Single claimant only on the original LT54 decision

For single claimants, the DM populates the MRN UC481 (for MRN to applicant – no partner) and issues the Mandatory Reconsideration notice. See 'Issuing the Mandatory Reconsideration Notice' below.

## Joint claimants on the original LT54 decision

In the case of joint claimants the partner name and NINO should be shown on the original LT54.

Two different versions of the MRN UC477 (for the joint claim - applicant) and UC478 (for joint claim - partner) will need to be created. This is because separate MRNs will be addressed to both members of a joint claim.

MRNs for joint claimants will include the partner's name and NINO. On one version of the MRN, the joint claimant will appear as the addressee, whereas in the other version of the MRN they will be listed as the partner (HMCTS would need this information if the claimant appeals).

This approach will be taken even where the joint claimants have separated since the original decision was made.

In order to indicate that the partner is no longer in the Universal Credit assessment unit, the DM selects the 'No longer in UC assessment unit' tick box on the MRN.

## Data Protection for joint claimants

In a joint claim, either member of the couple (or both jointly) can request a Mandatory Reconsideration and/or make an appeal in respect of decisions made on their joint claim. It does not have to be the same individual that makes both requests. DWP are obliged to protect claimants' right to privacy and Universal Credit can only disclose personal information when it is considered both necessary and proportionate to do so.

When completing MRNs for joint claimants, it is important to have regard to the Data Protection Act 1998 as there are certain types of sensitive personal data that has a protected status and must only be disclosed to the data subject. This is information relating to:

- racial or ethnic origin of the data subject

- political opinions
- religious beliefs or other beliefs of a similar nature
- membership of a trade union
- physical mental health or condition
- sexual life
- the commission or alleged commission of an offence
- any proceedings for any offence committed or alleged to be committed, the disposal of such proceedings or the sentence of any court in such proceedings

As the information in letters may be viewed by others in the Universal Credit household, particular care must be taken as to what is recorded. This is especially important for any sensitive personal information which must be kept secure at all times and not disclosed to any third party, including a partner.

Notwithstanding an agent's responsibilities for handling personal information under the Data Protection Act, any disclosure of sensitive personal information to any third party may have a significant impact on a claimant, a partner, a child or a third party. This could result in distress and harm to that individual.

There are certain exceptions which mean that payment may be made for a third and subsequent child. The child exceptions include non-consensual conception and adoption.

Particular care must be taken when communicating and recording this type of sensitive information. An agent must not include this type of sensitive personal information in the MR responses if there is the possibility it can be seen by others in the Universal Credit household

However, there are agreed exceptions to this rule and the DM can disclose sensitive personal information that has already been provided to both members of a joint claim in the original decision notifications or for maintenance of their joint award.

Example:

The DM can disclose earned income, capital, savings and debts which impact the Universal Credit award. However, the DM will not provide information on bank accounts or share any information on disregarded capital as this is not relevant to understanding how the Universal Credit award has been calculated.

For the claimant who has undergone the WCA, the DM follows the established process, for example providing medical evidence where appropriate.



In the case of joint claimants, the partner who has not undergone the WCA will be sent a different version of the MRN which will exclude all medical and diagnostic information. In these circumstances, the DM will provide the UC56 Worksheet for the WCA in the free text box as evidence to support the decision about the claimant's ability to work.

If the DM considers it relevant to disclose new sensitive personal information or medical/diagnostic information to the joint claimant's partner, they must contact their local Data Protection Officer in every instance for advice.

## Issuing the Mandatory Reconsideration Notice

The DM:

1. Obtains the MRN (UC481 for applicant – no partner, or UC477 for the joint claim - applicant and/or UC478 for joint claim - partner)
2. Populates the free text box of the MRN using the information from the LT54. The text should include the elements disputed, the evidence used to make the decision and the weight given to the various pieces of evidence.
3. Each element under dispute should be shown in the free text box under a separate heading.
4. Prints two copies of the Mandatory Reconsideration Notice. Both copies are sent to the claimant:
  - if there is more than one version of the MRN, all versions will need to be issued to the addressee in duplicate
  - if the partner is separated the DM issues the notification to the last known address held on the Customer Information System (CIS)
5. Uploads the MRN to DRS.
6. Updates CAMLite Contact history and records that 2 copies of the MRN(s) have been sent to the claimant and any other action taken.
7. Determines if the MRN is due to a sanctionable failure. If the MRN is due to a sanctionable failure, the DM updates WSP with the result of the Mandatory Reconsideration.

## Original decision is not revised

If the original decision is not revised, the DM closes the original CAMLite task and exits all claimant records. For hardship decisions, the DM also records the outcome in the WSP hardship screen 'Notes' applicable to the decision in question.

Original decision is revised or partially revised

If the original decision is revised or partially revised, the DM:

1. Creates the following CAMLite task for the AD:
  - Task Type: Payment
  - Sub Type: Assessment Period OP/UP check
  - Start Task From: Today's date
  - SLA: Urgent 1 day
  - Notes: 'Reconsideration completed, see LT54 decision in DRS in DRS dated (dd/mm/yyyy), consider issuing UC15 Reconsideration appeal to Debt Management'
  - Assigned To: UC – Work services

See CAMLite and Work Services Platform notes.

2. Closes the original CAMLite task.
3. Exits all claimant records.