

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 4755

DATE: 6 January 2017

Dear G Ward,

Thank you for your Freedom of Information request of 13 December 2016. You asked:

*The government's response to the UN inquiry into the UK which found that disabled people's Human rights were being gravely and systematically violated states that "This is mandatory prior to applying for an appeal, allowing the decision to be reviewed and new evidence to be presented. Statistics published in 2016 showed the average clearance time for WCA MR applications to be 9 days. Access to justice is not therefore denied or significantly delayed as a result of this process. "*

*1. With MRs for PIP we are finding that the process is being triggered without people asking for it to be so that they do not know a MR is taking place and are not able to submit any extra evidence. Why is this happening as it is denying disabled people access to justice?*

The first point to make is that in law the Secretary of State cannot trigger an application for MR, only a claimant can do that. The law does allow the Secretary of State to review a decision on his own initiative e.g. where he receives information which suggests that there is doubt about entitlement or the level of the existing award. However, this will always result in contact with the claimant who thereby will be given the opportunity of reply before any substantive benefit decision is made.

In PIP, as you will be aware, there is what is known as a 'planned review' – which is not an MR. But here the claimant is sent a review form for completion – so they are involved in that process from the outset with plenty of opportunity to provide relevant evidence.

However if you are aware of any individual cases which support your contention then I would be happy to look into them and provide further clarification of the process followed.

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@dpw.gsi.gov.uk](mailto:freedom-of-information-request@dpw.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)