



Department
for Work &
Pensions

DWP Central Freedom of
Information Team
Caxton House
6-12 Tothill Street
London
SW1H 9NA

Paul Kent
request-706935-b074108a@whatdotheyknow.com

[freedom-of-information-
request@dwp.gov.uk](mailto:freedom-of-information-request@dwp.gov.uk)

[DWP Website](#)

Our Ref: FOI2020/71699

01 December 2020

Dear Paul Kent,

Thank you for your Freedom of Information (FoI) request received on 18th November. You wrote:

“Following the MM decision July 2019 you are now reviewing a tranche of pip claims decisions in relation to section 9 changes .

What process is in place to ensure that claimants who took their refused pip claim to appeal and lost the appeal are also reviewed?

If this process is not automatic , please advise how claimants can be treated equally and be reviewed.”

DWP Response

We can confirm that the Department holds the information you seek.

As part of the MM Administrative Exercise DWP will be conducting, we will be checking claims where claimants may be entitled to more points for Activity 9 (Engaging with other people face to face), in line with the Supreme Court judgment. This will include looking at disallowance decisions made by DWP since the Relevant Determination Date (6 April 2016).

However, DWP do not have the power to change decisions made by a Tribunal on the basis that their decision is wrong in law. Therefore, we will not be reviewing cases where the award decision, including a disallowance, was made, or upheld, by a Tribunal.

The Tribunal Service is independent of the Department and their decisions can only be changed by another First-tier Tribunal or the Upper Tribunal.

For that to happen a claimant will need to seek 'leave to appeal' to the Upper Tribunal. There are set timescales for doing this, although the Tribunal Service can consider an out-of-time appeal. This is entirely a matter for the Tribunal Service, so it cannot be guaranteed that they will consider the application.

Alternatively, if a disallowed claimant's circumstances have changed, they should consider making a new PIP claim.

You will be able to find more information about how to make a new claim at www.gov.uk/pip.

If you have any queries about this letter, please contact us quoting the reference number above.

Yours sincerely,

DWP Central Freedom of Information Team
Department for Work and Pensions

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@dwp.gov.uk or by writing to: DWP Central FoI Team, Caxton House, 6-12 Tothill Street, London, 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.

Website: [ICO Contact Information](#) or telephone 0303 123 1113 or 01625 545745