

Spotlight on Discussing decisions with claimants

Introduction

Claimant's may contact Universal Credit looking for an explanation of a decision and asking for more information. This may be done via their journal, over the phone or in person.

This Spotlight has been designed to enable case managers or work coaches to:

- find the decision
- identify the decision details
- explain the decision outcome to a claimant
- understand when and how to create a 'Refer to Decision Maker (Written Explanation)' to-do

This Spotlight will remain in place until the messages have been embedded.

Finding decision information

To find a decision go to the Claimant history where all entries are recorded in date order. Entries containing a decision will be recorded as "Make a decision" and state in brackets what type of decision has been made, for example:

Make a decision (housing/family unit) completed

If you are unsure of the date the decision was made, press Ctrl and F keys and a "Find in page" option will appear at the bottom left of the screen. Input what the decision you are looking for relates to, for example "HRT", and press highlight all. This will help you to identify the decision in question.

Some decisions will be recorded on an LT54 form and should be clearly headed with what type of decision it is. Others will be included on the ALP or as part of a to-do. This is a list of the most common complex decisions that are made:

- Labour market related decisions (Sanctions, failure to complete work search, leaving voluntary)
- Backdating
- Work Capability Assessment
- Person from abroad and their entitlement to benefit (Habitual Residency Test and Right to Reside decisions)

- Late notification of a change of circumstances
- Alternative Payment Arrangements including Managed Payment to Landlord and More frequent payments
- Complex Capital decisions
- Housing costs
- Additional room
- Living together as a married couple (LTAMC)
- Childcare costs
- more than one carer for the same disabled person

Decision explanation discussion

Claimants asking for an explanation via a journal entry should be contacted either face to face or by telephone to discuss the decision.

Note the Claimant history that a decision explanation discussion has taken place.

Check the Claimant history. This will help you identify any complex needs quickly and accurately, and help you tailor the way you support the claimant.

Use listening and open questions to find out from the claimant what exactly it is they do not understand. Do not just read the outcome decision notes back to the claimant, they will have seen this and need more clarification. Also, before you start to explain what the decision is it may be an idea to first explain that all decisions are made by:

- gathering evidence from claimants themselves, and other relevant parties
- extracting the relevant facts from the evidence
- applying the appropriate Legislation

It is important that every decision made can be justified. Therefore, each decision should state what evidence has been presented and more importantly, especially for the claimant, how it was considered in relation to the relevant legislation.

A 'Refer to Decision Maker (Written Explanation)' to-do must not be created unless the claimant requests a further written explanation.

Following the explanation discussion, the original decision is still disputed

If the claimant states:

they have further verbal evidence in relation to the decision, record what the evidence is within the mandatory reconsideration to-do

they can obtain further evidence but that they cannot provide it over the phone or at their face to face discussion, book an appointment for the claimant to present the evidence at the jobcentre

If it is clear that the claimant understands the original decision, but does not agree that we have made the right decision and has no further evidence to offer, explain the dispute process. For more information see Mandatory reconsiderations.

Not all decisions carry the right of appeal, for example Alternative Payment Arrangement decisions do not carry the right of appeal. A list of the decisions which do not have the right of appeal can be found in the Advice for Decision Makers (ADM) at Chapter A 1 Decision Making and Appeals, Annex A.

The notification letter sent to the claimant in relation to the decision will also state if the claimant has appeal rights or not. This can be found in the claimant's journal.

Create a 'Refer to a Decision Maker (Written Explanation)' to-do

The 'Refer to Decision Maker (Written Explanation)' to-do is created if a claimant requests the reasons for a decision in writing.

When agents complete this to-do the service will display an 'Explain a Decision in Writing' to-do, there are four types of these to-dos:

Explain a Decision in Writing (HRT)

Explain a Decision in Writing (WCA)

Explain a Decision in Writing (Sanction)

Explain a Decision in Writing - for all other decisions not covered above

Statutory Law and Case Law

Decisions are made in accordance with two types of law: Statutory Law and Case Law.

The following explanations and examples of Statutory Law and Case Law are for case managers and work coaches, but they can also be shared with a claimant if requested.

Statutory Law is that which comes from Parliament and includes Acts (primary legislation) and Regulations, usually made by way of Statutory Instrument (SI) (secondary legislation).

For example, “Regulation 26 of the Universal Credit, Personal Independence Payment, Jobseeker’s Allowance and Employment Support Allowance (Claims and Payments) Regulations 2013”, which relates to backdating.

Case Law which arises from the decisions and judgements of the Upper Tribunal Judges and the higher Courts.

For example, “Commissioners Decision: R (SB) 6/83” which defines “Good cause” although the decision maker will say the claimant has or has not demonstrated that they had “Good reason” in relation to Universal Credit decisions.