







## **Fact Sheet WB/021: Challenging a Benefit Decision**

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### **Overview**

If you disagree with a decision about benefits, tax credits or child maintenance you can ask for the decision to be looked at again - this is called 'mandatory reconsideration'.

You usually need to ask for mandatory reconsideration within one month of the date of the decision, unless you have a very good reason for the delay.

### **Eligibility**

You can do this if any of the following apply:

- You think the office dealing with your claim has made an error or missed important evidence
- You disagree with the reasons for the decision
- You want to have the decision looked at again

Some decisions cannot be reconsidered. Others can go straight to an appeal. Your original decision

letter will say if this applies to you.

## **Applicable Benefits**

You can ask for mandatory reconsideration for benefits including:

- Attendance Allowance
- Bereavement Allowance
- Carer's Allowance
- Carer's Credit
- child maintenance (sometimes known as 'child support')
- Compensation Recovery Scheme (including NHS recovery claims)
- Diffuse Mesothelioma Payment Scheme
- Disability Living Allowance
- Employment and Support Allowance (ESA)
- Funeral Expenses Payment
- Income Support
- Industrial Injuries Disablement Benefit
- Jobseeker's Allowance (JSA)
- Maternity Allowance
- Pension Credit
- Personal Independence Payment (PIP)
- Sure Start Maternity Grant
- Universal Credit (including advance payments)
- Winter Fuel Payment

## **Other Benefits**

There is a different process for the following benefits:

- Child Benefit  
([www.gov.uk/government/publications/child-benefit-and-guardians-allowance-appeal-for-m](http://www.gov.uk/government/publications/child-benefit-and-guardians-allowance-appeal-for-m))
- Tax-Free Childcare and 30 hours free childcare  
([www.gov.uk/guidance/challenge-a-childcare-service-application-decision](http://www.gov.uk/guidance/challenge-a-childcare-service-application-decision))
- Guardian's Allowance  
([www.gov.uk/government/publications/child-benefit-and-guardians-allowance-appeal-for-m](http://www.gov.uk/government/publications/child-benefit-and-guardians-allowance-appeal-for-m))
- Tax credits  
([www.gov.uk/tax-credits-appeals-complaints/disagree-with-a-tax-credits-decision](http://www.gov.uk/tax-credits-appeals-complaints/disagree-with-a-tax-credits-decision))
- Housing Benefit ([www.gov.uk/appeal-housing-benefit-decision](http://www.gov.uk/appeal-housing-benefit-decision)) and Vaccine Damage Payment ([www.gov.uk/vaccine-damage-payment/how-to-claim](http://www.gov.uk/vaccine-damage-payment/how-to-claim)).

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## How to request a Mandatory Reconsideration

Contact the benefits office that gave you the decision. You can contact them:

- By phone
- By letter
- By filling in and returning a form  
([www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp](http://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp))

The contact details are on your decision letter.

### If you get Universal Credit

If you get Universal Credit you can use your journal to ask for mandatory reconsideration ([www.gov.uk/sign-in-universal-credit](http://www.gov.uk/sign-in-universal-credit)).

If you are unable to use your journal, you can ask for mandatory reconsideration in any of the following ways:

- Writing to the address on your decision letter
- Filling in and returning a form  
([www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp](http://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp))
- Calling the Universal Credit helpline

### Universal Credit helpline

Telephone: 0800 328 5644

Welsh language: 0800 328 1744

Textphone: 0800 328 1344

Monday to Friday, 8am to 6pm

Find out about call charges ([www.gov.uk/call-charges](http://www.gov.uk/call-charges))

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## Before you ask for mandatory reconsideration

If you're not sure whether to ask for mandatory reconsideration or what evidence to give, call the benefits office dealing with your claim. They'll be able to explain the reason for your benefit decision and answer any questions.

You can still ask for mandatory reconsideration after you've spoken to your benefits office.

### If you want an explanation in writing

You can ask for a written explanation from the benefits office dealing with your claim - known as a 'written statement of reasons'.

You do not need to do this for Personal Independence Payment - your decision letter will include a written statement.

You can still ask for mandatory reconsideration, but must do this within 14 days of the date on your written statement of reasons.

### Applying after one month

You can ask for mandatory reconsideration after this but it must be for a good reason, for example if you've been in hospital or had a bereavement. You must explain why your request is late.

Call the phone number on your decision letter first.

## What you need to provide

You need to give:

- the date of the original benefit decision
- your name and address
- your date of birth
- your National Insurance number

Explain what part of the decision is wrong and why.

If you want to send evidence, this needs to show why the decision was wrong. It could, for example, be:

- new medical evidence

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- reports or care plans from specialists, therapists or nurses
- bank statements or payslips

Only include evidence you have not already sent.

Write your full name, date of birth and National Insurance number at the top of each bit of evidence and send it to the benefit office where you applied for your benefit.

You cannot claim back the cost of any evidence you pay for.

It will not help your claim to include:

- general information about your condition - for example factsheets, medical certificates or sick notes
- appointment cards or letters about medical appointments, unless you could not claim your benefit because you were at the appointment
- letters about tests that you're due to have

If you're not sure what evidence to send, read the guidance for the request form

([www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp](http://www.gov.uk/government/publications/challenge-a-decision-made-by-the-department-for-work-and-pensions-dwp)). You can also call the number on your decision letter.

## What happens next?

The benefits office that gave you the original benefit decision will reconsider it - you'll get a 'mandatory reconsideration notice' telling you whether they've changed the decision. It'll explain the reasons for that decision and the evidence it was based on.

Your benefit may increase, decrease, stop or stay the same following mandatory reconsideration.

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