

Challenging a Benefit Decision Information Pack

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Challenging a Benefit Decision

Please be aware that when you challenge a benefit decision, the Department for Work and Pensions (DWP) or tribunal service will look at the whole award/claim and this can result in a reduction of benefit or total loss of the benefit. You need to consider this carefully before going ahead with the challenge.

Challenging a DWP Benefit Decision

When was the decision made

It is important to check the date when the decision about your benefit was made. This is important because if you want to challenge the decision, you must do so within certain time limits.

The date of the decision will be the date at the top right of your decision letter. This letter will also tell you whether you have the right of appeal.

Asking for the decision to be looked at again

If you want to challenge a DWP benefit decision, you have to ask the DWP to look at the decision again before you can appeal. This is called a Mandatory Reconsideration.

You must normally ask for a DWP decision to be looked at again within 1 month of the date of the decision.

If you missed the 1 month deadline, it's still worth sending your Mandatory Reconsideration.

For most benefits you can ask for a Mandatory Reconsideration within 13 months of the date on the decision letter.

You can't appeal until you get a new decision from the DWP on your request for a reconsideration. This new decision is called a Mandatory Reconsideration decision notice. If the decision is not changed, you can then appeal to an independent tribunal.

Mandatory Reconsideration for DWP Decisions

You can request a mandatory reconsideration a number of ways; completing form **CRMR1** available on gov.uk, by telephone, by writing a letter, or by using your online journal for Universal Credit. It is best to make the request in writing.

You need to state your personal information – your name, address, date of birth, national insurance number and the name of the benefit you want to challenge. You need to state why you disagree with the decision and the date of the decision notice.

The reason why you are challenging a decision can be dependent on the benefit you wish to challenge. For example if you are challenging an Employment and Support Allowance (ESA) decision you will need to consider the ESA descriptors. There are also descriptors for Personal Independence Payment (PIP). It is helpful to state what problems you have in carrying out activities.

You will need to try to obtain up to date medical evidence if possible from your GP, Consultant, Community Psychiatric Nurse etc. **Your GP surgery cannot charge you for your medical records. However, they may charge you for additional letters of support.** Letters from friends and family can also help. You need this information to not just state your illnesses or conditions, but how they affect you on a daily basis. The DWP will then look at the decision and the evidence you have provided to determine if the decision can be changed.

The DWP should contact you to state they have received your mandatory reconsideration request and that they are looking at the decision again. There are no specific timescales for the DWP to carry out the Mandatory Reconsideration and it can take several months for the decision to be received. If the new decision takes longer than three months, it may be worth contacting the DWP to chase it up.

When the DWP have made their new decision, they will send you a **mandatory reconsideration notice** explaining the new decision.

If the decision remains the same or is changed but you still disagree with it, you will then need to appeal the decision. The DWP will send you **two copies** of the Mandatory Reconsideration notice. One for you to keep and one for you to submit with your appeal form.

Appealing Against a DWP Benefit Decision

If you disagree with the outcome of the reconsideration, you can then appeal directly to an independent tribunal. You must send a written appeal by completing an SSCS1 form and sending it directly to HM Courts and Tribunal Service. The address is on the back of the SSCS1 form.

If you decide to appeal, your appeal must arrive at the Tribunal Service within one month of the date on your Mandatory Reconsideration notice. This time limit can be extended by up to 13 months in certain circumstances. If you miss the deadline, you should explain why your appeal is late. You will need to show good cause why you could not appeal the decision earlier – examples of this could be that you were not well enough to deal with the appeal – too stressed, was in hospital etc.



SSCS1 - Appeal

On the SSCS1 form you will need to provide your personal information and state the name of the benefit you are appealing and the date of the Mandatory Reconsideration notice. You will need to attach a copy of the mandatory reconsideration notice to the appeal form. If you do not include a copy of the mandatory reconsideration notice, your appeal will not be heard.

You will need to state on the appeal form the reasons why you disagree with the decision to refuse you the benefit or the level of the benefit you feel you should have been awarded. You can use the same information that you wrote on your mandatory reconsideration form.

The SSCS1 form will need to be sent to the Tribunal Service and the address for this is on the back of the SSCS1 form. You should send it recorded delivery if possible. The Tribunal Service will then send you a letter stating they have received your appeal form. They will then contact the relevant benefit department and will ask for a copy of all the information that was used to make the decision. This is called the Schedule of Evidence or Appeal Bundle. This will be sent to you in a large brown envelope.

Once you have received this please contact us on 01443 409284.

We can then look at how best we can assist you with your appeal, including providing you with information on the appeal hearing and possibly providing written representation.

Challenging a HMRC benefit decision (tax credits, child benefit, guardians allowance)

Mandatory reconsideration for Child Benefit and Guardians Allowance

The normal time limit to request a mandatory reconsideration for Child Benefit and Guardians Allowance is one month from the date of decision by HMRC.

If you miss the time limit, you can request a late mandatory reconsideration within 13 months of the decision. You should explain why your request is late and it is more likely to be accepted if you have a good reason, for example you were in hospital or were ill.

It is best to request the reconsideration using form **CH24A** and returning to the address at the top of your decision letter.

You can also send any additional evidence you feel is relevant.

There is no specific timescale for the relevant departments to complete the reconsideration and it may take several months to get a decision.

Mandatory Reconsideration for Tax Credits

The normal time limit to request a mandatory reconsideration for tax credits is 30 days from date of the decision from HMRC.

If you miss the 30 day time limit, you can request a late mandatory reconsideration within 13 months of the decision. You should call the tax credits helpline on 0345 300 3900 and explain why you missed the 30-day deadline. They'll extend the deadline if they agree you had good reason.

It is best to make your request by using form **WTC/AP** available on gov.uk but you can also write a letter making sure you include your full name, your national insurance number, the date of the decision you want changed, and why you think the decision was wrong.

You can also request a mandatory reconsideration online through your 'Government Gateway' account.

You can also send any additional evidence you feel is relevant.

It usually takes 14 working days for HMRC to make a decision - but it can take longer.

The HMRC will send you a **mandatory reconsideration notice** with their new decision.

SSCS5 - Appeal

Once you receive your mandatory reconsideration decision notice, if you still disagree with the decision you can appeal to an independent tribunal by completing form SSCS5.

On the SSCS5 form, you will need to provide your personal information and state the name of the benefit you are appealing and the date of the Mandatory Reconsideration notice. You will need to attach a copy of the MR to the appeal form. You will need to state on the appeal form the reasons why you disagree with the decision to refuse you the benefit or the level of the benefit you feel you should have been awarded. You can use the same information that you wrote on your MR form.

The SSCS5 form will need to be sent to the Tribunal Service and the address for this is on the back of the SSCS5 form (Wales section) by recorded delivery if possible. The Tribunal Service will then send you a letter stating they have received your appeal form. They will then contact the relevant benefit department and ask for a copy of all the information that was used to make the decision. This is called the Schedule of Evidence or Appeal Bundle. This will be sent to you in a large brown envelope.

Once you have received this please contact us on 01443 409284. We can then look at how best we can assist you with your appeal, including providing you with information on the appeal hearing.

Contact Us

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[For more information about disputing
your benefit decision: Click Here](#)



If you require this pack in a larger font, please contact us.

Please note: When sending off your completed form, ask the Post Office for free proof of postage. You might need to show proof of when you sent it.

Or use a “Guaranteed Delivery” or “Signed For” service as this allows you to know that your forms arrive safely by providing proof of delivery. 1st class Signed For delivery aims to arrive the next working day and 2nd class Signed For delivery aims to arrive within 2-3 working days.

