



Care Navigators

CHALLENGING A BENEFIT DECISION

2024/25



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This information sheet covers challenging benefit decisions made by the Department of Works and Pensions (DWP), for example; Attendance Allowance, Disability Living Allowance, Personal Independence Payment, Carers Allowance and Pension Credit.

Some benefit decisions are not made by the DWP for example Tax Credits and Housing Benefit or Council Tax, appealing these are not covered.

How decisions are changed

There are two main ways that the DWP changes decisions:

- 1) **Revision** - When the DWP 'revises' a decision, it is replaced with a new decision that takes effect from the date it was originally made.
- 2) **Supersession** - When the DWP 'supersedes' a decision, it is replaced with a new decision that takes effect from that moment onwards.

How to challenge a DWP benefit decision

Steps

- 1) **Application** - Have you applied for the benefit and had a decision? You can only begin the appeal process once you have made a claim for a benefit and received a decision in writing.
- 2) **Mandatory Reconsideration** - If you aren't happy with the decision the DWP have made, have you asked the DWP to 'look at the decision again'? The DWP must be given the opportunity to reconsider their decision before you can take it to the appeal stage.
- 3) **Appeal** - Once the DWP have had the opportunity to reconsider the decision you may have a right to a First Tier Appeal through Her Majesty's Court and Tribunal Service (HMCTS).



When requesting a Mandatory Reconsideration

- Ask the DWP to provide the information and evidence used to make their decision and a written statement of reason.
- Provide any additional evidence

Time Limits

A time limit from the date of the decision will usually apply when requesting a mandatory reconsideration or appeal, for most disability related benefits this is one month. This may be extended under special circumstances but where possible it is advisable to keep within this time limit.

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Making an Appeal

Appeals for DWP-administered benefits can be made on form [SSCS1](#).

Request a '[Mandatory Reconsideration](#)' online

The Appeal hearing

The DWP are moving towards a remote Appeal process, including submission of evidence but you must be given 14 days' notice of the date of the appeal hearing and may request to attend in person with or without a representative and/or someone to support you. Depending on the type of appeal the tribunal panel will be made up of a legally qualified judge and possibly one or two other people. For disability benefits (such as AA, DLA or PIP), one of these people will be a doctor. There may also be a representative from the DWP.

The chair will normally introduce the tribunal and explain its role and ask questions about the issues related to your appeal. Once everyone has had the chance to contribute, they will ask you to leave the tribunal room while they make the decision. The official Decision notice will be sent in the post.



- Be prepared
- Make sure you have explored all reconsideration opportunities/requirements
- Understand which part of the decision you are appealing
- Provide any relevant additional evidence
- Use any case law that supports your challenge
- Seek advice and consider using a representative

Help

If you would like our help, [please contact us](#) 01280 818784. We provide a 10 minute 'fact finding' appointment free of charge to help you decide whether to 'appeal' the decision. If you would like to proceed with our guidance, there is a charge for ongoing advice and advocacy services.