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for Work &
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Mr Peter Turville
Oxfordshire Welfare Rights
Barton Neighbourhood Centre
Underhill Circus
Headington
Oxford
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07 November 2014

Dear Mr Turville

Re: [REDACTED]

Thank you for your letter of 30 October 2014 on behalf of [REDACTED] in connection with her claim for Employment and Support Allowance, (ESA).

I am sorry to read that the letter dated 14 October failed to address all your concerns and you have felt it necessary to write to us again. I have made further enquiries into the issues you raised and have established the following sequence of events.

On 11 June a Decision Maker contacted [REDACTED] to tell her that she was not entitled to ESA on conversion from Incapacity Benefit under IB (IS) Reassessment. A letter notifying her of this decision was sent to her home address on 12 June.

Our records confirm a letter from a representative at Oxfordshire Welfare Rights Service dated 2 July requesting a Mandatory Reconsideration was received at Hyde Benefit Centre on 28 July.

Current procedural guidance dictates that if new evidence is provided prior to a Mandatory Reconsideration, the Decision Maker from the originating office should review the new information or evidence and consider if the original decision is still correct.

This process is referred to as the 'look again' stage and is intended to ensure that the originating office check for any errors with a view of revising the original decision in order to resolve the dispute quickly.

As the 'look again' stage is part of a procedural process it is not covered by any regulations. This process is always completed prior to the case being referred to the Dispute Resolution Team, (DRT) for the Mandatory Reconsideration.

On 8 August a Decision Maker looked at the original decision again including the additional information provided. The Decision Maker found that this information had already been discussed during the Work Capability Assessment and had been considered when making the

original decision. In the absence of any new information the Decision Maker was unable to change the decision.

The Decision Maker telephoned [REDACTED] twice to explain why the decision had not been changed and to give her the opportunity to provide further information if appropriate. Unfortunately both calls were unsuccessful so we left a message on her answering service.

Having been unable to speak to [REDACTED] the Decision Maker wrote to her on 8 August. For the reasons explained above this letter was not a Mandatory Reconsideration Notice. This letter was to advise that her case had been referred to the DRT as this was the next stage in the process and they would contact her in due course about the outcome of a Mandatory Reconsideration. I can confirm her case was referred to the DRT the same day.

Following a telephone conversation with [REDACTED] on 15 August, a Decision Maker from the DRT decided that she was entitled to ESA and revised the decision in her favour placing her in the Work Related Activity Group.

During my investigations I have been unable to ascertain why we did not receive the request for a Mandatory Reconsideration until 28 July. I can only apologise for the delay [REDACTED] has experienced in the whole process of resolving her dispute with the Department.

It is not the intention of Jobcentre Plus to cause undue distress to claimants when they access our services. However we must follow the legislative framework and processes that apply in each case and we have no flexibility to depart from the law relating to benefits.

I hope my letter has helped to explain our position and brings your enquiry to a close.

Yours sincerely

pp

Jane Dineen
Correspondence Case Manager