

A Rubber Stamp? Mandatory Reconsideration in the Personal Independence Payment application process

Whilst the claims process for the disability benefit PIP may be working for some, we have seen people across Surrey experience multiple barriers to receiving the support they need.

Mandatory Reconsideration in particular, often called 'MR', has contributed towards unnecessary delays and distress for some of the most vulnerable people in our society. This extra step, introduced in 2013, requires people to request that the Department and Work and Pensions, or 'DWP', reconsider their original decision before they are allowed to apply for appeal. This is intended to resolve disputes early and reduce unnecessary pressure on Her Majesty's Courts and Tribunal Service, or 'HMCTS'.

Nationwide, there is little faith amongst PIP claimants that the MR process does anything more than 'rubber stamp' the original decision. PIP appeal tribunal judges themselves have expressed similar concerns about the thoroughness of MR.

An adviser in Epsom and Ewell reports that tribunal judges in their borough have indicated certain PIP cases should not have had to progress to appeal stage at all, as the person's entitlement to PIP was so apparent. On occasion, judges have even apologised to the claimant.

Our evidence suggests:

1. MR is delaying the amendment of what are likely to be inaccurate initial decisions on PIP awards by DWP.
2. We have seen delays caused by MR leave people in financial difficulty or worsen already difficult financial circumstances.
3. We have seen the MR process as a whole increase stress and worsen health conditions.
4. The MR process is often confusing and poorly understood.
5. The introduction of MR provides the opportunity to slow down or even stall the PIP process.



Nationally, for 81% of people making new PIP claims and 76% of people having their existing PIP claim reassessed, the initial DWP decision is unchanged at Mandatory Reconsideration. However, 73% of those who go on to appeal have these decisions overturned by a tribunal judge. This is a considerable majority and suggests that MR in its current form is not working.

Urgent reform is required in various areas to rectify the current situation, which is having a profound effect on the people we help, as well as the Citizens Advice service itself.

Here are our five recommendations for reforming the PIP process:

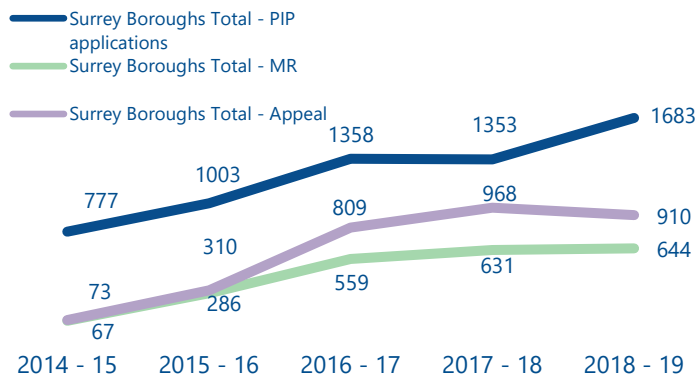
1. MR should be amended to an efficient, independent check that occurs automatically should a claimant apply for appeal, to rule out administrative or other obvious errors.
2. The PIP assessment process should be improved and brought in line with decisions made by tribunal judges, especially with regard to fluctuating physical and mental health conditions, in order to reduce the need for MR in its current form and potentially relieve pressure on Her Majesty's Courts and Tribunal Service (HMCTS).
3. Clarification should be provided by the government regarding the provision of medical evidence.
4. Further research should be conducted into the reasons behind the delays in receiving MR decision notices, as well as other forms of delay detailed in the full report.

For more information read our full report 'A Rubber Stamp? Mandatory Reconsideration in the Personal Independence Payment application process' released by Surrey Research and Campaigns Group© in May 2019

The effects on the people we help and our services

PIP was the most common benefits area on which people contacted us for advice across Surrey from 2018 -19, comprising 20% of all instances of people being advised on benefits of any kind. This proportion has risen steadily from 6% to 20% since 2014, when the effects of the 2013 introduction of PIP first began to impact our services.

People we helped with PIP applications, PIP MRs and PIP appeals across Surrey from 2014 – 2019:



- There were huge increases in people coming to see us for help with MR applications in 12 out of 13 boroughs from **2015-16 to 2016-17**, with Surrey-wide rates **increasing by 95%**. This can be linked to the influx of claimants being moved from the old disability benefit DLA to PIP over time.
- Instances of people contacting us for advice on PIP have continued to increase across Surrey. As shown by the graph below, from **2017-18 to 2018-19** PIP application advice figures have **increased by 24.4%** and MR and Appeal advice figures have remained high.
- Despite the fact that most people do not progress to appeal after losing at MR, there are now considerably more instances of people being advised on appeals than on MRs across Surrey, **increasing** from an **8.4% difference in 2015 - 16 to 41.3% for 2018 - 19**. It is hard to draw concrete conclusions from this data, however; these figures may suggest that the people who do progress to appeal require more help by this stage. This could be due to the stress and exhaustion caused by the PIP process so far, including MR.

An Advice Session Supervisor at Citizens Advice Mole Valley reports; *'There have been several weeks where we have struggled to cope with the demand from people for help with Mandatory Reconsideration and appeals, we felt like that was all we were doing in our office.'*

Case Study 1 – Magid

Magid is a young man who has an autoimmune disorder that causes regular, unpredictable seizures. These often leave him confused and vulnerable and he requires full-time supervision from his father. Previously he had been on the old disability benefit DLA but was awarded nothing when he transitioned to the PIP system. As a result, his father's Income Support and Carer's Allowance were also stopped. Magid applied for MR, which took 2 months to process, at which point the DWP denied him PIP once again. However, this decision was overturned 6 months later at an appeal tribunal. The DWP then said they were going to appeal the decision, which resulted in a further delay in payment, until Citizens Advice called them to discover that they were not pursuing an appeal after all. The PIP payments started shortly afterwards but Magid and his father said that this further delay felt like a punishment to them. In total, they were left struggling to make ends meet for 9 months and were forced to borrow money and leave bills unpaid.

Case Study 2 – Jocelyn

Jocelyn is a woman in her 60s who has had PTSD since she was a teenager. She has also developed a debilitating musculoskeletal condition that is deteriorating and causing constant pain. We have witnessed the severity of Jocelyn's physical mobility struggles and mental health symptoms first hand on many occasions. She has consistently presented to us as someone in severe physical pain and struggles with walking even a few metres across our waiting room or concentrating for more than a couple of minutes.

Jocelyn was denied PIP at both the initial assessment and at MR. Jocelyn found navigating the many administrative stages of the PIP process extremely difficult and required a lot of help. She thought initially that MR was the appeals process and was very upset and frustrated at having to jump through an additional administrative hurdle. Her Clinical Psychologist reported that Jocelyn was experiencing worsening mental health symptoms after receiving her MR decision.

Furthermore, her GP was confused about what they were expected to provide for the appeal and wanted clarification from the DWP on this issue, which was not available. As a result, our advisers had to fight to acquire the evidence that eventually lead to an appeal tribunal judge awarding Jocelyn the PIP she so clearly needed. Jocelyn had been surviving on nothing but food vouchers, Local Assistance Scheme grants and borrowing money from friends and was also left at risk of homelessness.