



Freepost Universal Credit Full
Service

www.gov.uk/universalcredit

Telephone: 0800 328 5644

04 September 2018

Dear [REDACTED]

Your Mandatory Reconsideration Notice

You appealed against the decision to close your claim on 5/4/2018.

We have taken all additional information into account, including the grounds for your appeal, and the decision has been revised. The original decision and the Mandatory Reconsideration decision are shown below.

Mandatory Reconsideration Universal Credit

[REDACTED] made a claim for Universal Credit on 24/8/2016. Her claim was closed on 5/4/2018 because she didn't accept her commitments.

Details of the Original Decision.

[REDACTED]'s claim made on 24/8/2016 was closed on 5/4/2018 because she failed to accept her commitments in time.

Mandatory Reconsideration decision and appeal

[REDACTED] requested that decision to close her claim on 5/4/2018 was looked at again.

On 23/5/2018, another decision maker looked again at the decision but could not change it.

On 10/7/2018, [REDACTED] appealed against the decision, with the help of her representative, on the grounds that;

- She accepted her claimant commitment at the start of her claim in 2016, and that her UC claim was valid in accordance with S4(1)(e) of the Welfare Reform Act 2012.
- If a further commitment was issued, she contends that no further claimant commitment was required and puts the DWP to strict proof as to how the new commitment differed from the previous one. If a further claimant commitment was indeed required, she asks the DWP and the Tribunal to clarify whether this nullifies the previous claimant commitment and therefore invalidates the UC claim.
- In the event of a further claimant commitment was required in order to permit her UC claim to continue, the DWP is to put strict proof that they complied with regulation of the UC, PIP, JSA & ESA (Claims and Payments) Regulations 2013, in that they permitted her one month to comply. She believes that she accessed her UC account during the month of March 2018 and found no tasks outstanding. The DWP has so far failed to confirm the date the claimant commitment was added to her account.
- Regulation 37 permits the DWP to extend the one month time limit for complying where a longer period is reasonable. It is contended that it would have been reasonable in her case. She is in the LCWRA group and rarely accesses her UC account more than once per month.
- She was accustomed to receiving emails prompting her to log into her UC account to see new To Do items. On this occasion, no such email was received.
- Her previous work coach (which changed together with her Jobcentre, office, without notice) also telephoned her to talk through outstanding tasks. Although, she understands that UC is meant to encourage independence, she was not notified that her work coach would change or that the support would be stopping. She reasonably relied upon the emails and phone calls provided by the DWP system to assist in administering her UC claim.
- As well as managing her own disability, she cares for a disabled 12-year old son whose behaviour puts his siblings at risk, and who absconds regularly. Around the time her UC claim was stopped, she was in the midst of arranging a temporary placement for her son with a family relative in an effort to keep him out of the care system. She provided the DWP with the phone number for the relevant social worker to confirm these details, although it is unclear whether any contact was made. She was undoubtedly suffering under exceptional strain at this time.
- She was not notified that her UC claim had closed. She was expecting a payment on 30/4/2018 to cover the period 24/3/2018 to 23/4/2018. When it did not arrive, she logged onto her online UC account. The account displayed a "Claim Closed" message but no explanation or history. She was obliged to telephone the UC helpline for an explanation. She immediately submitted a new claim and accepted a new claimant commitment online the same day.
- In these circumstances, it is entirely reasonable for the DWP to extend

the one month deadline for accepting the new claimant commitment to the date of the new claim.

Decision

I have considered all the evidence available, and also taken into account the grounds for the appeal request.

Where the claimant has failed to accept their claimant commitments, their claim should remain open for 7 days from the date their commitments were set. If no further contact is made, the claim should be closed on day 8, unless they have complex needs.

I have checked departmental records and am unable to confirm when the commitments were set. I have also noted that when the claim was closed on 5/4/2018, a letter was not placed in [REDACTED]'s' on line digital journal to tell her the claim had been closed as she had failed to accept her claimant commitments.

As I am unable to determine whether that the claim remained open for at least 7 days before it was closed, and a notification letter was not issued, I cannot confirm that the claim was not closed correctly. Therefore, I have changed the decision made on 5/4/2018 to close the claim.

My revised decision is that the claim made on 24/8/2016 should be re-opened.

What you can do if you disagree with this decision

If you disagree with this decision, you (or the person who has the authority to act for you) can appeal to an independent tribunal.

You can do this by writing a letter to Her Majesty's Courts and Tribunals Service (HMCTS) or by the Tribunals Notice of Appeal form. This can be printed from the Tribunals service on line site You'll need to do this **within 1 month** of the date on this notice.

You need to **include a copy of this Mandatory Reconsideration Notice** with your appeal. If you don't, the tribunal may not be able to consider your appeal until you have sent it to them - this will delay the process.

For more information and to find the Tribunals Notice of Appeal online form, go to:

- www.justice.gov.uk/tribunals/sscs
- www.gov.uk/social-security-child-support-tribunal

If you'd rather not use the online form, here are the addresses to write to.

If you live in England or Wales, send your appeal to HMCTS SSCS Appeals Centre, PO Box 1203, BRADFORD, BD1 9WP.

If you live in Scotland, send your appeal to HMCTS SSCS Appeals Centre Scotland, PO Box 27080, GLASGOW, G2 9HQ.

You may also wish to visit a local advisory service, for example a Citizens Advice Bureau.

From,

Universal Credit

We are committed to treating people fairly, regardless of their disability, ethnicity, gender, sexual orientation, transgender status, marital or civil partnership status, age, religion or beliefs. Please contact us if you have any concerns.