



Department
for Work &
Pensions

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Operations Fol Team
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www.gov.uk

Our Ref: VTR 2659

Dear Kelly Smith,

Thank you for your Freedom of Information request received on 15 July 2016. You asked for:-

A copy of the DWP Gatekeeper Memo 03.15.38.

Please see the text below which formed the Memo which was issued on 2 March 2015.

Background

We have received a number of contacts from customers and Customer Representative Groups (CRG) about misunderstanding in the Dispute process. These are mainly around the Mandatory Reconsideration (MR). The queries raised clearly show that there is widespread misunderstanding of the Dispute Process. Below are some of the complaints raised and clarification of the correct processes

DWP staff are advising customers they must specify they want a MR

"Mandatory Reconsideration" is DWP terminology. It is not necessary for the customer to use those exact words in order to raise a dispute.

If a customer advises us they disagree with a decision, want us to look at it again, ask for a review, ask to appeal etc. the request should be treated as a request for an MR whether it is made in writing or verbally.

DWP staff are advising customers and advisers that they must have an explanation or a review before they can apply for an MR, and in some cases being told that 2 explanations are required (one verbal and one written) before an MR can be requested

It was never the intention that full verbal or written explanations should be a mandatory requirement prior to an MR. The explanation, whether verbal or written, is a discretionary step and whether to undertake one should be driven by the customer.

When a customer contacts DWP to dispute a decision they should be offered a full verbal and / or written explanation, but if the customer declines the offer (they may have had a previous explanation or they understand the decision but dispute it) they should then be referred straight for an MR.

MR responses are not described as such, meaning customers think they need to ask for an MR again rather than appealing

A Mandatory Reconsideration Notice should be sent in all cases where an MR decision outcome has been made.

DWP staff are effectively advising customers that it is not worth Appealing or indeed requesting an MR

Customers must be given the correct advice when contacting the Department to dispute a decision. If a customer thinks a decision is wrong we must follow the process outlined in this memo.

MR requests not being accepted by phone

All staff need to be aware that MRs can be accepted by phone and requests made by this route should be accepted without question.

Written requests for MRs not being received

All staff must be aware that written requests for an MR could be received and all correspondence should be checked to ensure MR requests are picked up as soon as possible on receipt by DWP

Refusal to accept late MRs

Acceptance of late MRs should be at the discretion of the Dispute Decision Maker and based on evidence provided by the customer for their reasons for the late submission.

Yours sincerely,

DWP Operations FOI Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwp.gsi.gov.uk or by writing to DWP, Central FOI Team, Caxton House, Tothill Street, London, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF
www.ico.gov.uk