



FACTSHEET: HOW TO APPROACH A SUCCESSFUL PIP MANDATORY RECONSIDERATION.

What is PIP?

Personal Independence Payment (PIP) is a disability benefit which is based on a claimant's health conditions and how the symptoms of those conditions impact a person's ability to complete twelve defined activities. PIP is available for claimants aged 16 up to state pension age and can be awarded even when the claimant is in work or education. You must be limited by your health for at least 3 months before applying and expected to be impacted for at least 9 months afterwards. The DWP consider a claimant's ability to manage certain tasks and these are split over 2 components as follows:

- Ten activities which look at tasks involved with **Daily Living**
- Two activities which look at **Mobility** and travelling.

Claimants can be awarded standard or enhanced rates of each component with 8 points being required for a standard award and 12 for an enhanced award.

What is a Mandatory Reconsideration?

When someone considers that they may be eligible for PIP, they will need to contact the DWP (Department for Work and Pensions) to start their claim. An **Application Form** will be completed and usually an assessment will take place by telephone, video call, face to face or based upon the form and evidence. A Decision Notice will then be received from the DWP to indicate whether PIP has been awarded. This will include the number of points awarded in each of the twelve activities, the level of the award and the also the length. If you feel that any of these are incorrect and you should have been awarded a higher level and/or a longer length, then you can request that the decision is looked at again by the DWP. This is termed a **Mandatory Reconsideration** as the DWP are quite literally **reconsidering** their initial decision and it is **mandatory** to undertake this part of the process before submitting an appeal.

How do I tell the DWP that I want to do a Mandatory Reconsideration?

You do not need to ring the DWP and tell them of your intention to start a mandatory reconsideration. The process can simply be completed in writing and sent via post. When people do contact the DWP to discuss a Mandatory Reconsideration, they will usually be expected to complete it immediately over the phone. We **NEVER** recommend that claimants do this as not only does it put you on the spot when you are probably not prepared, you also do not have a chance to send any further helpful evidence to assist your claim.

What are the limitations for a PIP Mandatory Reconsideration?

The DWP inform claimants that they have one calendar month to return a PIP Mandatory Reconsideration to them from the date on the Decision Notice letter. It will usually take a Decision Notice a few weeks to be received by the claimant. This then leaves very little time before the deadline. The DWP will tell you the same by telephone if you call them to discuss the possibility of completing a Mandatory Reconsideration. This is wholly **false**, and the actual time limit is thirteen months from the date on the Decision Notice. This is because those with disabilities are protected by an important piece of legislation called the Equality Act. This has been in existence since 2010. It is accepted that disabilities will often lead to people requiring extra time for daily activities, this includes completing paperwork for DWP processes. It is now considered that a period of thirteen months is an adequate reasonable adjustment to the DWP time limitations to enable claimants to be treated fairly and justly by the process.



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How do I prepare to do a Mandatory Reconsideration?

It is vital that you have all the relevant DWP documentation to enable you to complete your Mandatory Reconsideration to a high standard. This includes:

- PIP Application Form
- PIP Assessment Report (usually labelled as a PA4 or PA3)
- PIP Decision Notice
- Previous PIP Award (if this is a PIP Review or Change of Circumstance and not a first claim)

This will remind you what you originally wrote, show you what the Assessor noted during and after your assessment and what the Decision Maker concluded in their report. We advise ringing the DWP for copies of any of the above documents you do not currently have.

Do I need any evidence for my Mandatory Reconsideration?

All benefit claims based on health difficulties must be fully supported by medical evidence. Points are rarely, if ever, awarded simply by writing your difficulties down in an application or reconsideration. The most helpful evidence can often be found in your Medical Records and other evidence from professionals involved in your care.

Please don't hesitate to ask us for a copy of our 'PIP Evidence' factsheet, should you need more information about the types of evidence that you need to provide to support your case.

How do I write a PIP Mandatory Reconsideration?

It is always advisable to start with a plan to help you to be organised with your reconsideration. It can be handwritten or typed, whichever is easier for you.

Be aware if you submit a handwritten lengthy document that this may raise questions about your grip (if this is a symptom of your condition). Every page must have your full name, date of birth and national insurance number at the top. We suggest the following order: -

- State name of benefit and date of decision
- State you are aware of the thirteen-month time limit in line with the Equality Act 2010
- List your conditions and how they affect you
- List the evidence you are including
- Go through each of the twelve activities and state the points you were awarded and the points you feel you should have received. Also point out what the Assessor has recorded incorrectly. For each activity, explain why you should have been awarded the points that you want. This is where you must use your medical evidence to support what you are saying you cannot do or have difficulty doing. Point to the photograph of your walking stick or bath chair or perhaps the prescription list showing regular pain medication or anxiety prevention tablets. If you did not include evidence with your Application Form, then you must provide evidence to support your difficulties for your Mandatory Reconsideration or you will not be successful.
- Sign and date the document and include your full name in capitals.



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What law do I need to include?

As a Claimant you are not expected to be aware of or indeed understand and apply the correct legislation and case law. Do not be swayed by online support groups etc who insist that you must include this as it will be likely to increase the stress and worry you may feel during this process. It is simply your job to state the difficulties and limitations you experience and supply evidence to support this. You are not expected to be a legal professional or lawyer.

How do I send it to the DWP?

The Mandatory Reconsideration and your evidence must be posted to the DWP. The address can be found on your PIP Decision Notice. Do not simply place these in the post box. Send via tracked delivery and consider a waterproof envelope. Keep the receipt with your tracking reference number. We advise that you ring the DWP around a week after posting to check that it has been received. Giving them the Royal Mail tracking number is often required to ensure that the documentation is located.

What happens next?

The Mandatory Reconsideration will be reviewed by a Senior Decision Maker at the DWP, and they will evaluate all evidence. This can take 6-20 weeks.

A Mandatory Reconsideration Notice will be sent in the post showing what the level and length of the award is after the process is completed. If you have not heard from the DWP after eight weeks, then we suggest following up with a further phone call.

Do I need to be mindful of anything before I do a Mandatory Reconsideration?

When a claim is sent back to the DWP for reconsideration, all claimants must be aware of the following:

- The DWP can increase the points awarded
- The DWP can keep the points at the same level
- The DWP can reduce the points awarded
- The DWP can increase the length of an award
- The DWP can keep the award length the same
- The DWP can decrease the award length
- The DWP can remove a PIP award entirely

Consider carefully how strong your medical evidence is and what you can prove to try and safeguard against losing your current award. The DWP also do not usually contact your GP to discuss your difficulties. They do sometimes send a very simple form about the twelve PIP activities to your surgery, however as most GPs are not aware of how you wash, make food or travel etc, they simply strike through the document and send it back blank with a short, usually unhelpful print out from the computer system. The onus is therefore on you to provide relevant supporting evidence.



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What if I still do not get the PIP award I think I am entitled to?

Once you have received your PIP Mandatory Reconsideration Notice, if you feel that the award is still not correct, then you are able to appeal to the First Tier Tribunal. This takes the claim out of the hands of the DWP and into the hands of an independent Tribunal panel. Please contact us if you would like more information about this.

Can you do this all for me?

Of course we can. We provide a full legal drafting service for Mandatory Reconsiderations and also have an Appeal Representation Service which includes attending the hearing with you by telephone or video link. Please do get in contact if you require any further advice or assistance.

Here at the PIPP Support Group we have a fully qualified Legal Department. Every one of our Legal Advocates must hold a Qualifying Law Degree as a minimum. Most hold qualifications far beyond this including Post Graduate Diploma in Law and Master of Law. Some are even training to be barristers or solicitors. We even have an Advocate who is both medically and legally qualified.

We do urge caution when approaching companies who claim to be able to take over your claim. Always ensure that the person completing your documentation is legally qualified, particularly if they are charging for their services.

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