Post course resources - Universal Credit – what you need to know now

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hqn TRAINING

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1 Compensation Route

Where the claimant has lost out financially or has incurred costs – due to the wrong advice given to them by the UC Helpline / work coach or as a result of maladministration by the DWP, then they have the right to ask for compensation. This can be quite a drawn out process if the complaint is not upheld initially, but if the person complaining skips a step they will be referred back so it is important to follow the stages below.
(*Note: if it was the Local Authority who gave incorrect advice or caused financial loss through maladministration, then you will need to follow their own complaints procedures).
The DWP also have a general online complaints service https://makeacomplaint.dwp.gov.uk/cookies-disabled which can be used by landlords as well as by claimants.

Stage 1: Contact the office that caused the problem

Normally this will be the address on any letter the claimant has received.
Addresses for specific benefits are also given on the Complaints Procedure page on the gov.uk website.
A dedicated complaints team will first apply triage ie they will prioritise the most serious complaints, or complaints from vulnerable claimants.

If the advice came from another part of the DWP - such as the Universal Credit helpline, then the address is:
Department for Work & Pensions
PO Box 50101
London
SW1P 2WU

The claimant, or their authorised representative, can contact by:

- Phone (in which case keep a record of date/time and if possible name of person spoke to)
- In person (in which case keep a record of date/time and if possible name of person spoke to)
- In writing or online.

The claimant should give their:

- Name
- Address
- NI number
- Any telephone / email contact details
- And describe in full:
    - what happened
    - how it happened
    - how it affected them
    - what they want to happen to put things right – including monetary compensation for any financial losses.

Stage 2. Complain to Complaint Resolution Manager

If the issue is not satisfactorily resolved at Stage 1 or if there is an unreasonable delay then the complainant should contact the Independent Case Manager at the DWP.
The claimant must contact the Independent case Examiner within 6 months, sending a copy of the response they received about their complaint. If the final response was by phone, they should give the date of the phone call, who they complained to and the name of the person they spoke to and a summary of what they said.

They can contact the Independent Case Examiner in any of the following ways:
In writing to:
The Independent Case Examiner
PO Box 209
Bootle
L20 7WA

Or Email ice@dwp.gov.uk
Or Telephone 0800 414 8529

The Independent Case Examiner gov.uk page says they will respond within two weeks. to agree the next steps.

it also says "*It is important that you remain engaged with the agency or business while we are dealing with your complaint, as we do not become involved in the day-to-day running of your case*.""

The complainant must be careful not to be put off by anything that might be said about their chances of success. If it was a phone call they should record the date and time of the call; when they come off the phone it would be a good idea to immediately jot down what was said.

If the complaint is relatively straightforward, and the customer has reasonable expectations about what the provider could do to resolve it, the Independent Case Examiner will liaise between the parties involved and try to reach an agreement. This should take about 8 weeks, and a total of about 15 weeks to arrange settlement (compensation) - assuming agreement is reached and the complaint is upheld..

But if it cannot be resolved, the Independent Case Examiner will request the case papers from DWP to establish what happened, and the complainant must provide anything they have not already sent. If there is still no satisfactory agreement the Independent Case Examiner will prepare a report identifying, where appropriate, areas of maladministration, and include recommendations of what needs to be done to put matters right and provide appropriate redress (including financial). The DWP should then implement these recommendations. A report will be sent to the complainant detailing findings and recommendations. This will mean the total time should be about 20 weeks.

Stage 3. Review by Independent Case Examiner (only if new evidence)

If the complainant is not happy with the report / outcome AND they have new evidence that would affect the outcome, or that would show a factual error, then they can request a review by the Independent Case Examiner.

They must submit this within 3 months of the report.

Stage 4. Parliamentary and Health Service Ombudsman

If all complaints have been exhausted then the complainant can ask their Member of Parliament to refer the case to the Parliamentary and Health Service Ombudsman. They can find contact details of their MP on http://www.parliament.uk/mps-lords-and-offices/mps

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