



Department
for Work &
Pensions

Will Quince
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Rt Hon Stephen Timms MP
Chair
Work and Pensions Committee
House of Commons
London
SW1A 0AA

04 June 2021

WPSC on successful legacy appeal claimants

Dear Stephen,

Thank you for your letter dated 12th May regarding the case of R (TD & Ors) v Secretary of State for Work and Pensions [2020] EWCA Civ 618.

The department is continuing to consider our response to the judgment, and will communicate further details in due course. Unfortunately, I am unable to provide more information at this time.

The vast majority of benefit decisions made are correct and not disputed. It is inaccurate to suggest that decisions which are disputed and ultimately overturned on appeal were initially incorrect, as all decisions will have been based on evidence presented at the date of claim and are subject to mandatory reconsideration. However, the department recognises the impact that incorrect decisions can have on individuals.

To this end, decision-makers at both the first decision and the mandatory reconsideration stage are encouraged to proactively gather additional evidence and contact claimants to clarify information where necessary, so that the correct decision can be made as early as possible in the process, thereby hopefully preventing the need for appeals further down the line.

A response to the report by the previous committee was sent on 17th May 2021.

Yours sincerely,

Will Quince MP
Minister for Welfare Delivery



Work and Pensions Committee

House of Commons | London | SW1A 0AA

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Will Quince MP
Minister for Welfare Delivery
Department for Work and Pensions

From the Chair

12 May 2021

Dear Will,

Following the Supreme Court's decision, on 26 February, to refuse the Department permission to appeal in the case of *R (TD & Ors) v Secretary of State for Work and Pensions* [2020] EWCA Civ 618, you will know that there is a great deal of interest in how the Department now plans to implement the decisions taken by the courts.

In response to a parliamentary question about this last month, you said simply that "the Department is considering its response to the judgment and will communicate further details in due course."

We would be grateful if you could answer the following questions:

- 1. What progress has the Department made in considering how to respond to the judgment? What options are you considering?**
- 2. When do you expect to announce how the Department plans to implement the judgment?**

You will remember that the previous Work and Pensions Committee, in its July 2019 report on [Universal Credit: natural migration](#), highlighted the "entirely unacceptable" situation faced by people who were waiting for appeal decisions. It concluded:

The Department is forcing claimants who are waiting for appeal decisions to gamble with their financial future—they can claim UC to survive in the short term, or go without in the hope that they will be better off in the longer term. It is entirely unacceptable that the Department refuses to offer compensation to claimants whose appeal is successful, effectively penalising them because of incorrect decisions it has made to deprive them of their legacy benefits.

The Committee made recommendations to address this situation, but the Department has not yet responded to its report.

- 3. When does the Department plan to respond to the report from our predecessor Committee?**

We would be grateful for a reply by 26th May.

Yours sincerely,

A handwritten signature in black ink, reading "Stephen Timms". The signature is written in a cursive style with a horizontal line above the name.

Rt Hon Stephen Timms MP
Chair