



# Advice NI Information Briefing Postal Strikes and Benefit Communications

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## Advice NI Information Briefing Postal Strikes and Benefit Communications

Ongoing strike action, in particular postal strikes called by the [Communication Workers Union](#), have brought into focus the question of timely correspondence between benefit claimants and relevant departments.

We recognise that some disruption will be unavoidable when essential workers exercise their [right to strike](#). Therefore, our concern in the current briefing note is to offer reassurance to those benefit claimants who may be worried about the potential impact of delayed correspondence effecting communication with the office responsible for administering their award.

The Department for Communities has repeatedly assured us in engagement meetings that their staff will give due consideration to the impact of the postal strikes, and that benefit administrators are regularly reminded of their responsibilities in this regard. Their basic position is that discretion will need to be applied on a case-by-case basis owing to the variety of reasons why delays can happen. For that reason, advisers are encouraged to raise cases with the Department for consideration.

Whilst we are grateful to the Department for this assurance, it should be emphasised that there are a number of scenarios in which administrators and decision makers are required by legislation to apply this discretion. In short, these are the scenarios in which ‘reasonableness’, ‘good reason’ or ‘good cause’ are specified as grounds for failure to provide information or attend required appointments.

Some of these rules are general, relating to the process of decision making, and have broad application across benefits. It should be noted that none of the terms referenced above – ‘reasonableness’, ‘good reason’ or ‘good cause’ – have been defined directly in legislation. As such, interpretation of how the Department should apply discretion in these cases relies on principles of common law and natural justice. Of particular note are the principles outlined in [Chapter A1](#) of the Advice for Decision Making Guide and [Chapter 01](#) of the Decision Makers Guide.

Challenging Decisions.....	2
Medical Assessments.....	3
Work-Focused Interviews.....	4

## Challenging Decisions

A key aspect of natural justice in relation to the administration of benefit is the claimant's right of appeal against decisions of the Department. Since 2016, regulations have required claimants to follow a process called Mandatory Reconsideration as an initial stage of the appeal process, which is shorthand for the requirement that the decision be looked at again by the Department prior to the claimant taking that case to the Tribunal. In the case of both Mandatory Reconsideration and appeal, claimants must submit their application within 1 month from the Department's notification to the claimant, with certain exceptions. As a consequence, timely communication between Department and claimant are crucial to the exercise of the right of appeal. If the Department or the Tribunal does not accept an appellant's reasons for making an application outside that time limit, this severely hinders their ability to obtain redress.

The relevant guidance and legislation is as follows:

### Welfare Reform Benefits (UC, PIP, New-Style ESA and JSA)

Advice for Decision Making Guide, paragraphs [A3014-A3018](#), [A3026-A3029](#), [A3046-A3057](#) and [A3067-A3071](#) and [A5060-A5082](#)

Universal Credit, Personal Independence Payment, Jobseeker's Allowance and Employment and Support Allowance (Decisions and Appeals) Regulations (Northern Ireland) 2016, [regulations 5, 6, 7 and 20](#)

Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, [regulations 30\(4\), 31, 32 and 33](#)

### Housing Benefit

Housing Benefit Decision Makers Guide, paragraphs [3101-3126](#) and [3180-3181](#) and [5120-5167](#)

Housing Benefit (Decisions and Appeals) Regulations (Northern Ireland) 2001, [regulations 2, 4, 5, 18, 19 and 20](#)

### Other Benefits

Decision Makers Guide, paragraphs [3012-3016](#), [3024-3030](#), [3060-3079](#), [3162-3166](#) and [6060-6094](#)

Social Security and Child Support (Decisions and Appeals) Regulations (Northern Ireland) 1999, regulations 3, 3ZA and 4 and [regulations 30\(4\), 31, 32 and 33](#)

**NB:** The information above relates solely to the process of disputing a decision on a claim for benefit, and does not include reference to procedures and time limits on either claims or the notification of changes of circumstances. This is because we would strongly advise claimants to make use of digital and telephony channels for communication with the Department on these matters, and therefore they are less likely to be impacted by postal strikes.

## Medical Assessments

Most people making a claim for disability benefits, such as Personal Independence Payment (PIP), or means-tested benefits on the grounds of limited capability for work, such as Employment & Support Allowance (ESA) or Universal Credit (UC), will be subject to a medical assessment. Generally, that assessment will include the completion of a medical questionnaire, provision of relevant medical evidence and attending a medical examination. At each stage, communication from the Department to the claimant, and vice versa, may be delayed. As such, the Department must give due consideration to any role played by postal strikes.

## Attendance Allowance & Disability Living Allowance

Decision Makers Guide, [paragraph 61030](#)  
Social Security (Northern Ireland) Order 1998, [article 19\(3\)](#)

## Employment and Support Allowance

*New-Style*

Advice for Decision Making Guide, [paragraphs U2471, U2491, U2496 and U2534-U2538](#)

Employment and Support Allowance Regulations (Northern Ireland) 2016, [regulations 18\(1\) and 19\(2\)](#)

*Old-Style*

Decision Makers Guide, [paragraphs 42471, 42491, 42496 and 42534-42538](#)  
Employment and Support Allowance Regulations (Northern Ireland) 2008, [regulations 22\(1\) and 23\(2\)](#)

## Personal Independence Payment

Advice for Decision Making Guide, paragraphs [P2058](#) and [P6114-P6115](#)  
Personal Independence Payment Regulations (Northern Ireland) 2016, [regulations 8\(3\) and 9\(2\)](#)

## Universal Credit

Advice for Decision Making Guide, [paragraphs G1100, G1116, G1121 and G1132-G1136](#)  
Universal Credit Regulations (Northern Ireland) 2016, [regulations 44\(3\) and 45\(2\)](#)

## Work-Focused Interviews

All of the benefits paid to claimants who are out of work, whether as a result of unemployment, incapacity, or caring responsibilities, can require the person receiving the benefit to attend interviews at their local Jobs & Benefits office for the purposes of monitoring their compliance with the work-related conditions of entitlement that apply. Claimants will often be notified of the need to attend these interviews by post, although it should be emphasised that this is not the only way in which the Department will inform claimants. Failure to attend a notified work-focused interview is deemed a 'santionable offence' under legislation, and as such can lead to loss of benefit. However, claimants must be given the opportunity to present good reason/good cause for their failure to attend.

## Employment and Support Allowance

*New-Style*

Advice for Decision Making Guide, [paragraphs U2471, U2491, U2496 and U2534-U2538](#)

Employment and Support Allowance Regulations (Northern Ireland) 2016, [regulations 18\(1\) and 19\(2\)](#)

*Old-Style*

Decision Makers Guide, [paragraphs 42471, 42491, 42496 and 42534-42538](#)

Employment and Support Allowance Regulations (Northern Ireland) 2008, [regulations 22\(1\) and 23\(2\)](#)

## Income Support

[Income Support \(Work-Related Activity\) and Miscellaneous Amendments Regulations \(Northern Ireland\) 2017](#)

## Jobseeker's Allowance

*New-Style*

Advice for Decision Making Guide, paragraphs [S7009-S7010 and S7061-S7062](#)  
Jobseekers (Northern Ireland) Order 1995, [articles 8B, 8G, 10 and 21A](#)

*Old-Style*

Decision Makers Guide, [paragraphs 34033-34037, 34200-34227 and 34831-34843](#)  
Jobseekers (Northern Ireland) Order 1995, [articles 8B, 8G, 10 and 21A](#)

## Universal Credit

Advice for Decision Making Guide, paragraphs [J3030-J3034, K2001-K2041 and K2351-K2372](#) and [K5321-K5365](#)

Welfare Reform (Northern Ireland) Order 2015, [articles 20, 30 and 32](#)

Universal Credit Regulations (Northern Ireland) 2016, [regulations 91, 101 and 102](#)



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