

## **Complaints, Delays and Compensation Regarding Benefit Decisions**

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### **Complaints**

To Jobcentre Plus, Pension Service or other DWP office:

For complaints about the service received from Jobcentre Plus or other DWP office, e.g. delays, treated unfairly or impolitely:

#### **Jobcentre Plus**

Contact the office manager or the manager of the relevant benefit section or see the leaflet "Tell us what you think" available from [Jobcentre Plus website](#).

#### **Pension Service**

Contact the local Pension Service or see the leaflet GL22 "Tell us how to improve our service" or [Pension Service website](#).

#### **Disability and Carers Service**

Contact the Customer Service Manager at the Disability Living Allowance office or Carers Allowance Unit or see the leaflet ["Tell us your comments or complaint"](#) (pdf document, 1.6 MB) available from Disability Living Allowance/Carers Allowance offices or the [DWP website](#).

The Pension Service and Disability and Carers Service combined from April 2008 to form the Pension, Disability and Carers Service. Contact and other details remain the same.

Independent complaints about all of the above:

The Independent Case Examiner will consider complaints about the DWP.

There are some limits, so see the website.

Tel: 0845 6060777

Minicom: 0151 808888

[Independent Case Examiner website](#)

#### **Revenue and Customs**

For similar problems with the Revenue and Customs Tax Credit Office or National Insurance Contributions Office, get the factsheet ["Complaints and Putting Things Right"](#) and leaflet AO1- ["How to complain about Revenue and Customs"](#). Send a letter to either of the above offices clearly stating the complaint. If unsuccessful, write to the [Independent Adjudicator](#) whose details are in leaflet AO1. Payments may be made to compensate for worry and distress due to Revenue and Customs mistakes.

Child Support Agency  
Get their leaflet CSA 2022. For maladministration contact:

### **Independent Case Examiner**

Tel: 0845 6060777

Minicom: 0151 808888

[Independent Case Examiner website](#)

### **Local Authority**

Local authorities have a complaints procedure. They will usually have a leaflet and many have an online complaints form. If this does not resolve the issue contact a local councillor, MP or (for maladministration) via an MP.

### **Alternatives to Court**

There are ways to challenge a decision other than through the courts. Such as arbitration, mediation, conciliation and the Ombudsman. The [Alternative Disputes Resolution website](#) describes these.

### **Lost benefit and emergency payments**

If a benefit cheque or card is lost or stolen before being cashed, the DWP/Jobcentre Plus must issue a replacement. They can be taken to the County Court if they refuse. A lost payment must be reported to the DWP as soon as possible. If it has been cashed it should be reported to the police, noting the investigating officer's name and number.

A local authority has no legal obligation to replace a lost or missing payment as it is seen as an administrative matter. However, if they refuse to replace a payment that has never arrived they can be sued in the County Court. Seek advice.

Emergency Tax Credit payments can be arranged at local Tax Offices if there are payment delays.

### **Compensation Payments**

As well as the normal system of backdating, disputing decisions and appealing, there are other ways of recovering benefits a person was entitled to but did not get. There are several ways to obtain compensation payments from the DWP for their errors and delays. Seek advice.

### **DWP benefits**

The DWP use a [Guide to Financial Redress for Maladministration](#) when deciding if and how much compensation should be paid. This explains that the DWP may make a payment of compensation if:

- due to a DWP error, a person's benefit payment was delayed and
- the amount they are owed is at least £100 and
- any compensation would be £10 or more and

- the benefit was delayed more than the following periods:

Attendance Allowance -	7 months
Attendance Allowance and Terminally Ill -	2 months
Bereavement Benefits -	4 months
Bereavement Payments -	2 months
Carers Allowance -	9 months
Child Benefit -	4 months
Disability Living Allowance -	7 months
Disability Living Allowance and Terminally Ill -	2 months
Incapacity Benefit -	4 months
Income Support -	2 months
Industrial Injuries Disablement Benefit -	12 months
Jobseekers Allowance -	3 months
Maternity Allowance -	5 months
Retirement Pension -	8 months
Severe Disablement Allowance -	9 months
Social Fund (Grant & Loan and Maternity) -	3 months
Social Fund (Funeral) -	5 months

NOTE: This is not the same as the DWP's targets for dealing with a claim for benefit. Information about targets is on display in their offices and is published in their Customer Charter (available from local DWP and Jobcentre Plus offices).

The guide also explains that they may make a special payment if a person has suffered financial loss because they made an error in dealing with the case or because they gave the person wrong information. Any payment a person gets should be at least the amount of lost benefit.

If a claimant has lost benefit for over 52 weeks and it is due to an official error, an extra amount of compensation can be paid on top of the benefit arrears to cover lost interest.

The claimant may have received a benefit for the first time and realised that s/he should have been getting it for months or even years. The rules allow the DWP to accept something in writing as a claim for a benefit so long as it is "sufficient in the circumstances".

For example, Betty has just claimed and started getting Attendance Allowance for her care needs. She has had the care needs for many years. She remembers that two years ago, she had explained her care needs in a letter to the Income Support Section. She should press the DWP to accept that written information as a claim for Attendance Allowance.

### **Tax Credits**

The factsheet "Complaints and Putting Things Right" from [Revenue and Customs](#) gives details about compensation that can be paid if a claimant has

suffered from worry or distress in a Tax Credit claim. It tells the complainant to get further information from the person dealing with the complaint.

### **Ombudsman**

Complaints about delays, errors and lost benefit (i.e. maladministration) can also be referred to the Ombudsman. This should be done only if all the other remedies (such as reviewing, appealing, complaining, claiming compensation) have not proved successful or are not available.

There is the [Parliamentary Ombudsman](#) for the DWP and Tax Credit complaints and the [Local Government Ombudsman](#) for complaints including Housing Benefit.