Part 18 - Handoffs/Agreements/Disagreements/Arbitration

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Hand offs

Internal PM hand offs

18000 The following paragraphs explain the timing and the logistics of the handoff between the MRO conducting the visit and the MRO who is responsible for the final categorisation of the case.

Note: where the review is a HB review or a SOR common sample review there will be no handoff as the same officer conducts both the review and categorisation.

Review cases

18001 Review cases are handed off at the following points of the review process:

- on completion of the technical preview, review and recommended categorisation; or
- at the end of the four week MRO visiting period where evidence is outstanding from the claimant or ECO/PCP.

Logistics

18002 The nature of the hand off is dependant on the location of the technical benefit checking MRO at the time. The hand off is:

- principally via FREDA where the evidence check is completed before the hand off from the visiting MRO to the technical benefit checking MRO. If the evidence check fails, the case is handed back via FREDA as many times as required until the evidence check is cleared

18003 The hand off of paperwork is:

- via courier post where the technical benefit checking MRO is commencing their action remotely
- face to face where the visiting MRO and the technical benefit checking MRO are at the same location

Note: the ECO/PCP must be informed when the cases are to be couriered to a different location

18004 Following the hand off the MRO conducting the official error check assumes responsibility for updating FREDA.
Hand off between MRO and ECO/PCP

18005 The MRO performing the official error check is responsible for providing the ECO/PCP/LA with:

- Details of any errors at the earliest opportunity, allowing the ECO/PCP/LA to agree or disagree the error
- Details of all incomplete cases and what evidence is required for completion of the check

Note: Please refer to Part 17 of this guide for what action to take where claimant fraud or causal link is involved when notifying the ECO.

18006 Once the MRO completes the check, the MRO is responsible for returning:

- JSA/ESA/SPC documentation to the ECO/PCP for any cases not selected for DQA check
- SPC documentation to the PCP for SPC error cases selected for DQA check. The PCP will correct the case and forward the documentation to the DQA team.

The ECO/PCP will e-mail confirmation of receipt of the documentation to the MRO at the earliest opportunity.

Hand off between MRO and the DQA team

18007 The MRO hands off any JSA/ESA and SPC correct cases selected for a DQA check to the DQA team.

18008 Following the DQA check, once a final decision has been reached, the DQA team will notify the delivery business, via a specified contact, of the following DQA check outcomes:

- Where a new error has been identified;
- Where the original error value and/or error type has been amended;
- Where an original error was identified, but DQA now consider no error exists (for business purposes only).

18009 If the delivery business disputes the outcome (first or second bullet points above) they will have five working days from the notification to submit their reasons to the DQA manager.
18010 The DQA Team Manager will consider the business submission, arranging for the amendment of the DQA outcome if agreed. However, where the DQA Team Manager supports the DQA outcome, the submission will be referred to AGA for an arbitration decision.

18011 AGA will then provide a final arbitration decision within the agreed timescales, notifying the delivery business, the DQA team and the MRO of the outcome, with the DQA team making any necessary amendments to FREDA.

18012 If the business disagrees with AGA’s decision, the case can be submitted for consideration under the disputed arbitration process whereby a panel will make a final decision on the case and feed back to all necessary parties. Any amendments will be made to FREDA as required.

*Note: for full details of this check see the [Data Quality guide](#)*

**Hand off between MRO and BST**

18013 For any cases not selected for DQA check, the MRO is responsible for sending the PM documentation to the BST. The BST will arrange for the PM docs to be sent to FARIO for storage.

**Hand off between DQA team and ECO/PCP and BST**

18014 HB cases, all CS PM documents and JSA/ESA documents should be returned to the BST using the appropriate return sheet. The BST will arrange for the JSA/ESA documents to be sent to the ECO.

18015 SPC documents should be returned directly to the PCP.

18016 The ECO will e-mail confirmation of receipt of the JSA/ESA documents to BST at the earliest opportunity. The PCP will e-mail confirmation of receipt of the SPC documents to the DQA checker at the earliest opportunity.

18017 As case papers are sent by secure courier it is possible to track papers to ensure that PM can identify where any loss occurs. Where this is identified normal security procedures must be undertaken.

**Agreement /Disagreement Procedure – ESA/JSA/SPC/SP Only**
18018 The MRO will raise any errors found with details of the type of error and the error value, in respect of each case. The error details should be sent to the ECO/PCP as soon as it is possible after it is raised and copy this information onto FREDA.

18019 PM staff must include the FES SPoC into the ECO approval notice email for cases that have Claimant Fraud or Causal Link outcome claimant fraud cases to prompt them to look at the case and give an opinion to the ECO and prevent any delays and ensure that the 10 day approval period is met.

18020 The key input on these for Claimant Fraud or Causal Link outcome cases comes from the FES contact; but the ECO retains sole responsibility for clearance to PM.

18021 Currently this is an arrangement for working age benefits only

18022 Procedural errors are the only error type that should not be forwarded to ECOS/PCPs. All other types including any other period claimant errors/frauds are subject to the same scrutiny.

18023 For JSA/SPC review cases and ESA/SP official error checks the ECO/PCP is notified by the MRO who performs the official error check in the form of an e-mail that an error has been recorded on FREDA for them to action.

18024 The ECO/PCP will arrange for error(s) raised to be considered and complete the ECO/PCP approval screen on FREDA to show whether they agree with the error comment. In doing so, the ECO/PCP should ensure that they agree with both the error classification, error code and the error value.

18025 If the ECO/PCP disagrees with the payment error, error code or error value, the reasons for the disagreement should be entered against the particular error raised and the details returned to the MRO.

18026 The ECO/PCP must respond to the error comments raised, showing that they agree or disagree with the error, no later than:

• 10 working days following confirmation that the ECO/PCP has received the case papers to assist with considering the error raised, or
• 10 working days following confirmation that the ECO/PCP has received the error comment where no case papers have been made available or the error relates solely to information recorded on LMS e.g. WFI errors

**Error treated as agreed**
18027 Where there is no reply to the error comment, within the appropriate timescale, the MRO will treat the error as having been agreed, unless the ECO/PCP has contacted the MRO with specific reasons why the timescale cannot be met.

18028 A delay in responding to an error comment(s) is not acceptable where the sole reason is that the error comment(s) have not been looked at.

18029 Where there is no reason for delay in responding to the error comment(s) as agreed or disagreed, the MRO’s decision already recorded on FREDA will remain unchanged.

18031 – 18039

Error disagreed

18040 Where the ECO/PCP (and FES SPoC if it is fraud or fraud with causal link) disagrees with an error raised, they must clearly show their reasons for the disagreement against each error comment raised.

18041 The MRO will reconsider the error comment in the light of the reasons for disagreement given by the ECO/PCP. If the MRO agrees with the comments raised by the ECO/PCP, they will revise the error comment ensuring that the database also reflects these changes.

18042 If agreement cannot be reached between the MRO and the ECO/PCP, the next course of action will depend on the reason for continued disagreement.

18043 If the disagreement relates to PM checking methodology which is clearly covered in the PMG, the ECO/PCP should contact their OPPC Group Fraud & Error Lead/NPPT contact, who should contact the PM Advice, Guidance and Arbitration Team (AGA) if the disagreement remains.

*Note: Where the disagreement remains the OPPC Group Fraud & Error Lead/NPPT contact must make representation to PM AGA within the agreed 10 working day deadline.*

18044 If the disagreement relates to any other aspect, the MRO will submit the case to AGA for arbitration.

18045 If the office indicate disagreement of the error, but give no reason for the disagreement and the MRO has taken all possible steps to establish the reason, the MRO will treat the error comment as agreed.
NPV Calculations

18046 On cases where an NPV calculation is appropriate you must give the relevant OED contact the opportunity to agree or dispute the calculation.

18047 Once you have completed the NPV Calculation screens on FREDA you need to navigate to the NPV Calculation Approval screen and record the Date sent to the ECO/PCP. As at this point you must email the relevant OED contact, who will act as the ECO/PCP for all NPV cases, providing the relevant FREDA Case number, requesting them to access the NPV Screens on FREDA and to agree or challenge the calculation. This will be a clerical (offline) process.

18048 When the OED contact has reviewed the calculation and agreement reached, you must complete the relevant fields of the NPV Calculation Approval screen. There is validation in place to ensure that the case cannot be completed unless entries have been made in these fields.

18049 If a response has not been received by the Target Date then the ‘Has the NPV Approval Been Confirmed’ field should be completed with the “Target Date Reached – Approval Not Received” option. This will ensure the MRO can End the Review on the case without having to complete the remainder of the fields.

18050 Cases with errors must be treated as priority and there must be no delay with passing them back for action by the ECO/PCP.

18051 - 18059

Deemed error disagreed (ESA/JSA/SPC/SP only)

18060 Where PM have raised a deemed error, the ECO/PCP may only dispute this error where:

- They disagree with the reason the MRO left the case incomplete,
- They disagree with the MRO decision that the requested documentation has not been produced
- They disagree with the MRO decision that the required information is not within the papers provided to the MRO

18061 Where the office disagrees with a deemed error recorded by PM because the evidence requested by the MRO was not provided by the deadline, the ECO/PCP must consult their OPPC Fraud & Error Lead (JCP)/NPPT(PDCS).
Agreement /Disagreement Procedure - HB/LHA Only

LA Decision Proforma – LA Action

18070 When the DM receives the Decision Proforma from the MRO, they will reassess the case where the benefit assessment should change, using the information provided by the MRO. The LA DM should complete the Decision Proforma for each case and:

• Update LA computer system with the relevant change(s)
• State if they agree/disagree the changes
• State reasons for disagreement (where appropriate)

18071 All HBR change cases should be reassessed and the Decision Proforma fully completed and returned to the MRO within 10 working days of receipt of Decision Proforma.

18072 For cases where HB is found to be correct, instead of completing the HB Decision Pro-forma you must complete Appendix 11d LA Decision Proforma Correct Cases and attach to each Statement of Circumstances that you return to the LA.

MRO Action when LA Decision Proforma received

18073 When the completed Decision Proforma is received, the MRO will check the form and discuss with the DM any areas where they do not agree with the changes identified. A decision needs to be agreed and the final outcome will be recorded on FREDA.

18074 Where the LA do not agree with the changes identified on the case, but are unable to provide reasons for this the MRO will record their own assessment of the case on FREDA.

MRO Action when LA Decision Proforma Not Received

18075 The LA DM should provide the MRO with the DP within 5 working days of receipt. However, if the MRO has not received the DP within the timescales agreed, they will need to contact their nominated contact point to establish the reasons why.
18076 If the MRO does not receive the DP within a further 5 working days of this contact, FREDA should be noted and details of the problems experienced recorded on the “HBR LA Questionnaire” for MROs.

18077 MROs should then use the DP, without confirmation from the LA, to categorise the case.

Disagreement with PM decision to leave a case as incomplete

18080 Where the MRO decides to leave a check as incomplete for further evidence to be obtained, they will raise a request, giving the specific reason why the case has been left incomplete. The request will indicate whether or not the outstanding issue concerns a potential payment error.

18081 As such cases may lead to deemed errors if the evidence is not provided within prescribed deadlines, an ECO/PCP may wish to dispute the fact that the case has been left outstanding in respect of a potential payment error.

Note: before taking this action, see Part 16 of this guide, which provides details of those cases that although left as incomplete by the MRO will not lead to deemed errors.

18082 Where the office wishes to dispute the decision to leave the case as incomplete, they must do so in writing to the MRO. If the MRO agrees with the comments raised by the ECO/PCP, they will revise the details ensuring that the database also reflects these changes.

18083 If the MRO confirms the decision to leave the case as incomplete, they will submit the case for arbitration.

Arbitration Process

18090 The AGA Team provides an arbitration service where an ECO/PCP disagrees with:

• An error comment after the correct PM checking procedures for recording errors have been followed, or
• The value of an error raised, or
• In certain circumstances, where the office disagrees with a deemed error comment or a decision to leave a check incomplete.
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18091 As ECOs/PCPs are not required to respond to procedural error comments, there is no arbitration service for these errors.

18092 Before submitting a case for arbitration, the following must be confirmed:

   • The PM team manager (or their representative) explained to the ECO/PCP, at the start of the PM visit, the arrangements for agreement/disagreement with a payment error raised by the MRO.
   • Any technical guidance, Social Security Legislation and PMG reference to support the comment. The type of error and value of the error should also be shown.
   • The PMG contains details of the process and checking methodology employed by PM, and details what constitutes an error.

18093 Where the issue under dispute is not a methodology issue which is clearly covered in the PMG, the MRO will raise a submission for arbitration. The ECO/PCP must provide details of why they disagree with the error comment including, any references to technical guidance. Where the ECO/PCP have nothing to add to the comments they made to disagree the error originally, they must note the error comment with 'no comment', and insert their details as applicable.

18094 For cases recorded on FREDA, ECO/PCP details will be inserted automatically along with the current date.

18095 Where the referral is not on the generic form D3 and is made on FREDA, full details of the case and dispute must be set out in a format that splits the issue between the PM contention and the office reason for dispute. In all referrals all appropriate technical guidance, Social Security Legislation and PMG references must be quoted to substantiate the reason for the recording of an error.

   Note: Where an arbitration referral does not comply with these instructions it will be returned to MRO for this action to be undertaken.

18096 Where the dispute surrounds the interpretation of legislation, the appropriate legislation must be quoted, together with the relevant paragraphs extracted from the Decision Maker’s Guide (DMG) or the specific regulations.

18097 The MRO will refer the case to AGA for arbitration within 7 days of dispute being received.

18098 For cases on FREDA the full details of the errors and arbitration request will be available immediately for action by AGA following submission. However it must be clear that both the ECO/PCP and MRO have had chance
to comment and identity details must be clear before sending the case to AGA.

18099 Where it is clear that both parties have not had the chance to provide comments the case will be returned to the MRO for this action to be undertaken.

18100 AGA will action arbitration requests as soon as possible after they are received, and will notify the outcome as soon as possible.

18101 Depending on the complexity of the issue for disagreement, AGA may consult other organisations such as Legal Group.

18102 For all cases the decision will be e-mailed to the MRO and the Team Manager at the same time. The MRO is responsible for forwarding a copy of the decision to the ECO/PCP and subsequently informing their team manager and the ECO/PCP that any required amendments on FREDA as a result of the arbitration decision have been made.

18103 Where AGA decide that:

- An error has not occurred or the category or value of error requires amendment, PM will withdraw the original error comment, and the MRO will amend FREDA and any other information in line with the arbitration decision.
- An error has occurred and has been correctly categorised, the MRO’s decision recorded on FREDA will remain unchanged.
- They agree with the decision to leave a case outstanding, the ECO/PCP will have the remainder of the period up to the end of the 10 weeks to obtain the requested information (i.e. the deadline will not be extended).

18104 Arbitration decisions will be kept in line with current retention periods. They will be stored electronically by AGA.

18105 A case, which has been referred for arbitration, will be classed as incomplete with PM until the arbitration is cleared.

18106 - 18119

**New information that affects an arbitration decision**

18120 Where further information becomes available that could affect the arbitration decision, the ECO/PCP is required to forward this information to AGA within 10 working days of receipt of the arbitration decision.
Where the arbitration decision has been made, and further information becomes available, the ECO/PCP can request that AGA reconsider the decision in light of this new information. AGA will respond as soon as possible to the MRO and Team Manager.

The outcome of the reconsideration will be considered and actioned in the same way as any other arbitration decision.

Fraud & Error Measurement Arbitration Panel

In the event of the office being dissatisfied with the outcome of the arbitration process the case must referred by ECO/PCP via the business lead to an Arbitration Panel with representatives from PM, JCP, PDCS, FESD and FEMA, with FESD acting as the final arbiter where the panel is unable to provide a consensus of opinion.

10 working days are allowed following receipt of the arbitration decision, for a referral to the panel to be made. Full details of the continuing disagreement must be provided.

FREDA will allow a case to remain “open” for at least 10 working days for a decision. This will avoid the need to reset the case where the decision has been revised.

FREDA text boxes with drop-down options on the “ECO PCP Approval” screen following the AGA arbitration ask:

- Did F&E Measurement Arbitration Panel have to arbitrate on the case?
  - (Options: Yes/No/Not Known)

- Were any changes made to the categorisation following the decision by F&E Measurement Arbitration Panel?
  - (Options: Yes/No)

  These must be completed where appropriate.

The MRO will inform their team manager that any required amendments on FREDA as a result of Arbitration Panel’s decision have been made.