

Delivering a Great Customer Service

Quality Focus July 2021 - Lapsing Appeals (including in-part) and Telephone Calls

Background

The purpose of lapsing an appeal is to get the right result for our customers, resolving their dispute and so preventing unnecessary appeals going ahead. It should not be used in order to prevent an appeal being heard.

We recognise that making the call to discuss a potential lapse can be challenging. We want to support our appeal writers to improve the services provided to our customers and the tribunal service. This document is a guide to aid you in making these calls.

Hints and Tips

- We must ensure that our customers feel they are being listened to and have all the information they need.
- If the customer has a current formal representative who has assisted with the appeal you must *first try to contact them*.
- We need to ensure that customers are given enough time to consider the proposed decision, ensuring that the decision is right for them and that they have time to arrange appropriate support and advice if required. They must not feel pressured into making a decision.
- It is **essential** that you tell the customer *before* you explain the new decision that they will have the right of appeal against this new decision. They need to factor this into their consideration of this decision. (If they aren't aware of this then they may think that this is a one off 'offer' with no further chance to dispute the decision.)
- You must also tell them that if they accept the decision and then decide to appeal, the new appeal joins the queue and will not be expedited.
- **Note:** *At any point in the discussion, the customer may state that they will accept the lapse and will appeal for the higher amount. That is ok. You must not stop lapsing because you know there will be another appeal.*

Here are some things to consider when making a call to our customer:

1) Think about your audience

- If the customer has a current formal representative who has assisted with the appeal you must *first try to contact them*. Only if that is proving difficult should you contact the customer. You should briefly explain the reason for the call, and ask them to get the representative to call you. Advise the customer we won't take any further action until the representative makes contact. Do not give a time limit, but request that this is done without delay.

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- If the customer has an informal representative, that is, someone who is not known to be helping with the appeal but has recently contacted the department in relation to the claim, you should always still contact the customer first. However, after explaining the reason for the call and any appropriate discussion, ask if they want to discuss the revision with anyone else e.g. the known informal rep? If yes, give them time to do this and await further contact. Explain that you would be happy to discuss the matter with their representative, provided the customer is present when the call is made.

The customer's personal circumstances:

- Does the customer take any medication or have a condition where the time of day of the call may be a factor?
- If the customer has any communication difficulties, learning needs, autism etc. consider asking the customer for permission to contact a parent/relative /guardian/friend to get a greater understanding of the impact of their health condition.
- Do they need an interpreter?

2) Planning Ahead

A crucial element of the call is being able to explain to the customer and or representative why you cannot lapse in full. This may lead to a conversation about increasing the award/ revising in full.

- What questions do you need to ask them?
- What information do you need to ensure you give to the customer?
- What facts may need to be established to determine the relevant issues that they may still dispute given what you are going to propose?
- What evidence is available which goes towards deciding those facts?
- Is other evidence necessary to decide the material facts?
- If the customer is on the health journey, ensure you have a copy of any assessment reports, questionnaires and evidence so you are prepared to answer any queries.

3) Explanation of the following points (where applicable) will help structure the conversation:

- Introduce yourself and inform the customer of the reason or reasons for the call to help put them at ease – *remind yourself of the "Hints and tips"*
- What key evidence led you to make the decision you are calling about.
- Where that evidence came from. Reference the source.
- How you have clarified & addressed any inconsistencies.
- Why you have preferred a piece of evidence over another.
- Why you have disregarded a piece of evidence.

- 4) Use clear language, avoid jargon and abbreviations or acronyms. Remember to listen.

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- 5) For those customers on the health journey talk to the customer about any evidence that has **not** formed part of the HCP report or decision and listen carefully to their explanation.
- 6) Offer to recap any points or be prepared to reword your explanation if it seems the customer is unsure or may not understand.
- 7) Arrange to call the customer at a mutually agreed time/day for a follow up if required – always check if the customer prefers to call us.
- 8) Ensure the customer understands that they do not need to accept the revision. But if they do accept *that they have the right of appeal against the new decision*. They can simply let the appeal continue. Also explain that if they do not accept that we will let the tribunal know that we think that a higher award can be made. But also explain that the tribunal will be looking at the case again and will make their own decision.
- 9) Let the customer know that if they say no today, they can contact DWP at any time before the appeal is heard if they change their mind.
- 10) Before ending the call, summarise the outcome. Make sure that the customer fully understands what has been agreed and the next steps.
- 11) Record the details of the call on the designated system, including a summary of the call made, how a representative (formal or informal) was appraised, if the call was deferred in order for the customer to seek support, any agreed time to decide and confirmation that appeal rights were clearly stated and understood.

Informal representatives

- 12) Where there is an informal representative and the customer has taken time to discuss the revision with them –
 - it is acceptable to lapse the appeal if the customer calls back and says they have discussed it and wish to agree the lapse.
 - it is acceptable to lapse where the customer calls back and tells us that although they have not discussed it with the rep they agree to the lapse, and you have no concerns about their decision.

Do

- ✓ Always involve any representatives.
- ✓ Always explain at the start of the discussion that the new decision can be appealed.
- ✓ Listen carefully to any further verbal evidence that the customer gives you.
- ✓ Listen to the customer: trusting their account should be our default position unless the weight of the evidence suggests otherwise.
- ✓ Remember verbal evidence can be acceptable evidence.
- ✓ Discuss the case with your Team Leader if you have any concerns.

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Don't

- Don't allow the customer to believe they are obligated to accept the lapse if it is not entirely resolving their dispute, they should not feel pressured to accept under any circumstances.
- Don't lapse an appeal where there is a formal representative and you haven't discussed the lapse decision with them. Even if the customer is happy, their representative must agree.

Impact on DRS colleagues as a result of this update

Operational instructions will be updated to include this memo, no training is required as these are tips and best practice.