



## TRIBUNALS JUDICIARY

### **SOCIAL ENTITLEMENT CHAMBER (FIRST-TIER TRIBUNAL)**

- **Social Security and Child Support**
- **Criminal Injuries Compensation**
- **Asylum Support**

#### **Help for Users**

The purpose of this guidance is to inform users of how we are handling appeals in the Social Entitlement Chamber during the Coronavirus Pandemic. This guidance represents our practice as currently being implemented and if there are any significant changes we will publish an update as soon as we can.

The information below describes our practice in the three jurisdictions in the Social Entitlement Chamber. Its success depends upon the cooperation of all parties and we would remind users of the requirement in the Social Entitlement Chamber rules to assist the Tribunal in discharging the overriding objective to decide cases fairly and justly. The text of the overriding objective is included at the end of this document.

We are not holding any face to face hearings at present. Work is being done to check what is required to ensure the safety of all tribunal users and when this work had been completed some face to face hearings may resume but the ability to conduct face to face hearings will remain limited to ensure that social distancing is maintained.

#### **SOCIAL SECURITY AND CHILD SUPPORT**

##### **Making an appeal:**

Appeals can still be made by post or online in the usual way.

##### **Appeal hearings:**

1. The Tribunal are continuing to hear appeals. Some appeals are decided on the papers. Sometimes a judge may rule that your appeal will be decided on the papers, even though you have asked for an oral hearing. This will be in special circumstances – for example if it is urgent and it is not possible to arrange a hearing.
2. The Tribunal is not running face to face hearings at present. If an oral hearing is directed, it will probably take place via a telephone hearing. You will receive detailed instructions before the hearing and the telephone call will be free. You will need to let us have a telephone number on which you can be contacted.
3. Representatives can also participate in a telephone hearing as can a representative of the first-tier agency.
4. Interpreters will be provided for telephone hearings where requested. Please make sure that you give us language and dialect details on your notice of appeal form.

### **The appeal decision:**

1. No appeal is being delayed until after the end of the pandemic. The Tribunal will make every effort to list appeals as soon as possible. Currently it is not possible to list the number of appeals that are usually listed in this jurisdiction but volumes are increasing and will continue to increase.
2. Some appeals are determined more quickly because we know that the decision under appeal leaves the appellant with no financial support because they have no benefit in payment. This may have arisen from Universal Credit and Jobseeker Allowance sanctions and failure to attend a medical assessment when benefit is stopped for a period and can have immediate knock-on effects in relation to Housing Benefit leading to repossession of the home. In the current situation, although much less frequent, there are also urgent appeals against refusal to fund funeral costs.
3. Such cases may be decided by an authorised judge sitting alone who will consider the papers and either a) where it is appropriate, make a decision or b) direct a remote telephone hearing.
4. Other urgent matters relate to Personal Independence Payment, Disability Living Allowance for children and Attendance Allowance. Particular urgency arises when appellants, who may already have severe illness, including severe mental illness, realise that their appeal may not be listed promptly because of the restrictions in face to face hearings that are not remote. Appellants can request an urgent hearing giving reasons and the application will be considered on the papers by an authorised judge sitting alone. It may be possible for that judge to make an immediate decision or to direct a remote telephone hearing and/ or make further directions. So that appeals may be considered without delay those appeals which were previously heard by a three-person panel may temporarily be decided remotely by a judge sitting alone in accordance with the SPT's [Practice Direction](#). All appeals which necessitate a hearing before a panel, sitting remotely, will be listed before the panel that is directed by the judge sitting alone.

## **CRIMINAL INJURIES COMPENSATION**

### **Making an appeal:**

Appeals can still be made by post or by email. There is an email and telephone helpline on the Criminal Injuries Compensation Tribunal; Gov.uk website.

### **Appeal hearings:**

1. After a short period of disruption, the Tribunal is continuing to hear appeals. However, during this stage of the Covid 19 pandemic it is not possible to hold face to face hearings.
2. Some decisions are being made based upon the documentary evidence, even if the Appellant or the Criminal Injuries Compensation Authority (CICA) has asked for an oral hearing. This has always been possible under the Tribunal Rules. If either party objects to the decision they are entitled to ask for an oral hearing. The application for an oral hearing will be looked at by a Tribunal Judge.

3. Oral hearings are taking place by telephone. The Tribunal will contact both the Appellant and CICA and both will have the opportunity of taking part in the hearing. If the Appellant has a representative, they will also be contacted and will take part in the hearing.
4. In future oral hearings may take place by video link but it is difficult to say at this stage of the pandemic when oral face to face hearings will start again.

### **The appeal decision.**

1. Even though the Tribunal cannot hold oral face to face hearings no appeals are being delayed or put off until after the pandemic. The Tribunal will continue to make decisions based upon the documentary evidence or by remote oral or video hearings.
2. The Tribunal will also continue to review appeals and make orders to ensure that the parties take steps to make their case ready for a final hearing.

### **ASYLUM SUPPORT**

This guide briefly explains the changes that the First Tier-Tribunal, Asylum Support (FTT-AS) has made to ensure that we continue to decide appeals fairly and efficiently during the pandemic, whilst also maintaining the safety of our users, staff and judiciary. If you would like to read more about the law, practice and procedure that has enabled us to make these changes, the detailed documents are on our website.

#### **Making an appeal:**

Appeals can still be made by post or by email – see the section on our website which deals with how to appeal. However, we strongly recommend the use of email for submitting an appeal and communicating with the Tribunal during the pandemic. You can contact us on [asylumsupporttribunals@justice.gov.uk](mailto:asylumsupporttribunals@justice.gov.uk)

#### **Appeal hearings:**

The Tribunal will decide all appeals on the papers, unless a judge rules that oral evidence is necessary. You have the right to object to this and to ask for an oral hearing. Sometimes a judge may rule that your appeal will be decided on the papers, even though you have asked for an oral hearing. This will be in special circumstances – for example if it is urgent and it is not possible to arrange a hearing.

The Tribunal is not running face to face hearings during the pandemic. If an oral hearing is ordered, it will probably take place via a telephone hearing. You will receive detailed instructions before the hearing and the telephone call will be free. You will need to give us a working telephone number on your notice of appeal form.

Interpreters will be provided for telephone hearings. Please make sure that you give us language and dialect details on your notice of appeal form.

#### **The appeal decision:**

No appeal is being delayed until after the end of the pandemic. The Tribunal will make every effort to list appeals as soon as possible and in most cases a judge will make a decision on your appeal and send you a judgment within 2 to 3 weeks of the date on which your notice of appeal form was delivered to the Tribunal.

Appeals are determined quickly because we know that they concern important issues of accommodation and financial support. However, because appeals are processed speedily, it is important to provide as many documents as you can with your notice of appeal form and to answer quickly (ideally by email) when the Tribunal sends you instructions about further evidence that you need to send in.

We have extended our deadlines for gathering evidence during the pandemic, but you should contact us if you need to ask for more time. A judge will decide whether to grant such a request, balancing the need for a speedy decision on important issues, such as destitution, against the need for everyone to participate fully in the appeal process.

### **Practice Directions**

[Pilot Practice Direction: Contingency Arrangement in the First-tier Tribunal and the Upper Tribunal](#)

[Pilot Practice Direction: Panel Composition in the First-tier Tribunal and the Upper Tribunal](#)

### **Overriding objective and parties' obligation to co-operate with the Tribunal**

2.—(1) The overriding objective of these Rules is to enable the Tribunal to deal with cases fairly and justly.

(2) Dealing with a case fairly and justly includes—

- (a) dealing with the case in ways which are proportionate to the importance of the case, the complexity of the issues, the anticipated costs and the resources of the parties;
- (b) avoiding unnecessary formality and seeking flexibility in the proceedings;
- (c) ensuring, so far as practicable, that the parties are able to participate fully in the proceedings;
- (d) using any special expertise of the Tribunal effectively; and
- (e) avoiding delay, so far as compatible with proper consideration of the issues.

(3) The Tribunal must seek to give effect to the overriding objective when it—

- (a) exercises any power under these Rules; or
- (b) interprets any rule or practice direction.

(4) Parties must—

- (a) help the Tribunal to further the overriding objective; and
- (b) co-operate with the Tribunal generally.