



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 holding a limited number of face to face hearings at present. In the case of each face to face hearing, steps are being taken by HMCTS to check what is required and they will do their best to ensure the safety of all tribunal users. It is expected that the ability to conduct face to face hearings will remain limited to ensure that social distancing is maintained.

Although this guidance sets out the general approach we are taking during the pandemic, it does not dictate what type of hearing might be appropriate in an individual appeal. Such decisions are made on a case by case basis, considering the specific circumstances of each appeal, and applying the overriding objective.

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. If an oral hearing is directed, it may take place via a telephone hearing or via the Cloud Video Platform or face to face. You will receive detailed instructions before the hearing. You will need to let us have a telephone number or email address on which you can be contacted. You may be contacted to check whether you could engage with the tribunal by video and if your

hearing is to proceed by way of video full details of the necessary arrangements will be given to you by a member of the administrative staff.

3. Representatives can also participate in a telephone, video or face to face hearing as can a representative of the first-tier agency.
4. Interpreters will be provided for all oral 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 may not be possible to list the number of appeals that are usually listed in this jurisdiction but volumes will continue to increase.
2. An Appellant is entitled to make a written application to the Tribunal Judge to facilitate the hearing of their appeals during the Covid pandemic. It may be possible for that judge to make an immediate decision or to direct a remote 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 a judge.

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 <https://www.gov.uk/criminal-injuries-compensation-tribunal>

Appeal hearings:

1. The Tribunal is continuing to hear appeals. Some appeals are decided on the papers, even if the Appellant or the Criminal Injuries Compensation Authority (CICA) have 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.
2. Most appeals are still decided at an oral hearing. Oral hearings will usually take place by telephone. The Tribunal will contact both the Appellant and CICA and both will have the opportunity of taking part in the hearing.
3. Some oral hearings can take place by Video. If a Judge decides that it is necessary, and the Appellant has access to suitable IT they will be contacted by a Tribunal clerk to see if a video hearing is practicable.
4. In exceptional cases a Judge may decide that an oral hearing is held face to face at a tribunal venue.

5. Appellant's representatives, witnesses and CICA will be able to attend at all oral hearings whether conducted by telephone, via a video link or in exceptional circumstances face to face. Interpreters will be arranged by HMCTS where appropriate.

The appeal decision

1. No appeals are being delayed or put off until after the pandemic, but it is not possible to list as many appeals as would normally be heard. All appeals will be progressed and decided as quickly as possible.
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

If you would like to read more about Asylum Support law, practice and procedure that has enabled us to make these changes, please go to our website:

<https://www.gov.uk/courts-tribunals/first-tier-tribunal-asylum-support>

Making an appeal:

1. Appeals can still be made by post or by email – see the section of 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

Appeal hearings:

2. A Tribunal judge will look at each appeal to see if it needs an oral hearing or can be decided on the papers. If the judge rules that your appeal can be decided on the papers and you disagree, you can write to the Tribunal to explain that you object and would prefer an oral hearing. Sometimes a judge may rule that your appeal will be dealt with on the papers, even though you have asked for an oral hearing. This will be in special circumstances – for example if the judge thinks that this is fair, your appeal is urgent and it is not possible to arrange a hearing.
3. If you have oral hearing, it will probably take place on the telephone because of the pandemic. 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.
4. Interpreters will be provided for telephone hearings. Please make sure that you give us language and dialect details on your Notice of Appeal form. In time we hope to arrange other options, such as video or face to face hearings, but only if it is safe and practical to do so.

The appeal decision:

5. 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.
6. We list appeals as quickly as we can, because we know that they concern important issues of accommodation and financial support. 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 documents that you need to send in.
7. 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 your request, balancing the need for speed 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.