



TRIBUNALS
JUDICIARY

Chamber President's Guidance Note No. 5.

MODE OF HEARING IN SOCIAL SECURITY AND CHILD SUPPORT APPEALS

1. This Guidance Note applies to Social Security and Child Support ('SSCS') Appeals, as defined by rule 1(3) of the Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008.
2. Since the start of the pandemic, most SSCS hearings have taken place remotely. This was in accordance with paragraphs 6 and 7 of the Senior President of Tribunals' General Pilot Practice Direction: Contingency Arrangements in the First-Tier Tribunal and the Upper Tribunal as originally issued and as amended. That Practice Direction expired on 18th September 2021.
3. In the light of the lifting of Covid restrictions in England on 19th July 2021, and the relaxation of restrictions in Scotland and Wales, an increasing number of appeals have been listed to take place face-to-face and this trend will continue. However, remote hearings will remain suitable for a significant proportion of cases. Whether to list remotely, and if so whether by video or telephone, or whether to list face-to-face is a judicial decision. This Guidance sets out how decisions as to mode of hearing will be made and other associated matters.
4. The Guidance does not address restrictions necessitated by Covid-19. Any limitations on the ability to hold face-to-face hearings or on the ability of panels to sit at a venue due to social distancing requirements or other Covid related considerations will be addressed locally at the discretion of the Regional Tribunal Judge (RTJ).
5. This Guidance is effective from and including 25th October 2021 and does not apply to appeals which have been listed prior to that date.

Child Support and Industrial Injuries Appeals

6. These appeals should be referred to a judge or Tribunal Caseworker (TCW) for case management directions including as to mode of hearing. The judge/TCW has absolute discretion as to the mode of hearing, subject to the duty to give effect to the overriding objective.

Other appeals which will be referred to a judge for case management directions

7. RTJs may give regional guidance as to other categories of appeal which, or circumstances in which appeals, should be referred to a judge or TCW for case management directions including determination of mode of hearing.

Other appeals

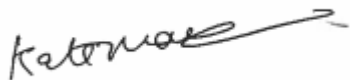
8. The general position in appeals not falling within the above paragraphs is, subject to regional guidance in accordance with paragraph 13 below, as follows.
9. The appeal form asks appellants to indicate all suitable hearing options. If an appellant has ticked only one option, the case should be listed accordingly.
10. If an appellant has ticked more than one option, the case should be listed to be heard by way of the ticked option which is highest in the following priority order: 1. face-to-face, 2. video, 3. telephone.
11. Judicial control over listing is maintained by the power of a judge or TCW on referral by administration, on review by a judge of a TCW decision, on other interlocutory consideration by a judge or TCW, or by the judge at the hearing, to make or change the decision as to mode of hearing.

Location of panels for remote hearings.

12. All hearings must be conducted from a tribunal venue, with panels sitting together, save in exceptional or unavoidable circumstances including: a) where to do so would pose an unacceptable risk to a person's health or wellbeing; and b) where there is not a suitable hearing room or adequate equipment at a venue for use by the judge/panel.

Regional guidance

13. RTJs may supplement this guidance by way of regional guidance to take into account local circumstances.



Judge Kate Markus QC
Chamber President
First-tier Tribunal, Social Entitlement Chamber.

Date 18th October 2021