

# Main Contents



# Contents

## Introduction and Background

The purpose and scope of this code .....	1000
Layout of the code.....	1050
Background .....	1100
Non appealable decisions .....	1150
DMs.....	1200
Appeal Tribunals .....	1250
Legally Qualified Panel Member .....	1271
Presenting Officers.....	1300
When should a Presenting Officer attend a hearing .....	1301
Social Security Commissioners.....	1360
Determinations .....	1400

## Initial action on receipt of an appeal

Reconsideration of the outcome decision .....	2000
What is a duly made appeal.....	2020
Date of Appeal .....	2030
Appeal sent or delivered to an “appropriate office” .....	2031
Appeal NOT sent or delivered to an “appropriate office” .....	2032
Time limits .....	2035

Examples .....	2036
Calculating one calendar month .....	2036
Time limit has been extended by 14 days.....	2038
Time limit extended beyond 14 days .....	2039
Finding the date the outcome decision was posted .....	2040
Late appeals .....	2044
DM can extend the time for appealing .....	2047
DM cannot extend the time for appealing .....	2053
Time for appealing extended .....	2060
Appeal against a decision incorporating a Labour Market determination received outside the time limit for appealing.....	2063
Late appeals on advance decisions.....	2067
Decision cannot be identified.....	2069
Appeal form/letter is not signed, or it contains insufficient information for the appeal to proceed.....	2073
Information requested but not returned within 14 days....	2090
Information requested and returned after 14 days.....	2092
Appeals made on behalf of the claimant.....	2093
Appeal form/letter received but appears to be Outside the Jurisdiction of the tribunal .....	2130
SF Budgeting Loans, Community Care Grants and Crisis Loans .....	2150
Appeals against HM Revenue and Customs issues	
Issues raised in the appeal are only about HM Revenue and Customs issues.....	2160
Issues raised in the appeal are about HM Revenue and Customs issues and other DWP benefit related issues.....	2165
Incapacity for Work appeals.....	2300

Establishing the reason for an IB/Incapacity Credits appeal .....	2320
Appeal against both the decision incorporating an Incapacity for Work determination and a second 'entitlement' decision.....	2330
Appeals dealt with by other sections	
Combined payments .....	2400
HB/CTB appeals .....	2410
Single appeal letter including DWP benefit appeals and HB/CTB appeals .....	2420
Appeals dealt with centrally .....	2450
Appeal against decision given by the Compensation Recovery Unit	
District action on receipt of completed submission .....	2500
Appeals following Compensation Recovery tribunal decision.....	2530
Advice and representation for appellants	
Interpreters .....	2550
Local advice agencies.....	2560
Complaints.....	2562

## Consideration of the appeal

Single appeal letter includes an appeal against another DM's decision .....	3000
Linked appeals .....	3001
Liaison between JSA DMs and Sector DMs	
General.....	3050
Appeal against JSA outcome decision, which was made solely as a result of a Labour Market determination .....	3060

Appeal against a JSA outcome decision not involving a Labour Market determination.....	3070
Appeal against JSA decisions incorporating a Labour Market determination and a non Labour Market determination .....	3090
Unclear which issue is under appeal .....	3100
Appeal against a decision incorporating a Labour Market determination received outside the time limit for appealing .....	3130
Late appeal decision - consideration of supersession .....	3134
Appeal received outside the absolute time limit .....	3136
Appeal is outside the tribunal's jurisdiction .....	3138
Appeals against Reduced Benefit Decisions .....	3150
Overpayment of dependency benefit following award of CA .....	3200

## Submitting appeals to the Tribunals Service

Introduction	
Purpose of submission .....	4000
Preparation of appeals .....	4050
The framework .....	4100
Section 1: Personal details .....	4110
Section 2: Schedule of evidence.....	4120
Section 3: The decision .....	4130
Section 4: The facts of the case .....	4140
Overpayment cases .....	4145
IIDB.....	4150
Section 5: The submission.....	4160
Special circumstances - further action	

IIDB .....	4170
JSA .....	4171
Late claims.....	4175
Computer extracts .....	4180
Viewing dialogues .....	4200
Preparing the submission contents .....	4250
DLA .....	4252
Personal Capability Assessment .....	4255
Overpayment cases .....	4256
Photocopying appeal submissions .....	4257
Potentially Harmful Medical Evidence .....	4259
Arrangement of documents .....	4300
Assembling the submission for despatch .....	4340
Appeals involving Potentially Harmful Medical Evidence .....	4342
TAS1 .....	4349
Processing an appeal where the appellant does not have a National Insurance Number .....	4358
Preparation of AT37 .....	4370
Completing AT37 - appeal duly made .....	4371
Complex issues .....	4372
Completion of AT37 - late appeals .....	4380
Completion of AT37 - late appeals on advance decisions.....	4390
Annotating the AT37	
Court proceedings pending .....	4400
Compensation Recovery cases .....	4401
Appellant has a Potentially Violent marking .....	4402
Further Medical Evidence .....	4403
Appellant living outside Great Britain .....	4420

Appellant represented .....	4450
Suspected fraud	
Information not yet laid .....	4451
Information laid .....	4460
Oral hearings and attendance of a Presenting Officer	
Oral hearings .....	4480
Attendance of a Presenting Officer .....	4484
Direction to attend .....	4485
Requesting an oral hearing .....	4490
Application for set aside .....	4496
Paper hearings .....	4500
Despatching the submission	
Representative identified when the submission is prepared .....	4530
No representative identified when the submission is prepared .....	4550
Representative identified to the Tribunals Service after the Department has issued the submission.....	4570
Representative identified to the Department after the submission has been issued .....	4580
Duplicate appeal papers requested .....	4590
Video evidence .....	4593
New evidence produced prior to hearing .....	4600
Appeal adjourned for further submission or information.....	4650
Witnesses .....	4700
Asking for cases to be deferred .....	4750
Lookalike appeals .....	4751
Appeals not yet sent to the Tribunals Service.....	4752
Appeals already sent to the Tribunals Service .....	4753

## Special circumstances arising on appeals

Withdrawal of appeals .....	5000
Withdrawal unclear .....	5050
Suspected fraud cases .....	5100
Appellant changes address	
General .....	5150
New address outside tribunal area .....	5152
Adjourned appeals .....	5160
Appeal received after file has been transferred .....	5170
Appeal received against DM's decision at previous office .....	5180
Appellant dies before the hearing .....	5200
Striking-out appeals .....	5250
Appellant living outside Great Britain - attendance at hearing	
Representative nominated .....	5300
Representative not nominated .....	5310
Appeal held over .....	5310
No delay .....	5312

## Hearing and post-hearing procedures

Introduction .....	6000
Production of documents at hearings .....	6050
Sensitive documents .....	6051
Overpayment cases .....	6100
Adjourned hearings .....	6130

Extra evidence to be provided by the appellant .....	6150
Extra information to be provided by the DWP Agency .....	6200
Special cases	
Medical evidence .....	6250
Extra witnesses to be produced for DM .....	6290
Tribunal decisions .....	6400
Record of Proceedings.....	6430
Statement of Reasons .....	6450
Implementation of tribunal's decision .....	6550
Enquiries/complaints from appellants.....	6570
Suspected fraud cases .....	6600
Correction of accidental error in a tribunal's decision .....	6650
Correspondence from the appellant .....	6660
Setting aside tribunal decisions on certain grounds .....	6670
DM's application .....	6680
Appellant's application .....	6690
Comments on applications .....	6700
Further evidence comes to light after the tribunal's decision - grounds for supersession .....	6750
Appeals applications for leave to appeal to the Social Security Commissioners	
Secretary of State's application for leave to appeal to the Social Security Commissioners.....	6800
Sending documents relating to the decision under appeal when application/appeal made .....	6803
ACI Leeds decide the application will not be made .....	6804
Result of appeal .....	6805
Claimant's appeal/application for leave to appeal to the Social Security Commissioner .....	6810

# Administration: Appeals performance indicator

Introduction .....	7000
Administration	
Range of benefits to be covered .....	7050
Recording Appeals	
Completion of form LT245 or other appropriate method of recording appeals .....	7100
Appeals on matters outside of the tribunal's Jurisdiction .....	7110
Appeals not duly made .....	7113
More than one submission required .....	7120
Further action needed.....	7130
Form LT245 or other appropriate method of recording appeals .....	7140
Retention of forms LT245 or other appropriate method of recording appeals .....	7150
Statistics	
Appeal statistics .....	7200
Communication with the Tribunals Service .....	7250
Liaison with the Tribunals Service	
Appeal campaigns .....	7300

## Appendices

Forms mentioned in this code .....	Appendix 1
Draft letters.....	Appendix 2
Benefit assessment type codes and issue codes.....	Appendix 3
Benefit specific and issue code permutations .....	Appendix 4

Vetting of appeal submissions ..... Appendix 5

Appeals control record ..... Appendix 6

Examples of appeals submissions -  
(Under construction) ..... Appendix 7

Submission paragraphs - habitual residence ..... Appendix 7a

Role of the presenting officer ..... Appendix 8

Schedule of evidence ..... Appendix 9

Request for tribunal documents ..... Appendix 10

Examples of appeals likely to raise difficult issues.. Appendix 11

Potentially harmful medical evidence ..... Appendix 12

Request for consideration of an appeal to the  
commissioner..... Appendix 13