

Freedom of Information request 497/2013

Received 31 January 2013

Published

Information request

Could you let me know if there are any instructions, guidance or other procedures provided by DWP to court and Tribunal Judges ?

What is DWP's policy and procedures on Court and Tribunal hearings ? Child support and social entitlement tribunal

DWP response

As such DWP does not issue instructions or guidance to Tribunal Judges. They operate under their own rules which can be found in The Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008 SI 2685 and The Tribunal Procedure (Upper Tribunal) Rules 2008 SI 2008.

That said, DWP does send a response to the First-tier Tribunal and a submission to the Upper Tribunal. These provide an explanation of the reason for the decisions. They do not instruct Judges – they are written in terms of requests for action and reasoned arguments - but do, of course, inform and guide them in their understanding of the DWP decision.

Further information about the response can be found in the Decision Makers' Guide at para 06330 et seq – <http://www.dwp.gov.uk/docs/dmgch06.pdf> and the Code of Appeals Procedures which is also on the DWP website (<http://www.dwp.gov.uk/publications/specialist-guides/code-of-appeals-procedure/>)

Turning to your second question, this is so wide-ranging that I think that referring you to Chapter 6 of the DMG (as above) is probably the most useful thing I can do. Overall the policy is to cooperate fully to ensure that claimants get a fair hearing but, of course, whilst ensuring that the departments' decisions are defended accordingly.