

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
First-tier Tribunals	1250
Presenting officers.....	1300
When should a presenting officer attend a hearing	1301
Upper Tribunal Judges	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
Appeal transferred	2034
Other types of appeal	2035
Time limits	2036

Examples	2037
Calculating one calendar month	2037
Time limit has been extended by 14 days.....	2039
Time limit extended beyond 14 days	2040
Finding the date the outcome decision was posted	2041
Late appeals	2045
DM objects to treating the appeal as made in time	2054
DM accepts appeal as being made in time	2061
Appeal against a decision incorporating a labour market determination received outside the time limit for appealing.....	2064
Late appeals on advance decisions.....	2068
Decision cannot be identified.....	2070
Appeal form/letter is not signed, or it contains insufficient information for the appeal to proceed.....	2074
Her Majesty's Courts and Tribunals Service admits appeal.....	2082
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
Notice of appeal received but appears to be outside the jurisdiction of the First-tier Tribunal.....	2130
Social Fund 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
Claimant in receipt of IS.....	2322
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 response	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 labour market 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 First-tier Tribunal's jurisdiction	3138
Overpayment of dependency benefit following award of CA	3200
Appeal against NINO related conditions of entitlement.....	3210

Submitting appeals to Her Majesty's Courts and Tribunals Service

Introduction

Purpose of response	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

Overpayment cases	4145
IIDB	4150
Section 5: The response	4160
Special circumstances - further action	
IIDB	4170
JSA	4171
Late claims.....	4175
Computer extracts	4180
Viewing dialogues	4200
Preparing the response contents	4250
DLA.....	4252
Personal capability assessment/limited capability for work	4255
Overpayment cases	4256
Photocopying appeal responses.....	4257
Non disclosure of evidence.....	4259
Arrangement of documents.....	4300
Assembling the response for despatch	4340
Appeals involving documents not to be disclosed.....	4342
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
Hearings and attendance of a presenting officer	
Hearings.....	4480
Attendance of a presenting officer	4484
Direction to attend.....	4485
Difficult cases.....	4490
Application for set aside.....	4496
Tribunal member not available.....	4500
Appeal without a hearing.....	4510
Despatching the response	
Representative identified when the response is prepared	4530
No representative identified when the response is prepared	4550
Representative identified to Her Majesty’s Courts and Tribunals Service after the business unit has issued the response	4570
Representative identified to the business unit after the response has been issued.....	4580
Duplicate appeal papers requested	4590
Video/taped evidence.....	4593
New evidence produced prior to hearing.....	4600
Appeal adjourned for further response or information.....	4650
Witnesses	4700
Asking for cases to be deferred	4750

Lookalike appeals	4751
Appeals not yet sent to Her Majesty's Courts and Tribunals Service	4752
Appeals already sent to Her Majesty's Courts and Tribunals Service	4753

Special circumstances arising on appeals

Withdrawal of appeals	5000
Reinstatement of withdrawn appeal	5007
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 Department	6200
Special cases	
Medical evidence	6250
Extra witnesses to be produced for DM	6290
First-tier Tribunal decisions	6400
Record of proceedings	6430
Written statement of reasons	6450
Implementation of First-tier Tribunal's decision.....	6550
Liberty to apply	6551
First-tier Tribunal decisions which cannot be implemented	6557
Enquiries/complaints from appellants.....	6570
Suspected fraud cases	6600
Correction of accidental error in the First-tier Tribunal's decision notice	6650
Correspondence from the appellant	6660
Setting aside First-tier Tribunal decisions on certain grounds	6670
Further evidence comes to light after the First-tier Tribunal's decision - grounds for supersession	6750

Appeals/applications for permission to appeal to the Upper Tribunal	
Secretary of State's application for leave to appeal to the Upper Tribunal	6800
Sending documents relating to the decision under appeal when application/appeal made.....	6803
DMA Leeds decide the application will not be made	6804
First-tier Tribunal's review of decision.....	6805
Result of appeal.....	6806
Claimant's appeal/application for leave to appeal to the Upper Tribunal	6811
Gaining an advantage from a further appeal	6830
Recovery of overpayment	6831
Reduced rate IS	6833
Checking progress	6835
Judicial review.....	6836

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 First-tier Tribunal's jurisdiction.....	7110
Appeals not duly made	7113
More than one response 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 Her Majesty’s Courts and Tribunals Service	7250
Liaison with Her Majesty’s Courts and 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 responses.....	Appendix 5
Appeals control record	Appendix 6
Examples of appeals responses	Appendix 7
Response paragraphs - habitual residence.....	Appendix 7a
Role of the presenting officer	Appendix 8
Schedule of evidence	Appendix 9
Request for First-tier Tribunal documents	Appendix 10
Examples of appeals likely to raise difficult issues..	Appendix 11
Non disclosure of evidence	Appendix 12
Request for consideration of an appeal to the Upper Tribunal.....	Appendix 13
Examples of appeal responses for ESA conversion	Appendix 14