

Appendix 5

Vetting of appeal responses

Introduction

- 1 Business units may consider it advisable to check a selection of appeal responses prior to forwarding them to HMCTS. Special attention should be paid to ensuring that the response does not support an incorrect decision and that the appeals officer has fully and effectively presented the facts in a focused manner.
- 2 Individual business units will be best placed to assess who is the most suitable officer to undertake these vetting duties. Experience and competence will be the most important qualities when choosing this post.
- 3 The following checklist will:
 - assist the officer vetting the appeals responses, and
 - be useful to the officers writing the responses to ensure that all relevant sections are correctly completed prior to vetting.
- 4 If any of the questions are answered 'no' arrange for:
 - amendment of the response, **or**
 - further enquiries, **or**
 - revision of the decision under appeal.
- 5 For each question in the checklist the relevant guidance can be found in DMG Chapter 06 and CAP Chapter 4. Officers taking up vetting duties for the first time should familiarize themselves with the guidance.
- 6 If an electronic template is used, ensure that it reflects current guidance and that all the legislation quoted is relevant, i.e is the template up to date?

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Response checklist - (See DMG, Chapter 06 and CAP, Chapter 4 for more information)

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- **Decision appealed against:**
 - Is the appeal against a DM's decision?
 - Has the decision under appeal been reconsidered?
 - Is the DM's decision correct?
 - Is the date 'appeal lodged on' correct?
 - Is the date the DM's decision was issued correct?
 - Are all the decisions appealed against shown?
 - **Appellant's letter of appeal:**
 - Is the appellant's letter of appeal/GL24DWP included in the list of documentary evidence?
 - If the letter is illegible has a typed version of the grounds of appeal been provided and listed in Section 2 of the response?
 - **Summary of facts:**
 - Are all the facts required by the regulation(s) under which the decision was made included?
 - Does the summary include all the relevant facts put forward by the customer either before, in or after the appeal?
 - Has documentary evidence been included to establish each fact?
 - Does the summary include all other relevant facts outlined in investigating the claim or held in the file (whether they support the decision or not)?
 - Can the tribunal reach a full decision on the facts presented?

- **Relevant provisions of the Acts and Regulations:**
 - Are all the relevant provisions of the Acts and Regulations shown which the DM needed to consider to reach their decision?
 - Is the reference to the legislation used correct?
 - Is the correct year of the legislation shown?
 - **Relevant decisions of the Social Security Commissioners/Upper Tribunal:**
 - Are all the relevant sections of the reported decisions of the SSC/UT shown, including any reported since specimen responses issued?
 - If the customer has quoted an unreported decision in their appeal, has a copy been obtained and included in the papers?
 - **DM's response:**
 - Are the provisions of the Acts and Regulations which the DM considered explained, or if complex, quoted in full?
 - Does the response explain how the Acts and Regulations have been applied to the facts?
 - If the DM has followed a SSC decision, does the response state what the SSC decided?
 - Are the arguments clear and logical?
 - Are there any secondary questions?
- See DMG, Chapter 06 for more information**
- Is there a focused introduction and conclusion to which the evidence and argument point?
 - Is there a recommendation to the FtT?
- **Form AT2A:**
 - Have any relevant AT2A forms been completed?
 - Is/are the assessment(s) correct?
 - Is/are the appropriate week(s)/period(s) of assessment shown?

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- **Documentation:**
 - Have all the documents been included and numbered properly?
 - Are all the numbered documents noted in sequence at section 2 of the response?

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