

# Administration: Appeals performance indicator

## Introduction

7000 Appeals clearance performance is measured by AACT. Different business units have their own AACT.

7001 Count working days only and include the day the appeal is lodged and the day the appeal is sent for response/last day of the stats period.

**Note:** Working days mean Monday to Friday. Do not treat public holidays or bank holidays, when the office is closed, as working days. Privilege days are counted as working days.

7002 - 7049

## Administration

### Range of benefits to be covered

7050 When the question of jurisdiction is in doubt, appeals sections may consider it good practice to keep a copy of letters sent to the FtT and list the cases on form A98, dummy form LT245 or other appropriate method of recording appeals. This makes sure that effective follow up action can be implemented when necessary.

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## Recording appeals

### Completion of form LT245 or other appropriate method of recording appeals

7100 Appeals clearance action is recorded on form LT245, or other appropriate method of recording appeals. Use a new form LT245 (Appendix 6), or other appropriate method of recording appeals, at the start of each calendar month. Record in red any appeals from the previous month which have not yet been cleared by an entry in columns 8 and 11 of LT245.

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7101 The information to be entered on the LT245 is clearly marked at the top of each column. Whichever alternative method of recording appeals is used it should capture, as a minimum, the same information as the LT245.

**Note: the version of the LT245 (04/00) shown at Appendix 6 is under review to fully reflect AACT, but it does capture the required information.**

7102 When an appeal is received, if it is “duly made” the appeal must be recorded by the appropriate method for recording appeals.

7103 The decision under appeal **must** be passed for reconsideration whether or not it has already been through the reconsideration process.

**See CAP 2000 et seq**

7104 If there is no change to the original decision, or the decision is revised but this is not to the advantage of the appellant, the appeal will proceed.

7105 If a new outcome decision is issued that is more favourable to the appellant, the appeal will lapse and will be recorded by the appropriate means of recording appeals.

**See CAP Appendix 6 in this guide for a copy of form LT245**

7106 - 7109

### **Appeals on matters outside of the First-tier Tribunal’s jurisdiction**

7110 Questions of jurisdiction can only be decided by a FtT. If an appeal is received that is considered to be OoJ, send the letter of appeal to HMCTS for a ruling.

7111 Do not record the appeal until such time as it has been

- accepted by the FtT **and**
- returned to the appropriate business unit for processing.

The date of receipt of appeal is the date notification is received that the appeal has been admitted.

**See CAP 2034 and 2035**

7112 Complete the target boxes at the end of each month.

**See DMG Chapter 06**

**Appeals not duly made**

- 7113 If the claimant has not submitted a duly made appeal the letter of appeal must be forwarded to the FtT for consideration. Only record the appeal when, following action by the FtT, the appeal is accepted as duly made and it has been returned to the business unit.
- 7114 The appeal should not be recorded until it has been admitted by the FtT and returned to the appropriate business unit. In these cases the date of receipt of appeal is the date notification is received that the appeal has been admitted.
- 7115 The target boxes should be completed at the end of each month.

7116 - 7119

**More than one response required**

- 7120 If one response is recorded and it is then realised that more than one response is needed, make further entries using the appropriate method of recording appeals. Use the date of the original entry.

7121 - 7129

**Further action needed**

- 7130 Do not re-enter an appeal if action is needed because
- a hearing has been adjourned **or**
  - the FtT re-hear an appeal after an earlier decision has been set aside.

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**Form LT245 or other appropriate method of recording appeals**

- 7140 When calculating the number of days for columns 9 and 10, count working days only and include the day of despatch of the response/last date of the stats period.

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**Retention of forms LT245 or other appropriate method of recording appeals**

- 7150 Retain forms LT245 or other appropriate methods of recording appeals for 18 months after the last entry.

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## Statistics

### Appeal statistics

- 7200 CB appeals can continue to be recorded separately if preferred. All the figures need to be combined for target purposes.
- 7201 Record appeals against funeral and maternity payments on form LT245 or other appropriate method of recording appeals.

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## Communication with Her Majesty's Courts and Tribunals Service

- 7250 HMCTS use the NINO to identify appeals. It is therefore important to quote NINOs in any correspondence. It would also be helpful to HMCTS to quote their unique reference number where this is known.

**See CAP 4358 where the appellant does not have a NINO.**

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## Liaison with Her Majesty's Courts and Tribunals Service

### Appeal campaigns

- 7300 If it is known or suspected that a case is part of an appeal campaign the appeal response should be prepared and submitted to HMCTS in the normal way. The AT37 should be noted with any information or suspicions concerning any appeal campaign.

7301 - 7999