

Freedom of Information request 2411/2418/2013

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Information request and DWP response

a]Why does the SOS request a statement of reason for a decision from HMCTS.

He would normally request a statement of reasons where he is considering seeking leave to appeal the Tribunal's decision to the Upper Tribunal. He has concerns about the decision made by the First-tier Tribunal and needs the full statement of reasons to fully understand its thinking.

b]Would an explanation for the same decision given by a clerk of the tribunal satisfy the same SOS requirements as the statement of reason above, and if not why not.

Wrong. The question is , would the SOS accept an explanation in lieu of a statement of reason and HMCTS could not offer information on what the SOS would or would not accept .

Please try again.

The answer provided was not wrong. It is HMCTS who provide the statement of reason under their Rules. However, on the basis that the clerk to the Tribunal has no role to play in the substantive matters before the Tribunal, his is a purely administrative role, then the Secretary of State would not accept an explanation from him. He would only accept an explanation, in the form of a full and Rule-approved statement of reasons, from the Tribunal Judge himself. Only this will give him the information he requires to decide whether to seek leave to appeal or not. And to re-iterate we would not expect HMCTS to act otherwise.