

Department for Work and Pensions

ADJUDICATION AND CONSTITUTIONAL ISSUES DIVISION

Code of Appeal Procedures

Amendment 8 - February 2009

1. Attached is the Code of Appeal Procedures Amendment 8. In future amendments to the CAP will be issued as required; all amendments have already been incorporated in to the intranet version of the CAP. PDF amendment packages are also available in full.
2. On printing the PDF amendment package the amendment number is displayed at the bottom of each replacement page. Significant changes are sidelined for ease of identification.

Note: When printing PDF packages set the print properties to Duplex/Long Edge in order to produce double sided prints.

3. Amendment 8 affects the Abbreviations, Main Contents, Chapters 2, 4 & 6 and Appendices 3 & 4. The changes
 - amend the main contents and abbreviations list
 - incorporate the following CAP Bulletins:
03/03, 02/07, 03/07, 05/07, 06/07, 8/07, 02/08
4. For reference purposes appeals officers may find it useful to consider retaining deleted pages for a short period after the introduction of this package.
5. DMA Leeds no longer arrange for hard copies of amendment packages to be distributed to DWP customers. If using a PDF amendment package remove the sheets in the left hand column and insert new sheets in the right hand column. When completed, note the record of amendments at the front of the Code.
6. Copies of this amendment package can be purchased from Corporate Document Services (0113 399 4040). For DWP customers this will be chargeable to your own cost centre. You can also access the CAP and individual amendment packages via the DWP website at

www.dwp.gov.uk/advisers/index.asp

7. CAP can be accessed on the DWP Intranet.

http://intranet/1/lq/acileeds/guidance/code_of_appeals_procedure/index.asp

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A

AA	Attendance Allowance
AACT	Average Actual Clearance Times
AT	Appeal Tribunal

C

CA	Carers Allowance
CAU	Carers Allowance Unit
CB	Contributory Benefit
CS Act 1991	Child Support Act 1991
CTB	Council Tax Benefit
CP	Casepaper
CR	Compensation Recovery
CRU	Compensation Recovery Unit
CS	Child Support
CSA	Child Support Agency
CTB	Council Tax Benefit

D

D&A Regs Social Security and Child Support (Decisions and Appeals) Regulations 1999

DBC Disability Benefits Centre

DC District Chairman

DCPU Disability Contact and Processing Unit

Dis Ben Disablement Benefit

DLA Disability Living Allowance

DM Decision Maker

DMA Decision Making and Appeals

DMA (Leeds) Decision Making and Appeals Leeds

DMG Decision Makers' Guide

DN Decision Notice

DO District Office

DP Disability Premium

DRAMA Data Base for Recording and Monitoring Appeals

DWP Department for Work and Pensions

E

ECHR Convention for the Protection of Human Rights and Fundamental Freedoms

EEC Employed Earner's Categorization

EMP Examining Medical Practitioner

ECJ European Court of Justice

F

FI	Fraud Investigator
FIS	Fraud Investigation Service
FtT	First Tier Tribunal

G

GB	Great Britain
GP	General Practitioner

H

HB	Housing Benefit
HMRC	Her Majesty's Revenue and Customs

I

IB	Incapacity Benefit
IfW	Incapacity for Work
IIDB	Industrial Injuries Disablement Benefits
IPC	International Pensions Centre
IS	Income Support

Abbreviations

J

JSA Jobseeker's Allowance

L

LA Local Authority

LM Labour Market

LPC London Pensions Centre

LQPM Legally Qualified Panel Member

LTACP Living together as Civil Partners

LTAHAW Living Together as Husband And Wife

N

NI National Insurance

NINO National Insurance Number

NIRS National Insurance Recording System

NPC National Pensions Centre

O

OOJ Outside of Tribunal's Jurisdiction

OOT Own Occupation Test

OP Overpayment

P

PBMDB	Pneumoconiosis, Byssinosis and Miscellaneous Diseases Benefit
PCA	Personal Capability Assessment
PD	Prescribed Diseases
PDCS	Personal Data Computer System
PHME	Potentially Harmful Medical Evidence
PO	Presenting Officer
PSCS	Pension Strategy Computer System
PTTP	Party (Parties) to the Proceedings
PV	Potentially Violent
PVP	Potentially Violent Person
PWC	Pneumoconiosis and Workmen's Compensation

R

RBD	Reduced Benefit Decision
RO	Reviewing Officer
RP	Retirement Pension
RoP	Record of Proceedings

S

SoR	Statement of Reasons
S of S	Secretary of State
SDA	Severe Disablement Allowance
SDM	Sector Decision Maker
SDP	Severe Disability Premium
SF	Social Fund
SPC	State Pension Credit
SS	Social Security
SS Act 1998	Social Security Act 1998
SSA Act 1992	Social Security Administration Act 1992
SSC	Social Security Commissioners
SSP	Statutory Sick Pay

T

TS	Tribunals Service
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U

UT	Upper Tribunal
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W

WFP Winter Fuel Payment

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- is signed by the appellant or someone who has written authority from the appellant.

See DMG Vol 01, Chapter 06

2022 - 2029

Date of appeal

- 2030 The D&A Regs state that an appeal must be sent or delivered to an “appropriate office”. The definition of “appropriate office” is an “office of the DWP, the address of which was indicated on the notification of the decision which is subject to appeal”.

Appeal sent or delivered to an “appropriate office”

- 2031 Treat the date of receipt as the date the appeal was made. This is the:
- actual date of receipt if the appeal is duly made at the outset, **or**
 - date that further information, requested in order to enable the appeal to proceed, was received if the appeal was not duly made at the outset.

See DMG Chapter 06 and CAP paras. 2074 - 2092

Appeal NOT sent or delivered to an “appropriate office”

- 2032 While the regulations require claimants to send appeals to an “appropriate office”, it was **not** intended that they should be penalized if they mistakenly send an appeal to the wrong office.
- 2033 If an appeal is received which is appropriate to another office, date stamp it and forward it to the appropriate DWP office in accordance with local procedures.

Appeal transferred

- 2034 Where an appeal is transferred from one office to another, for example because
- it was sent to the wrong office **or**
 - there has been a reorganization of work or offices

2035 - 2037

the date of receipt is the date the appeal is **first** received in the Department, not the date it is received in the new office for the purposes of calculating the AACT.

Other types of appeal

2035 There are other types of appeal where the date of receipt is **not** the date the appeal was first received in the Department for the purposes of calculating the AACT. These are appeals which

1. have been admitted after reference to an FtT (DM for late appeals) as
 - a) late **or**
 - b) out of jurisdiction **or**
 - c) not duly made **or**
2. have been reinstated following a FtT striking them out.

In these cases the date of receipt of appeal is the date notification is received that the appeal has been admitted or reinstated.

Time limits

2036 An appeal must be made within one calendar month from the day following the date the outcome decision notification is posted or handed to the claimant or a person acting on their behalf - **see para. 2042**.

Examples

Calculating one calendar month

2037 The following examples illustrate how to calculate the one calendar month time limit:

Example 1

The outcome decision notification is posted 21 October 2005
The appeal must be made by 21 November 2005

Example 2

The outcome decision notification is posted 1 November 2005
The appeal must be made by 1 December 2005

Example 3

The outcome decision notification is posted 31 January 2004
The appeal must be made by 29 February 2004

Example 4

The outcome decision notification is posted 31 January 2006
The appeal must be made by 28 February 2006

| **See para 2042**

2038 | The time limit is extended in some circumstances; i.e

- it can be extended by a further 14 days if:
 - the original notification of the outcome decision did not include a written statement of reasons **and**
 - the claimant requests a written statement of reasons inside the time for appealing that outcome decision (the “calendar month”), **and**
 - the written statement is issued to the claimant before the time for appealing has run out.
- Alternatively, where:
 - the original notification of the outcome decision did not include a written statement of reasons **and**
 - inside the time for appealing that outcome decision (the “calendar month”), the claimant requests a written statement of reasons or written explanation **and**
 - the written statement is not issued to the claimant until after the time for appealing has run out

the time can be extended by a further 14 days from the date the written statement is finally issued to the claimant, however long that might be. It should be noted that extension in these circumstances is different from the procedure for dealing with late appeals. In late appeal cases **special**

| **circumstances have to be** considered. (**See para. 2051**)

2039 - 2040

Time limit has been extended by 14 days

2039 | The following examples illustrate how to calculate the 14 day extension period when the claimant has asked for a written statement, and it has been issued to the claimant within the normal timescale:

Example 1

The date on the outcome decision notification is 21 October 2005
A written statement of reasons is requested
The appeal must be made by 5 December 2005

Example 2

The date on the outcome decision notification is 1 November 2005
A written statement of reasons is requested
The appeal must be made by 15 December 2005

Example 3

The date on the outcome decision notification is 31 January 2004
A written statement of reasons is requested
The appeal must be made by 14 March 2004

| **See para 2042**

Time limit extended beyond 14 days

2040 | The following examples illustrate how to calculate an extension to the time for appealing where the claimant asks for a written statement but it is not issued to them within the normal timescale:

Example 1

The date on the outcome decision notification is 21 October 2005
A written statement of reasons is requested on 10 November 2005
The statement of reasons is issued on 22 November 2005
The appeal must be made by 6 December 2005

Example 2

The date on the outcome decision notification is 21 October 2003
A written statement of reasons is requested on the 10 November 2003
The statement of reasons is not issued until 29 February 2004
The appeal must be made by 14 March 2004

See para 2042

2041 - 2044

Finding the date the outcome decision was posted

- 2041 | To find the date the outcome decision was posted, you may need to access the relevant system dialogue or the clerical papers.
- 2042 | Unless you can prove on the balance of probabilities that the decision notification, or the written statement of reasons, was posted on a specific date, you must treat any appeal as being on time if it is received one day after the date that the appeal period ends.
- 2043 | The exception to this is where the records show the notification was issued on a Friday – in this case you must treat the appeal as being on time if it is received up to three days after the date the appeal period ends.
- 2044 | Use the following examples where there is a question over the date that a decision notification or written statement of reasons was issued and the appeal is late by up to three days:

Example 1

The date on the outcome decision notification is 19 January 2006
The time limit for appealing expires on 19 February 2006
The appeal was received on 20 February 2006
The notification was put in the out tray at 15.00 pm on 19 January 2006
As it was not possible to say on the balance of probabilities that the notification was actually posted on 19 January 2006, the appeal should be treated as in time if it is received on 20 February 2006.

Example 2

The date on the outcome decision notification is 20 January 2006
The time limit for appealing expires on 20 February 2006
The appeal was received on 23 February 2006
The notification was put in the out tray at 15.00 pm on 20 January 2006
As it was not possible to say on the balance of probabilities that the notification was actually posted on 20 January 2006, the appeal should be treated as in time if it is received after 20 February 2006, but before 23 February 2006.

Use **example 1** where the decision notification or written statement of reasons is recorded as having been issued on either a Monday, Tuesday, Wednesday or Thursday.

Use **example 2** where the decision notification or written statement of reasons is recorded as having been issued on a Friday.

See DMG Vol 1, Chapter 06

Late appeals

2045 | Any appeal received after the expiry of the time limit is a late appeal, but **see para. 2042**.

2046 | The time limit can also be extended up to 12 months after the last day for appealing, i.e. 12 months after the time limits set out in paras. 2036 to 2040 where that has applied, where there are special circumstances for delay in making the appeal. **See DMG Vol 1, Chapter 06**

2047 | When a late appeal is received and the appellant has not included reasons for lateness, contact the appellant to obtain their reasons. The appellant should be given 14 days (or such longer period as the DM thinks fit) to provide their reasons for lateness.

DM can extend the time for appealing

2048 | When the appellant has provided their reasons for lateness, the DM should first consider whether they can extend the time for appealing.

2049 | There are specific criteria which must be satisfied before the DM (acting on behalf of the S of S, or the FtT, can extend the normal one calendar month time limit to admit an application for a late appeal. (**See paras. 2050 - 2060**).

See DMG Chapter 06

2050 | The grounds for extending the time for appealing by the DM are:

- the application for an extension of time is made within one year of the last day for appealing: **and**
- the application contains the grounds on which the extension is sought including details of any special circumstances: **and**
- the DM is satisfied that it is in the interests of justice for the application to be granted.

2051 | It is “in the interests of justice” where special circumstances, which are relevant to the application, have prevented the application being made on time. Special circumstances are defined as:

2052 - 2057

1. the applicant, partner or dependant has died or suffered serious illness, **or**
2. the applicant is not resident in the UK, **or**
3. normal postal services were adversely affected, **or**
4. some other special circumstances exist which are wholly exceptional and are relevant to the application.

2052 | If the DM can extend the time for appealing they should then go on to reconsider the decision under appeal. If at the end of the reconsideration process the DM revises the decision under appeal to the claimant's advantage the appeal will lapse.

2053 | However, if at the end of the reconsideration process the DM cannot revise the decision under appeal to the claimant's advantage the appeal will go on to be heard by the tribunal. A full submission and form AT37 should be sent to the FtT.

DM cannot extend the time for appealing

2054 | If the DM cannot extend the time for appealing the late appeal will be sent to the FtT for a FtT to give a ruling on whether the time limit for appealing can be extended. A brief explanation covering the reasons for lateness and form AT37 should be sent to the FtT. The FtT will notify the appellant as well as the Department of the FtT's ruling.

2055 | Where, although there are no grounds for extending the time for appealing, the DM accepts that the decision under appeal is incorrect, they should either:

- revise the decision under appeal if it arose from an official error, **or**
- supersede effective from the date of the late appeal.

Supersession in these circumstances would leave the period up to that date for consideration or reconsideration (paras 2057 & 2058) by a tribunal or a DM, should the FtT admit the late appeal.

2056 | The grounds for extending the time for appealing by the FtT are the same as those available to the DM, with the additional one that the FtT is satisfied that there is a reasonable prospect that the appeal will be successful. Please note that the DM **cannot** admit a late appeal on this ground.

2057 | If the FtT extends the time for appealing the DM should then go on to reconsider the decision under appeal. If at the end of the reconsideration

process the DM revises the decision under appeal to the claimant's advantage the appeal will lapse.

2058 | If at the end of the reconsideration process the DM cannot revise the decision under appeal to the claimant's advantage the appeal will go on to be heard by the tribunal, and a full submission and form AT37 should be sent to the FtT.

2059 | If a late appeal is received and the time for appealing:

- **is extended by the DM**, the date of the appeal is the date the appeal is received in the office
- **is extended by a FtT**, the date of appeal is the date the TS accepts the appeal as in time for appealing.

2060 | For statistics purposes only, record the appeal using the appropriate method of recording appeals when the appeal has been admitted as in time. **See DMG Chapters 03 and 06**

Time for appealing extended

2061 | Where:

- the time for appealing has been extended, either by the DM or a FtT, **and**
- after the decision under appeal has been reconsidered, **and**
- the appeal has **not** lapsed,

a full submission is sent to the FtT. Section 4 of the submission should include a statement to the effect that the time for appealing has been extended, and by whom.

2062 | A copy of the submission must be sent to:

- the FtT with the appeal letter and AT37,
- the appellant,
- the representative, **and**
- the PO, if there is to be one,

in line with local arrangements.

2063 - 2070

2063 | If there is a discrepancy between the date of the decision on form AT37 and that given by the appellant in their letter of appeal, include an explanation of the discrepancy in the other information box on form AT37 and the appeal submission. If it isn't possible to explain the discrepancy draw attention to it in the AT37 other info box.

Appeal against a decision incorporating a Labour Market determination received outside the time limit for appealing

2064 | Where the appeal is against a decision incorporating an LM determination and it is received late the foregoing procedures should be modified to the extent that the JSA DM will take the lead and will initially consider whether the time for appealing can be extended.

2065 | If the JSA DM extends the time for appealing, they will notify the SDM who will then follow the reconsideration process on the LM issue. If the appeal cannot be revised advantageously, the SDM will prepare a submission on the appeal.

2066 | If the JSA DM **does not extend the time for appealing**, they will inform the SDM of the result. The JSA DM will then complete form AT37 and send it to the TS for an FtT to give a ruling.

2067 | The TS will notify the JSA DM of the FtT's ruling. The JSA DM will then send a copy of the ruling to the SDM. The JSA DM will then consider extending the time for applying for revision.

See DMG volume 1 chapters 03 and 06

Late appeals on advance decisions

2068 | If an outcome decision applies from a future date, the time to appeal starts from the date the original decision was notified to the claimant. This is even though the decision under appeal may have only just taken effect, e.g. a benefit, such as RP, can be awarded from a future date.

2069 | Record details of the date from which the decision under appeal took effect in the "Any other information" box on form AT37.

Decision cannot be identified

2070 | The appellant must provide details of the decision against which they are appealing. If the appellant has not given sufficient details to identify the decision against which they are appealing, send:

- DL/CAP 22 to the appellant **or**
- DL/CAP 22a to the appellant's representative, as appropriate.

- 2071 | In addition to providing details to identify the decision under appeal, the appellant must also provide specific grounds for appealing. It is not sufficient for the appellant simply to state that they disagree with the outcome decision.

Example

A claimant is refused IS on the grounds that income exceeds entitlement. Their letter states they wish to appeal because they have insufficient money on which to live.

Although they have stated that they are disadvantaged by the decision, they have not produced an argument stating why the decision was wrong.

It is unlikely that the FtT would accept this as a duly made appeal.

- 2072 | The requirement to give particulars of the grounds of appeal should not be applied stringently. In the majority of the cases, it should be accepted that the condition is satisfied. Where a simple unexplained disagreement with the decision is given as the ground of appeal, further information is required to ensure that the appeal is duly made

See DMG Vol 1, Chapter 06

- 2073 | If the appellant or their representative has not provided specific grounds for appeal, send:

- DL/CAP 22 to the appellant **or**
- DL/CAP 22a to the appellant's representative, if appropriate.

Appeal form/letter is not signed, or it contains insufficient information for the appeal to proceed

- 2074 | The appeal form/letter must be signed by the appellant or their representative **and** contain sufficient information to enable the appeal to proceed. If the appeal form/letter has not been signed, and/or if further information is needed from the appellant, or it has been signed by someone other than the appellant without proper authorization, send

- DL/CAP 22 to the appellant **or**
- DL/CAP 22a to the appellant's representative, if appropriate.

2074 - 2076

Note: The Secretary of State is able to accept an appeal which may not be fully completed in accordance with the instructions, providing it includes sufficient information for the appeal to proceed.

2075 | For the appeal to be in time, where the information requested in DL/CAP 22/22a comes in after the initial one month appeal period has run out, it needs to be received within:

- 14 days from:
 - the date the appeal form/letter was returned to the appellant
 - the date on which a request for more information was made **or**
- such longer period as is considered reasonable in the circumstances.

2076 | The following examples illustrate the time limits when the appeal form/letter has not been signed or where further information is required from the claimant.

Example 1

The outcome decision was posted on 21 October 2005. The claimant has one calendar month from this date to make their appeal.

The one calendar month period is 22 October 2005 to 21 November 2005.

An unsigned appeal is received from the claimant on 25 October 2005, and therefore a DL/CAP 22 is sent on 28 October 2005 telling them that their appeal form/letter was not signed.

The claimant has up to 14 days to sign and return their appeal, i.e. until 11 November 2005.

However, because the 14 day period ends before the end of the appeal period the claimant has in effect until 21 November 2005 to comply.

Example 2

The outcome decision was posted on 21 October 2005. The claimant has one calendar month from this date to make their appeal.

The one calendar month period is 22 October 2005 to 21 November 2005.

An appeal is received from the claimant on 16 November 2005. However, more information is needed from them before the appeal can be accepted as duly made.

A DL/CAP 22 is sent to the claimant on 17 November 2005 telling them that more information from them is needed before the appeal can be accepted as duly made.

The claimant has up to 14 days to provide the information requested, i.e. until 1 December 2005.

Example 3

The outcome decision was posted on 1 December 2005. The claimant has one calendar month from this date to make their appeal.

The one calendar month period is 2 December 2005 to 1 January 2006.

An appeal is received from the claimant on 11 December 2005. However, more information is needed from the claimant before the appeal can be accepted as duly made.

A DL/CAP 22 is sent to the claimant on 18 December 2005 telling them that more information is needed from them before the appeal can be accepted as duly made.

The claimant has up to 14 days to provide the information requested, i.e. until 1 January 2006.

2077 Action is needed if, after a claimant or representative has returned DL/CAP 22/22a, there is still insufficient information to accept the appeal as a duly made appeal, i.e.:

- there is still doubt about the decision against which the request has been made **or**
- the appellant still has not provided sufficient grounds for their appeal **or**
- the appeal has still not been signed.

2078 - 2089

2078 In these circumstances:

Step	Action
1	<p>send the letters to the FtT with form AT37 stating that the appeal is not duly made, explaining that;</p> <ul style="list-style-type: none"> the decision cannot be identified or the appellant has not provided sufficient grounds or the appeal has not been signed
2	record receipt of the letters and the date they were sent to the TS on form A98 or appropriate form
3	notify the appellant using DL/CAP 33.

2079 | The appeal letters should not be recorded on form LT245. They can be recorded on DRAMA, or some **other electronic** method of recording appeals where there is a separate dialogue to record appeals that are not yet “duly made”.

2080 | When the FtT receive the AT37:

- the FtT will decide whether the information and the appeal form/letter contains all the necessary information and can be accepted as a duly made appeal **and**
- the FtT will notify the Department and the appellant about whether or not an appeal form/letter has been accepted as a duly made appeal. This notification will include details from the appellant in support of their appeal. Where the appeal has been accepted as duly made, the Department can then process it as normal.

2081 | When there is a referral to the FtT to consider whether an appeal is duly made, out of time or out of jurisdiction, a decision will be issued within 2 weeks of receipt. A copy of the decision will be sent to each PTP. When the 2 weeks deadline cannot be met, the FtT will let the DM know the reasons for the delay and when a decision can be expected.

| 2082 - 2089

Information requested but not returned within 14 days

2090 If the information requested is not returned within 14 days:

Step	Action
1	send copy of the appeal form/letter and any relevant documents or evidence to the TS with form AT37
2	notify the appellant by sending them DL/CAP 33.

Note: The Secretary of State can extend the 14 day period if it is reasonable to do so.

2091 When the FtT receive form AT37, they will arrange for it to be seen by a FtT. The LQPM then determines whether the appeal is duly made. The FtT will then inform the appellant and the Department of the decision.

Information requested and returned after 14 days

2092 If the information is provided after the 14 days, the appeal is duly made but should be treated as late.

Appeals made on behalf of the claimant

2093 An appeal can be accepted if signed by a representative, provided it is accompanied by, or has been preceded by, written authority from the claimant for the representative to act on their behalf.

2094 There is no restriction on who can act as a representative, but they must have written authority from the claimant to act on their behalf, even where the representative is the claimant's partner.

2095 - 2129

Appeal form/letter received but appears to be outside the jurisdiction of the tribunal

2130 Appeal forms/letters must be sent to the FtT with an AT37 if they appear to concern a matter outside the tribunal's jurisdiction. Include the reasons why the appeal form/letter is outside the tribunal's jurisdiction in the "other information" box on form AT37, for example decisions with no right of appeal, decisions about NI contributions made by HMRC. (See paras 2165 - 2166). **DMG Vol 1, Annex E**

2131 - 2159

2131 In these cases, send the appellant DL/CAP 34. This tells them their appeal may not be accepted and that it has been forwarded to the FtT for a decision on this point.

2132 It is the responsibility of the clerk to the tribunal or FtT (depending on the circumstances) to give a ruling on these appeals. If the appeal is accepted as within the tribunal's jurisdiction, the FtT notifies the Department and the appeal proceeds as normal. If the appeal is struck out, the clerk notifies the appellant and the Department of the ruling. If the FtT later issue notification that the appeal has been reinstated, record it as a new appeal and take the appropriate action.

2133 - 2149

SF budgeting loans, community care grants and crisis loans

2150 The tribunal has no jurisdiction in discretionary SF claims, i.e.:

- community care grants
- budgeting loans
- crisis loans.

2151 If the appeal is made against a discretionary SF decision:

Step	Action
1	as these decisions do not carry a right of appeal, ensure the action set out in paras 2130 to 2132 is followed
2	pass it to the RO for SF as these decisions do not carry a right of appeal
3	send DL/CAP 28 to the claimant.

2152 - 2159

Appeals against HM Revenue and Customs issues

Issues raised in the appeal are only about HM Revenue and Customs issues

- 2160 If a 'duly made' appeal is received and one or more of the issues in the appeal is about HMRC issues, the Department must refer those issues to HMRC for them to consider before the appeal can be processed. The appeal must be registered on the appropriate method of recording appeals.
- 2161 If a 'not duly made' appeal is received and one or more of the issues in the appeal is about either NI contributions or EEC, take action as per CAP paras 2130 - 2132 to resolve the deficiencies in the appeal. Once the deficiencies have been resolved refer the issue(s) to HMRC.

Note 1: Appeals against NI contributions only impact those benefits which are contributory based.

Note 2: Appeals against EEC only impact IIDB.

- 2162 The appeal should **NOT be referred** to the FtT before the issue referred to HMRC for them to consider has been resolved. The DM should wait for HMRC's decision, as the appeal submission cannot be written without it.
- 2163 When HMRC have resolved the issue and notified the DM of their decision, the DM should decide how to progress the appeal in the light of that decision. It needs to be borne in mind that if the decision under appeal is revised to the claimant's advantage, the appeal will lapse.
- 2164 If the outcome decision has been reconsidered but has not been changed to the appellant's advantage, the appeal will continue. The appeal submission should be written focusing on the HMRC aspect and should include all the relevant HMRC documentation in the "Schedule of evidence".

Issues raised in the appeal are about HM Revenue and Customs issues and other DWP benefit related issues

- 2165 If an appeal is received and at least one of the issues raised in the appeal is about NI contributions or EEC and there are other benefit related issues, consider looking at the benefit issues. You may
- reconsider the outcome decision - if any new decision is more advantageous to the appellant, the appeal will lapse, **or**

2166 - 2319

- await HMRC decision and reconsider the outcome decision using all the information available. If any new decision is more advantageous to the appellant, the appeal will lapse.

2166 In either situation, where the appeal is to proceed, it has to be remembered that an AT37 must be completed. The date of appeal will be the date the appeal was received in the appropriate office e.g. local office, DBC. Annotate the 'other information box' on form AT37 that the appeal was first referred to HMRC.

See DMG Vol 1, chapter 6.

2167 - 2299

Incapacity for work appeals

2300 A decision incorporating an IfW determination has the potential to affect other decisions, for example an IS decision.

2301 Where IfW is an issue, a determination on that question made in connection with one benefit is binding on all other benefits claimed for the same period **except:**

- SSP **and**
- IIDB.

2302 This means that a determination made about IfW on an award of IB or Incapacity credits will affect other benefits, allowances or advantages to which the claimant is entitled for the same period, for example:

- IS **and**
- HB/CTB.

2303 For IB/Incapacity credits claimants, the PCA will be applied unless the OOT is the appropriate test. Details of a PCA determination will be issued on form IB65A. This form:

- is issued when the claimant fails the PCA **and**
- gives details of the scores for the individual activities and descriptors achieved in the test.

See DMG Vol 3, Chapter 13

2304 - 2319

Establishing the reason for an IB/Incapacity Credits appeal

- 2320 When an appeal is received it is important to establish the reason(s) for that appeal and to identify the outcome decision that prompted it. In IB/Incapacity Credits cases, this is usually the decision incorporating the determination on IfW.
- 2321 Where a claimant is claiming another benefit that is affected by entitlement to IB/Incapacity Credits, e.g. IS, and is found to be capable of work, entitlement to the other benefit will be affected by the determination on the IfW question.

Claimant in receipt of IS

- 2322 In order to continue to receive IS, although at a reduced rate, the decision ending the IS award can be revised where an appeal is made against the one embodying the IfW determination.

See DMG Vol 1, Chapter 3

- 2323 DMs and appeals officers should note that IS cannot continue in payment where the claimant:
- makes an appeal against a decision disallowing IB or credits unless it follows application of the own occupation test or the PCA or
 - is entitled to IS as a carer pending determination of a claim for AA or DLA, and the claim for AA or DLA is disallowed.

Example 1

The claimant is entitled to IS and credits because he is incapable of work. The IB DM terminates the award of credits because the claimant was treated as capable of work after he failed without good cause to return a questionnaire. The IS DM terminates the award of IS. Although the claimant appeals against the IB DM's decision, he is not entitled to reduced rate IS. His entitlement to IS can only continue if he satisfies another condition of entitlement. Alternatively, he could claim JSA.

Example 2

The claimant is in receipt of IS because he is caring on a full-time basis for his brother, who has claimed DLA. The claim for DLA is disallowed, and the brother appeals against the decision. The claimant's entitlement to IS can only continue if he satisfies another condition of entitlement. Alternatively, he could claim JSA.

See CAP 6830 et seq

2324 - 2331

2324 Where a claimant's entitlement to IB/Incapacity Credits and IS are disallowed because they have failed the PCA, there is nothing to prevent them appealing against the IS disallowance. If such an appeal is made and the claimant has NOT also appealed the decision embodying the IfW determination, they should be encouraged to appeal against the IB/Incapacity Credits disallowance. This is because in these circumstances there would be no prospect of success on the IS appeal.

2325 Where a duly made appeal is received against IB/Incapacity Credits and IS is in payment the IS processors should be informed immediately. It may be necessary to check PDCS in order to confirm whether or not there is an IS award. This may prevent IS being disallowed or would allow the IS decision to be revised and paid at a reduced rate.

| 2326 - 2329

Appeal against both the decision incorporating an Incapacity for Work determination and a second 'entitlement' decision

2330 If the appellant is appealing against both the 'entitlement' decision incorporating the IfW determination and a second 'entitlement' decision the tribunal must have submissions on both appeals. This allows the tribunal to deal with the second 'entitlement' appeal should they uphold the decision incorporating the IfW determination. In this situation the tribunals would have to be constituted differently. However, in such a case, the medically qualified panel member can always simply retire from the tribunal while the appeal on the second entitlement decision is considered.

2331 Where the appellant wishes to appeal against both decisions (and therefore more than one appeal is made):

Step	Action
1	complete a separate AT37 for each appeal
2	prepare a separate submission for each appeal
3	send them to the TS together
4	clearly note the AT37 that the 2nd entitlement appeal is dependent on the outcome of the appeal from the decision incorporating the determination on IfW - the clerk will then arrange for both appeals to be heard by the same tribunal, with the one involving IfW being resolved first.

Note: If a claimant wishes to appeal against two (or more) decisions they can either include each of the appeals in a single appeal letter, or send separate letters in respect of each appeal. Where there has been more than one decision notified to the claimant, and they send in a single letter of appeal, possibly appealing against more than one decision, **it must be**

assumed that the appeal is against both/all the decisions **unless** it is clear which of the decisions are being appealed.

- 2332 If HB/CTB is the only other benefit in payment, the IfW decision can affect the claimant's underlying entitlement to the DP. If the LA refers an appeal against the non-inclusion of a DP, treat the appeal as an appeal against the claimant's IfW.

2333 - 2399

Appeals dealt with by other sections

Combined payments

- 2400 If the claimant is receiving a combined payment and it is clear that the appeal is against an outcome decision on the other benefit, pass the appeal to the appropriate office.
- 2401 Where the benefits are dealt with in different DWP office locations and an appeal is received that has been forwarded from another DWP office, use the date on which it was received by that office when determining whether it has been made in time.
- 2402 Otherwise, where the benefits are dealt with at the same location the date on which the appeal is first received in the office will determine whether it has been made in time.

See CAP paras 2030 - 2034

2403 - 2409

HB/CTB appeals

- 2410 If an appeal is received against a LA benefit:

Step	Action
1	pass the appeal urgently to the LA under cover of DL/CAP 1
2	send DL/CAP 2 to the appellant
3	do not record the appeal on form LT 245/DRAMA or other appropriate method of recording appeals.

2411 - 2419

2420 - 2449

Single appeal letter including DWP benefit appeals and HB/CTB appeals

2420 If an appeal is clearly about both DWP and LA decisions:

Step	Action
1	register the appeal on the appropriate method of recording appeals as an appeal against a DWP administered outcome decision as normal
2	send a copy of the appeal to the LA under cover of DL/CAP 1
3	send DL/CAP 8 to the appellant.

2421 If it is **not** clear from the content of an appeal whether HB/CTB is involved, register it as an appeal against a DWP administered outcome decision in the normal way.

2422 If there is any suggestion that the claimant also wants to appeal against a HB/CTB decision you must make the necessary enquiries with the claimant. If it turns out that the appeal does include HB/CTB issues you must take action in accordance with para 2420 above.

2423 If it later turns out that the appeal is only about HB/CTB matters:

Step	Action
1	send a copy of the appeal to the LA with DL/CAP 1
2	send DL/CAP 2 to the appellant
3	delete the entry on the appropriate method of recording appeals

2424 - 2449

Appeals dealt with centrally

2450 If an appeal is received against an outcome decision for one of the following benefits forward the appeal form/letter and any correspondence to the address shown

Benefit	Address
CR	Durham House Washington Tyne and Wear NE38 7SF
DLA and AA	If the claim is made within 3 months of the initial claim it will be dealt with at the appropriate DBC
DLA and AA	Where the appeal is made more than 3 months after the initial claim, it will be dealt with at the DCPU Warbreck House Warbreck Hill Blackpool FY2 0UZ
Dis Ben	After completing the parts of the AT37 about the appellant and the accident/prescribed disease which is the subject of the appeal, send the appeal to the appropriate Dis Ben appeals processing centre
CA	Palatine House Preston
IS/JSA EU Enlargement Cases	Jobcentre Plus EU Centralized DMA Team, Government Buildings, 17 Gimigoe St, Wick, Caithness KW1 4HL
PBMDB	Phoenix House Stephen Street Barrow in Furness Cumbria LA14 1BX
IPC	Room TD201 Tyneview Park Newcastle Upon Tyne

2451 - 2549

LPC	Room TJ101 Tyneview Park Newcastle Upon Tyne
NPC	Room TA113a Tyneview Park Newcastle Upon Tyne

See CAP 2200 - 2204

2451 - 2499

Appeal against decision given by the Compensation Recovery Unit

District action on receipt of completed submission

- 2500 The presentation to tribunals will be by District POs.
- 2501 If a PO is required to attend the hearing, a copy of the submission should be sent to them.
- 2502 The PO should preview the case before attending the tribunal, contacting the CRU if necessary.

2503 - 2529

Appeals following Compensation Recovery Tribunal Decision

- 2530 If the decision under appeal was made following notification by the CRU of an AT decision in a compensation recovery case, **and**
1. the award of benefit is revised or superseded, and an overpayment decision made where appropriate **and**
 2. the decision is appealed

it is important that NO members of the tribunal hearing the benefit appeal were members of the tribunal that heard the CR appeal. This is to ensure that there is no breach of natural justice or of Article 6(1) of the ECHR.

- 2531 A clear note about the CR appeal must be made in the “other information box” of form AT37 - see para 4371.

2532 - 2549

Advice and representation for appellants

Interpreters

2550 If an appellant needs an interpreter the TS will arrange for this if the appellant has given this information on the appropriate pre-hearing enquiry form.

2551 - 2559

Local advice agencies

2560 Offices must keep a printed list of local agencies which can advise appellants about their appeals and provide representatives at tribunals. At the bottom of the list add:

‘These organizations will give free advice about your appeal. They may be able to provide a person to go to the tribunal with you and speak for you. They are wholly independent of the Department for Work and Pensions.’

2561 When a duly made appeal is received, send, as appropriate:

- a copy of the list and DL/CAP 23 to the appellant **or**
- a copy of the list and DL/CAP 23a to the appellant’s representative.

Note: A list of organizations giving free advice on appeals cannot be issued by staff administering benefit centrally, eg DCPU staff. DL/CAP 23 and 23a have therefore been revised to advise the appellant to contact the DWP locally.

Complaints

2562 The DWP has no responsibility for the standard of service offered by local advice agencies

2563 If:

- a complaint about one of the organizations is received, refer it without comment to the organization concerned **or**
- repeated complaints about a particular organization are received, the District Manager may wish to contact the organization about the problem and offer help and advice if needed.

2564 - 2999

Initial action on receipt of an appeal

July 2007 – Amendment 7

Code of Appeals Procedure

Submitting appeals to the Tribunals Service

Introduction

Purpose of submission

- 4000 The function of a submission is to
- assist the tribunal to reach the correct decision
 - explain to the appellant the reasons for the decision
 - allow the Agency to respond to the grounds of appeal.
- 4001 The submission should set out clearly what the case is about, the law that applies and the reasons for the decision under appeal. It should deal with the appellant's grounds of appeal and if necessary explain why evidence is not accepted. The submission must include all the relevant evidence and any procedural information which affects the form of the tribunal's decision.

See DMG Chapter 06 for general guidance on writing submissions.

- 4002 Appeals must be prepared as quickly as possible - especially appeals remitted to a new tribunal by a SSC. Count the day of receipt in the Department as day one for the purpose of performance targets.

See paras 2030 – 2034 for calculation of the date of receipt in the Department.

4003 - 4049

Preparation of appeals

- 4050 Prepare all appeals using the submission framework (see paras 4100 – 4348) including appeals against
- a RBD
 - an IIDB decision whether or not it centres on medical issues.
- 4051 Appendix 7 contains examples of submissions produced using the framework. Appendix 7a includes specimen paragraphs for use in connection with habitual residence appeals/issues.

4052 - 4110

4052 Sections 1, 4 and 5 of the framework should be used when drafting submissions where one is required for a tribunal **rehearing** where a tribunal's decision is set aside by a LQPM or SSC. A further submission may be required following

- a direction by a LQPM
- a direction in the SSC's decision
- | • advice from DMA Leeds

4053 A further submission may also be required where additional evidence is received after the submission is sent to the TS, but before the hearing – see para 4600.

4054 - 4099

The framework

4100 The framework contains

- Section 1: Personal details
- Section 2: Schedule of evidence
- Section 3: The decision
- Section 4: The facts of the case
- Section 5: The submission.

4101 - 4109

Section 1: Personal details

4110 This section provides the following information:

- name of appellant
- address
- NINO
- benefit in payment
- date of **outcome** decision
- date **outcome** decision notified

Assembling the submission for despatch

4340 Except where PHME is involved, send copies of the submission and all the documents to the

- TS
- appellant (both members of a couple in joint claim couple appeals),
- representative, **and**
- PO, if there is to be one,

in accordance with local arrangements, but where PHME is involved the guidance in para 4342 must be followed.

4341 An AT37 should be attached to the top of the documents sent to the TS.
| This bundle should be stapled or tagged.

Appeals involving Potentially Harmful Medical Evidence

4342 Where:

- medical evidence used to make a decision is considered by the DM to be PHME, **and**
- an appeal is made against the decision

the appeals officer should prepare two sets of documents including the submission.

4343 The first set should have all the evidence considered to be PHME included along with the form in Appendix 12. This form should

- explain what evidence is considered to be PHME, and why, **and**
- ask the clerk to refer to the LQPM for a ruling on disclosure.

4344 The other set should have the PHME blanked out. Both sets of the submission **MUST** be sent to the TS. On **NO** account must the submission be sent to the appellant, representative or the PO. A case control of two weeks should be set for receipt of the ruling on disclosure.

4345 - 4360

Note: see para 4300 for guidance on the numbering of documents containing PHME.

- 4345 The PHME box of the AT37 should be ticked “yes” and the field below annotated “See PHME form”.
- 4346 A covering letter (see CAP bulletin 02/08) should be included with each set of documents in the normal way but the date should be omitted.
- 4347 On receipt of the LQPM’s ruling, the clerk will:
- send the appropriate submission as directed together with the pre-hearing form to the claimant and representative **and**
 - send a copy of the ruling to the appropriate Agency.
- 4348 The Agency’s file should be noted to ensure that the ruling is followed in any contact with the claimant or representative. The appropriate submission should be issued to the PO if there is to be one.
- 4349 A covering letter (DL/CAP 38) should be included with the bundle of documents sent to the appellant and, where appropriate, to the appellant’s representative.

4350 - 4357

Processing an appeal where the appellant does not have a National Insurance Number

- 4358 When an appeal is received from a person who does not have a NINO, the papers should **not** be despatched to the TS using a temporary NINO, even where one has been allocated for the purposes of local database systems. This is because these numbers cannot be registered on the TS computer system, GAPS.
- 4359 Where the appellant has no NINO, the normal procedure for sending the submission and papers to the appellant and TS does **not** apply. As with PHME cases, the TS clerk will be responsible for despatching the appeal papers, with the exception that the Agency will remain responsible for sending a set of papers to any presenting officer.
- 4360 The appeals officer should send:
1. form AT37 **and**
 2. two copies of the submission and papers (three if there is a representative) to the TS.

4361 | The TS clerk will allocate a TS reference number and enter this on a form TAS1 before despatching the submission and papers to the appellant and any representative. The clerk will also notify the Agency of the reference number and the date of despatch. The Agency should use the TS reference number in any communications with TS about the appeal.

4362 If a NINO is later allocated to the appellant, TS should be advised immediately.

4363 - 4369

Preparation of AT37

4370 A completed AT37 must be sent with every appeal letter and submission sent to the TS. The AT37 gives the TS as much information as possible about the appeal and enables the TS to determine:

- the likely length of the appeal hearing **and**
- whether a specialist panel member is needed etc.

Completing AT37 - appeal duly made

4371 Complete the AT37 as follows:

Section	Entry
Case Code	Write the appropriate benefit code in the first two boxes. In the last two boxes write the issue code appropriate to the nature of the appeal See Appendix 3 in this guide for a list of all codes relevant to each benefit and Appendix 4 for a list of benefit specific permutations
About the appellant	Complete these details as appropriate
About the appointee	Complete these details as appropriate
About the representative	Complete these details as appropriate
About the Presenting Officer	Complete these details as appropriate please see para 4375 below

4371

Oral Hearing	Complete this box if the DM wants an oral hearing, even if the appellant chooses a paper hearing
About the appeal	Complete the appropriate box relevant to the appeal
About the decision	Complete each box, including those related to linked appeals
Reference numbers; Complex issues; Agency requires oral hearing; PO to attend; PV; PHME; X-rays enclosed	Complete these boxes as appropriate In particular, see para 4372 below where the case is considered complex, see para 4345 where PHME is involved, and see para 4402 below where a PV is involved.
Expert witness required	Enter details as appropriate

Any other information

Complete this box if you feel that there is anything else that the tribunal should know, e.g.:

- if the appeal is complex, give details of why it is complex (see paras 4372 to 4375 below);
- if new legislation is involved;
- if the facts are disputed;
- if PHME is included in the submission and any relevant documents;
- the name of the GP or consultant, where known, who examined the appellant, where the appeal deals with medical issues and there will be a medical member on the tribunal;
- the date the decision was reconsidered where the decision has not been changed to the appellant's advantage - this will enable the TS to recognize that the appeal is not late;
- where there are linked appeals; and particularly where there are linked IB and IS appeals annotate this box "**Linked appeals - IB appeal must be heard before IS appeal.**";
- where court proceedings have been instigated following a fraud investigation, annotate this box "**court action pending - see page [***].**";
- where the appeal is following a CR tribunal decision, annotate this box "**Previous Compensation Recovery appeal – please ensure panel members for [*insert Compensation Recovery Appeal Tribunal Ref No.*] are NOT selected to hear this appeal**";
- where a submission is not sent to both the appellant and representative, i.e. where a representative is not identified by the time the submission is sent to the TS, annotate this box in **capital letters**: "**NO REPRESENTATIVE IDENTIFIED**";

4372 - 4374

- where the appellant or representative states that a GP, consultant or other person may be contacted for information about their medical or disabling condition and no evidence has been obtained from the named source, annotate this box “**Appellant requests contact [insert name of GP etc] for evidence. See page [***]**”.

See also paras 4400 to 4406

**Signature, Name,
Office/Section, Phone & Fax
numbers, E-mail address,
Date**

Complete these boxes with details of the person who has completed the AT37

Complex issues

- 4372 The AT37 is a generic form which provides the TS with information allowing them to assess the time required for a case to be heard. Where the "complex issues" box is completed, the TS refers the appeal to a district chairman for a ruling on whether the case is likely to take longer than normal to hear.
- 4373 As a guide, for each session, a tribunal normally expects to hear:
1. three DLA/AA appeals plus one paper hearing **or**
 2. four IB appeals **or**
 3. five IIDB appeals except that additional slots may be allowed for PD D7, SDA and CRU cases **or**
 4. six other SS appeals except that additional slots may be allowed for cases involving OPs, LTAHAW/LTACP and deprivation of capital issues.
- 4374 Appeals officers are therefore required to give a brief explanation of why the appeal is considered to require a longer hearing, in the appropriate box. The list below gives examples of appeals which might take longer to hear:
1. where benefit has been reduced or removed, for example following a fraud investigation, and the evidence is not straightforward;
 2. where complex legal arguments have been made on the appeal;
 3. where multiple issues which are not straightforward are under appeal;

4. where the bundle of papers is exceptionally large, for example because there has been considerable interaction with the appellant during the decision making process.

Note: this list is not exhaustive - see also Appendix 11

Examples of complex appeals for DLA:

Example 1

The appellant appeals only on the ground that although he has a condition on his right to stay in Great Britain he should be entitled to benefit.

Example 2

A father appeals on behalf of his son who he considers satisfies the conditions for the higher rate of the mobility component of DLA on the basis that he should be considered severely mentally impaired. The father stated that he did have a severe impairment of intelligence but the DM gave more weight to the medical evidence, which shows that although he has **some** impairment of intelligence he does not have a **severe** impairment of intelligence.

See paras 4490 – 4495

- 4375 The submission writer will have all the facts of the case. They will decide on the complexity of the case and whether the Agency requires an oral hearing. Other than in complex cases, where “**Decision maker requests an oral hearing ...**” and the “**The appeal is complex because**” boxes etc. have been filled in, “**PO to attend**” should **only** be ticked in the event that a PO wishes to be present. Each case **must** be judged on its own merits.

4376 - 4379

Completion of AT37 - late appeals

- 4380 | When a late appeal is received action should be taken as in paras 2045 to 2063.
- 4381 | Where the time for appealing has been extended as in paras 2045 to 2063, the AT37 should be completed as for a duly made appeal. Offices may use the AT37 originally used to refer the late appeal to the TS for a ruling.
- 4382 | If there is a discrepancy between the date of the decision on the AT37 and that given by the appellant in their letter of appeal, include an explanation of

4383 - 4402

the discrepancy in the other information box on the AT37 and the appeal submission.

4383 - 4389

Completion of AT37 - late appeals on advance decisions

4390 When a late appeal against an outcome decision that applies from a future date is received, action should be taken as in paras 2068 - 2069.

4391 Record details of the date from which the decision under appeal took effect in the “Any other information” box on the AT37.

4392 - 4399

Annotating the AT37

Court proceedings pending

4400 Where court proceedings have been instigated following a fraud investigation, the “any other information” box of the AT37 should be annotated as in para 4371. A note should be included as part of the submission giving details as in paras 4460 to 4462. **If the appeal is still outstanding when the court proceedings are over the tribunal clerk must be informed and told what the outcome is (see also para 4462).**

Compensation Recovery cases

4401 Where the decision under appeal was made following notification by the CRU of an AT decision in a compensation recovery case the “any other information” box of the AT37 should be annotated as in para 4371.

Appellant has a Potentially Violent marking

4402 Where an appellant is classified as PV and their appeal is to be referred to the TS, the relevant boxes on the AT37 should be completed and the appropriate proforma (see pages 6 & 7 of form IF2) should be included in any papers sent to them. If the PV marking has not been disclosed to the appellant, this fact and the reasoning behind it should be highlighted in the “Any other information” box on the AT37.

Further Medical evidence

- 4403 Where an appeal involves disability or medical issues, the appellant or representative may indicate in the letter of appeal or other document such as the claim form that a GP, consultant or other person may be contacted by the decision making authorities for further information in support of their appeal.
- 4404 If there is no evidence from this named contact in the documents used to make the decision under appeal, for example because the DM considered that there was sufficient evidence from other sources to decide the claim or application, the LQPM may wish to consider whether:
1. to obtain evidence from those identified by the appellant or representative **or**
 2. to give directions to the claimant about obtaining evidence or attending an oral hearing.
- 4405 This is best done as part of the pre-hearing process, in order to avoid unnecessary hearings. It is therefore helpful if the Agency identifies this issue when the appeal is referred to the TS.
- 4406 Where:
1. the appellant or representative states that a GP, consultant or other person may be contacted for information about their medical or disabling condition **and**
 2. no evidence has been obtained from the named source

the "other information" box on the AT37 should be noted as in para 4371.

4407 - 4419

Appellant living outside Great Britain

- 4420 | If you know that the appellant is living outside GB, tell the clerk on the AT37.

4421 - 4460

4421 If the appellant is being represented and the representative is to attend the hearing the appellant is asked to tell the TS if the representative has a preferred hearing location.

4422 The appeal will be heard at the venue either specified by the appellant or preferred by the representative, unless the appellant has chosen a paper hearing, in which case the appeal will be heard at Newcastle upon Tyne. If the appellant chooses an oral hearing the TS will notify all PTTP, and any representatives of the time, date and venue for the hearing.

4423 - 4449

Appellant represented

4450 If you know that the appellant has given written authority for someone to act on their behalf, you must make any enquiries concerning the appeal through them.

Suspected fraud

Information not yet laid

4451 If an appeal is made in a suspected fraud case on which a case is to be referred for prosecution, tell the FIS.

4452 If information has not yet been laid (in Scotland read 'laying information' as 'reporting a case to the Procurator Fiscal') take normal appeal action. When the submission is sent to the TS inform the clerk that the case is being considered for prosecution, and ask the clerk to ensure that the appeal is heard as quickly as possible. Tell the FIS about the result as soon as it is known.

4453 Where an appeal is connected to matters that **may** result in criminal proceedings against the appellant, no mention of this should be made in the written or oral submission. However, it must be brought to the attention of the TS.

4454 - 4459

Information laid

4460 If information has been laid (or is about to be laid urgently) prepare the submission in the usual way. Tell the TS that criminal proceedings are pending

- 4461 The submission should not be delayed where the Department is bringing criminal proceedings against the appellant. The submission should be sent to the TS as normal and the matter of the criminal proceedings should be brought to the attention of the TS with details of how far those proceedings have progressed. A LQPM decides whether the tribunal hearing should be put on hold.
- 4462 The clerk will send out a copy of the LQPM's ruling as soon as possible. If the LQPM's ruling is:
- to proceed with the tribunal hearing, liaise closely with the FIS to make sure the appropriate papers and documents are available for both the appeal hearing **and** the court proceedings. Inform the FIS as soon as the appeal is completed, **or**
 - to delay or postpone the tribunal hearing, tell the FIS **immediately**, and **tell the tribunal clerk when the court proceedings are over and what the outcome is.**

See also para 4400

4463 - 4479

Oral hearings and attendance of a Presenting Officer

Oral hearings

- 4480 Oral hearings are held if:
- the appellant, the Agency or other PTTTP specifically opt for an oral hearing **or**
 - the tribunal Chairman so directs.
- 4481 To alert the TS that an oral hearing is required, the appropriate box on the AT37 must be completed.
- 4482 Whenever a case will be dealt with at an oral hearing, the TS will advise the relevant Agency's (i.e. Jobcentre Plus, the Pension Service or the Disability and Carers Service) PO on the listing for hearings. The TS must give the PTTTP not less than 14 days notice of the date, time and place of any oral hearing. (This period of notice starts on the date on which notice is given and ends on the day before the hearing is to take place).
- 4483 The right to receive not less than 14 days notice of the date of the hearing may be waived by any PTTTP. Notice of this waiver has to be given to the clerk to the appeal tribunal.

4484 - 4489

Attendance of a Presenting Officer

4484 The role of the PO is to act as ‘amicus curiae’, ie friend of the court. POs are aware of all the issues raised in the submission and will make sure the tribunal hears **all** the facts, not just those advantageous to either the Agency or the appellant.

Direction to attend

4485 The PO must attend an oral hearing where directed to do so by

1. a LQPM **or**
2. a SSC where an appeal is remitted to a tribunal for rehearing.

4486 The TS should give offices 14 days’ notice of the date, time and venue of the hearing. If no PO is available for the date of the hearing in the office dealing with the appeal, the appeals officer should contact other offices and request assistance wherever possible. Alternatively, a postponement should be requested as early as possible.

4487 Exceptionally, if it is not possible to provide a PO, for example because of unavoidable circumstances, an explanation should be provided as soon as possible **before** the date of the hearing.

4488 The TS has issued guidance to clerks on the action to take where

1. a PO has been directed to attend an oral hearing **and**
2. no PO attends **and**
3. no explanation for the failure to attend is provided.

4489 The TS will write on behalf of the Regional Chairman to the relevant office manager asking for a written explanation for the failure to attend.

Requesting an oral hearing

- 4490 The following section gives guidance for all benefits on the cases which DWP Agencies consider are likely to raise difficult issues where a PO should attend. Attendance in these circumstances is at the discretion of the relevant Agency subject to local resources.
- 4491 Not all oral hearings require a PO to attend, for example where an oral hearing has been requested by the appellant. However, there will be cases where Agencies consider that there ought to be an oral hearing irrespective of the appellant's request. In some Agencies the practice is for a PO to attend where the appeals officer considers that the appeal raises difficult issues. This approach should be continued.
- 4492 Appendix 11 gives examples of cases where Agencies should consider whether a PO should attend the hearing. The list is not exhaustive, and there may be other cases where Agencies consider that PO attendance is required.
- 4493 Not every case listed will require attendance. For example, although OP appeals are included in the Appendix, not every OP appeal will require the attendance of a PO. The appeals officer may consider that the submission is self-explanatory in relation to the evidence and grounds for appeal, and that the presence of a PO is not required to add to the submission.
- 4494 Appeals officers should note that where the "complex appeal" box is completed on the AT37 this does not indicate that a PO will attend the hearing. This box is completed where the appeals officer considers that the appeal may take longer to hear than usual.
- 4495 Where the Agency completes the form to indicate that a PO will attend, **this is a request for an oral hearing**. The PO **must** therefore attend the oral hearing. There may be cases where Agencies consider that a PO should attend, but the hearing is unlikely to last longer than usual. The "complex appeal" box should not be completed in such cases.

Note: See paras 4370 and 4371 for guidance on completion of form AT37.

Application for set aside

- 4496 Appeals officers should note that it is **not** appropriate to request that a tribunal decision is set aside because a PO did not attend a hearing where
1. an oral hearing is requested by the Agency **and**
 2. no explanation is given for the failure to attend.

4497 - 4499

4500 - 4529

Paper hearings

4500 A paper hearing is held if

- no PTTP requests an oral hearing **and**
- the tribunal Chairman does not direct an oral hearing.

4501 | If all parties have opted for a paper hearing, the presence of a PO is not required, and clearly no oral evidence can be taken.

4502 | In some cases the appellant or the Agency may change their mind and subsequently elect for an oral hearing. In such cases:

- if the Agency makes a belated decision to opt for an oral hearing, notify the TS as quickly as is practically possible
- if the appellant changes their mind, the TS will inform the Agency who will then decide if a PO will attend the hearing (unless a LQPM has directed a PO to attend).

| 4503 - 4529

Despatching the submission

Representative identified when the submission is prepared

4530 When an appeal is received from the appellant and it is clear that the appellant has a representative, and the submission is assembled and ready for despatch:

Step	Action
1	<p>photocopy the appeal submission and relevant documents for the TS, the appellant, their representative and the PO (if there is to be one).</p> <p>Note: where there are documents containing potentially harmful medical evidence this guidance should not be followed - see para 4342 et seq for the current guidance.</p>
2	<p>send a photocopy of the submission and relevant documents and a copy of the video recording (if one has been used as evidence) with a completed AT37 to the TS and note the date of despatch on the appropriate method of recording appeals.</p> <p>Note: see para 4593 where video evidence is involved.</p>
3	<p>send photocopies of the appeal submission and relevant documents and a copy of the video recording (if one has been used as evidence) to the appellant.</p> <p>Note: see note to step 1 above where PHME is involved and see para 4593 where video evidence is involved.</p>
4	<p>send photocopies of the appeal submission and relevant documents and a copy of the video recording (if one has been used as evidence) to the appellant's representative with DL/CAP 37.</p> <p>Note: see note to step 1 above where PHME is involved and see para 4593 where video evidence is involved.</p>
5	<p>send a copy of the appeal submission and relevant documents and a copy of the video recording (if one has been used as evidence) to the PO, if appropriate.</p> <p>Note: see para 4593 where video evidence is involved.</p>

4531 - 4579

Step	Action
6	keep the original submission and relevant documents and a copy of the video recording (if one has been used as evidence) in the file. Annotate the file that a copy of the appeal submission has been sent to the appellant's representative where appropriate.

4531 - 4549

No representative identified when the submission is prepared

- 4550 In all cases where a submission is not sent to both the appellant and representative, i.e. where a representative is not identified by the time the submission is sent to the TS, annotate the other information box of the AT37 as in para 4371.

Note: This annotation must be clear and in capital letters.

4551 - 4569

Representative identified to the Tribunal Service after the agency has issued the submission

- 4570 After the Agency's initial action, it may become apparent to the TS that the appellant has a representative. The TS will inform the Agency of the representative's details.

Step	Action
1	send a photocopy of the submission and relevant documents and a copy of the video recording (if one has been used as evidence) to the representative with DL/CAP 36
2	annotate the file that a copy of the submission has been sent to the representative.

Note: The TS will only be able to identify where the appeal papers have not been issued to the representative by referring to the AT37. To avoid unnecessary referrals from the TS, take action as in paragraph 4530 and 4550.

4571 - 4579

Representative identified to the Agency after the submission has been issued

4580 If, after the appeal submission has been sent to the TS the appellant informs the Agency that they have a representative.

Step	Action
1	send a photocopy of the submission and relevant documents and a copy of the video recording (if one has been used as evidence) to the representative with DL/CAP 37
2	annotate the file that a copy of the submission has been sent to the representative
3	copy the letter from the appellant informing the Agency that they have a representative and send it to the TS.

4581 - 4589

Duplicate appeal papers requested

4590 When a request for duplicate papers is made, a copy should be issued if the request is reasonable, for example, where the papers did not arrive in the post or have been lost. If the request is made to the TS, they will notify the Agency if a copy should be issued.

4591 - 4592

Video evidence

4593 If a video recording has been used as evidence in making the decision that is under appeal, copies of the video must be made for the TS, the appellant, their representative and the PO (if there is to be one).

4594 Where a video recording is used as evidence, the person who took the video can be asked to attend a tribunal hearing to answer any questions arising from that video.

4595 If the identity of the person who took the video is not known to the appellant, a written statement should accompany the video recording testifying to its authenticity.

4596 - 4699

4596 If the person who took the video is a member of the public, the identity of that person **cannot** be revealed without their consent.

4597 - 4599

New evidence produced prior to hearing

4600 If an appellant presents further evidence in support of their appeal after the submission has been issued, but before the hearing, the TS will write to the Agency to make sure that the decision under appeal is reconsidered in the light of the new evidence.

4601 If, following the reconsideration process, the decision under appeal is revised favourably to the appellant the appeal will lapse and the TS should be notified. Where the reconsideration does not result in a favourable decision a further submission based on the additional fact(s) should be prepared.

See DMG Chapter 06 for guidance on the reconsideration process following an adjournment.

4602 - 4649

Appeal adjourned for further submission or information

4650 In some circumstances, the Chairman will adjourn a hearing. This may be because additional evidence or information or a further submission from the Agency is needed, or the tribunal needs a PTTP to attend the hearing. In these cases, the TS will identify the first suitable hearing date and agree the new hearing date with the appellant, any representative and other PTTP.

4651 The decision under appeal should be reconsidered in the light of any new evidence or information obtained under these circumstances. If, following the reconsideration process, the decision under appeal is revised favourably to the appellant the appeal will lapse and the TS should be notified.

4652 Where, after reconsideration, the decision under appeal cannot be revised favourably, the tribunal will have to be told what effect the new evidence or information has on the decision under appeal and a further submission prepared.

4653 - 4699

Witnesses

4700 The relevant Agency is responsible for calling its witnesses to the hearing. Send DL/CAP 25 to the witness at the same time as the documents are sent to the clerk.

4701 When the date of hearing is known, the PO sends the witness DL/CAP 26 with a pre-paid envelope.

4702 - 4749

Asking for cases to be deferred

4750 The TS may defer a decision on an appeal if it involves the same point of law that is being challenged before a upper tribunal, or in the Courts, in another case. The case before the upper tribunal or the Court is known as the lead case. The case being considered is known as the “lookalike” case.

See DMG Chapter 06

Lookalike appeals

4751 | Where it has been established that an appeal is pending following the decision on another case, DMA Leeds will:

- identify the lead case
- issue notifications detailing the point of law in dispute and the benefits which are affected by the decision – this will be by either a DMG Memo or a posting on the DMA Notice Board.

Appeals not yet sent to the Tribunals Service

4752 | If an appeal has not yet been lodged with the TS and DMA Leeds has issued a notification as in para 4751, appeals officers must take the following action:

1. check all appeals for potential lookalike cases
2. where lookalike appeals are identified, the appeals officer will refer the appeal submission to the TS in the normal way and note the AT37 asking for the appeal hearing to be deferred pending the decision on the lead case.

The TS will notify all PTPP if the hearing is deferred.

4753 4999

Appeals already sent to the Tribunals Service

- 4753 Where an appeal has already been referred to the TS, the tribunal clerk will take action to identify any lookalike appeals **and** will hold them until the lead case has been decided.
- 4754 Where the submission has already been sent to the TS, the TS will inform all PTPP that the appeal will not go ahead until the outcome of the appeal in the lead case is known.

4755 - 4999

- a determination of an application for leave to appeal to the SSC, **or**

until the date on which those documents are sent to the SSCs' Office in connection with an appeal, or an application for leave to appeal, if that is within the six months quoted above.

- 6432 Any PTTP may apply in writing to the TS for a copy of the RoP within the time limit in para 6431, and the TS must send a copy to that party. Bear in mind, however, that the TS will send the RoP with all SoR and adjournment notices.

6433 - 6449

Statement of Reasons

- 6450 A SoR for the tribunal's decision and its findings on questions of fact can be requested from the TS. However, this should **only** be done where the DM is considering an appeal to the SSC, in which case the request must be made in writing. Requests must be made within one calendar month of the DN notice being given or sent out. The request should be made on the form attached at Appendix 10.

See also para 6800

- 6451 If a SoR is being requested outside the one calendar month reasons for lateness must be provided. This will allow the DC to decide if it is reasonable to allow the request.

6452 - 6549

Implementation of tribunal's decision

- 6550 **[See CAP Bulletin 07/07]** When the tribunal's decision has been received, it must be date stamped. The decision should then be put into effect as soon as possible.

Note: Where the appeal tribunal has:

- allowed the appeal, **and**
- decided the appellant can get benefit, **but**
- they have not quantified the amount of extra benefit payable,

calculate the arrears due and make a payment to the appellant, and issue DL/CAP 11.

Liberty to apply

6551 In such cases the claimant has no right to appeal against the calculation, but disagreements can be referred back to the tribunal. This is known as “liberty to apply”.

6552 The process of referring disagreements about calculations back to the tribunal is usually applied in overpayment cases, where the tribunal decides that an overpayment is recoverable but calculation of the amount is referred to the DM. However, it can also be considered in other benefit cases.

For more information, including details of how applications will be processed by the FtT, please see [AMP 4/2006](#)

6553 “Liberty to apply” is only appropriate where the decision notice clearly states that it is available. The FtT will usually set a time limit for making an application. Appeals officers should note that this process is not an alternative to making an appeal. It is available because the claimant has no right of appeal against the DM’s determination in cases where calculation is referred to the DM.

6554 If the appellant contacts DWP and disagrees with the DM’s calculation, the DM or appeals officer should refer the matter to the FtT for consideration, with an explanation of the calculation.

Alternatively the appellant may apply directly to the FtT. The FtT will inform DWP that an application has been received.

6555 Where the application is admitted by the FtT, the appeal will be listed before the same tribunal for hearing. The sole issue before the tribunal is the calculation by the DM. The FtT may direct that a further submission is produced before the hearing to explain the calculation.

6556 If the application is not admitted, the FtT may treat it as a request for

1. a statement of reasons
2. an application for set aside **or**
3. an application for leave to appeal.

See DMG Volume 1 Chapter 6

Tribunal decisions which cannot be implemented

- 6557 There may be some tribunal decisions which cannot be implemented, not because of accidental error but because they are unclear in the context of the case. In any such case clarification should be sought from the TS.

Examples of tribunal decisions which would be unclear:

Example 1

In a DLA case where the customer is appealing against an award of lower rate care, the tribunal in its decision says nothing about the care component but award higher rate mobility

Example 2

In an IS case where benefit was refused on a claim made on 1.8.07 because capital exceeds, in its decision the tribunal decides that capital does not exceed and that IS should be paid from 4.11.07.

- 6558 | Generally there will be no queries on a tribunal decision. However where the tribunal has made an accidental error see paras 6650 - 6653, or if the DM considers that an appeal might be appropriate see paras 6800 et seq.

| 6559 - 6569

Enquiries/complaints from appellants

- 6570 If an appellant does not understand the tribunal's decision, try to give them an explanation of how the decision was reached.
- 6571 If there are insufficient details to answer the enquiry, advise the appellant to contact the tribunal clerk. Consider writing on the appellant's behalf if they have difficulty in writing themselves.

6572 - 6599

Suspected fraud cases

- 6600 When the appeal hearing is completed notify the FIS immediately, and send all the papers, including the tribunal's DN and SoR (if requested), to them without delay.

Note: Consider whether any successful appeal should be appealed to the UTAAC. If it is to be appealed liaise closely with the FIS, as any ongoing prosecution could be adversely affected.

6601 - 6669

2) If any successful appeal is not to be appealed to the UTAAC make sure that any payment awarded by the tribunal is issued before the papers are passed to the FIS.

6601 - 6649

Correction of accidental error in a tribunal's decision notice

6650 If the tribunal's decision notice appears to contain an accidental error, for example a typing mistake, any PTTTP can apply to the TS to have the error corrected at any time. Mistakes about evidence or the application of the law do not fall into the category of "accidental error". Accidental errors can be corrected either by the clerk to the tribunal or by a LQPM, but in practice these are normally considered by a DC.

See DMG Chapter 1

6651 Where it is considered impossible to carry out the tribunal's decision on a case because of an accidental error the DM should be told immediately. If appropriate, the DM will apply to the TS without delay to have the accidental error corrected.

6652 If the tribunal's decision is corrected, the time limit for appealing against the corrected decision then runs for one calendar month from the date on which the notice of correction is issued, i.e. all parties to the appeal will have one month from the date the corrected decision was issued to make an application for leave to appeal to the UTAAC.

6653 Where the tribunal's decision is corrected the TS will advise all parties to the appeal of their decision, otherwise they will only notify the requesting party. If an Agency requests a correction to a tribunal's decision and the TS's decision on that issue is not received within one month, the TS should be contacted.

6654 - 6659

Correspondence from the appellant

6660 If any correspondence is received from the appellant or their representative about an accidental error, it should be sent to the TS immediately.

6661 - 6669

Setting aside tribunal decisions on certain grounds

6670 Under reg 57 of the D&A Regs, any PTTTP can apply to have a tribunal's decision set aside if:

- a document relating to the proceedings was not sent to, or received by, a PTTTP, or their representative, or was not received by the tribunal, **or**
- a PTTTP, or their representative, was not present at the hearing.

6671 The application of reg 57 of the D&A Regs is quite narrowly specific and cannot be used where the issue under consideration is about errors of fact or errors of law.

Note: There is no right of appeal against a tribunal's refusal to set aside their decision (see reg 57A of the D&A regs).

6672 - 6679

DM's application

6680 Where the DM applies to the tribunal to set aside their decision, send the application and any accompanying documents to the tribunal clerk immediately.

6681 - 6689

Appellant's application

6690 If the appellant, their appointee or representative writes to the appropriate Agency and specifically requests or seems to be requesting, that the tribunal chairman sets aside the tribunal's decision, the letter should be sent to the tribunal clerk immediately and should be accompanied by the Agency's comments on the application.

6691 - 6699

Comments on applications

6700 If the TS receive an application for set aside, they will send it to the other PTTTP, or their representatives, for comment.

6701 - 6800

6701 If a request for comments on an application for set aside is received, the appeals officer should write a minute with any necessary comments and send it to the FtT within 14 days of the request being issued.

See DMG Chapter 06

6702 - 6749

Further evidence comes to light after the FtT's decision - grounds for supersession

6750 Consider supersession if:

- the tribunal was ignorant of a material fact, e.g. evidence was held by the Agency but had not been disclosed to the tribunal, **or**
- further evidence is disclosed after the tribunal has given a decision **and that evidence may affect the decision, or**
- the DM is required to supersede a FtT or an UT's decision made under the stayed appeals procedures, **or**
- a relevant change occurred which the tribunal were unable to take into account.

See DMG Chapter 4 for guidance on superseding a tribunal's or UT Judge's decision and fixing the appropriate effective date

6751 - 6799

Appeals/Applications for permission to appeal to the Upper Tribunal

Secretary of State's application for permission to appeal to the Upper Tribunal

6800 All applications for permission to appeal to the UT's on behalf of the S of S are made only by DMA Leeds. If it is considered that an appeal might be appropriate, take the following action to notify LGSPG DMA Leeds immediately:

Step	Action
1	request a statement of reasons in writing from the FtT within one calendar month of the date of the summary decision notice. The request should be made on the form attached at Appendix 10
2	<p>when the statement is received, consider if an application to the UT is still appropriate, e.g. consider whether:</p> <ul style="list-style-type: none"> • the provisions of the act or regulations have been misinterpreted or misapplied • the decision is not supported by evidence • the decision is such that no person acting judicially and properly instructed about the relevant law could have reached it • there has been a breach of natural justice • there are other errors of law, e.g.: <ul style="list-style-type: none"> - taking irrelevant evidence into account or - giving reasons for decisions which imply faulty reasoning or - ignoring relevant evidence <p>Note: This list is not exhaustive</p>
3	<p>if an application is considered appropriate:</p> <ul style="list-style-type: none"> • refer the case to DMA Leeds • all documents referred must be clearly marked with office/business unit address and contain: <ol style="list-style-type: none"> i. a proforma (Appendix 13) stating clearly the grounds for appeal and where appropriate an estimate of the amount of benefit involved (note: only PLPFG will complete this form for DLA/AA cases)

	<ul style="list-style-type: none">ii. the DM's written submission to the FtT and numbered enclosures andiii. any other written submission made, received from, or handed in, by any party to the appeal on the day of the appeal tribunal hearing andiv. the tribunal's decision andv. the statement of reasons for the decision andvi. papers relating to any action taken after the tribunal's decision has been made; for example, if an application is made to set aside the FtT decision<ul style="list-style-type: none">• set a three monthly reminder to await the outcome and• set further three monthly reminders if the case is still outstanding when the BF matures <p>Note: many potential appeals have to be returned because they are late. Administrative delays are almost never accepted by the FtT or the UT's as a reason for a late application. Cases must be sent to DMA Leeds within one month of the date the FtT send the written SoR. As DMA Leeds have to work to the same timescales as DWP Agencies, sufficient time must be allowed for DMA Leeds to work through the necessary processes within the same one month deadline</p>
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See DMG Chapter 6

6801 In most instances, the tribunal's decision should not be implemented if the case is referred to DMA Leeds. **As soon as** an application for permission to appeal to the UT is being considered:

- suspend benefit and
- send the claimant a DL/Susterm 6 (this tells the claimant that the tribunal's decision is not being implemented as an application for permission to appeal the tribunal's decision to the UT is being considered).

See DMG Chapter 06 and reg 16 of the D&A Regs 1999

6802 | If, despite an application for permission to appeal to the UT is being considered, an Agency wants to implement the tribunal's decision they **must** ask DMA Leeds first.

Sending documents relating to the decision under appeal when application/appeal made

6803 | When documents relating to the relevant decision are required in a case on which an application for permission to appeal/an appeal to the UT has been made, DMA Leeds will ask the Agency for the relevant documents. All requested documents must be sent to DMA Leeds immediately. The file must be marked 'Urgent - Appeal to the UT' and sent by courier.

DMA Leeds decide the application will not be made

6804 | If it is decided not to apply for leave to appeal to a UT, DMA Leeds will return the papers and provide the reasons why. On receipt of DMA Leeds' notification remove the suspension of benefit immediately and implement the tribunal's decision as quickly as possible.

Result of appeal

6805 | Appeals officers should BF appeals with a system or clerical case control to contact DMA Leeds about the outcome of the UT's decision. It is advisable to set a three month BF, followed by further three monthly BFs if the appeal is still outstanding.

6806 | DMA Leeds will notify the appropriate office of the outcome of any appeal to the UT made on behalf of the S of S. If the UT sets aside the original tribunal's decision and remits the claimant's appeal to a fresh tribunal, or remits the appeal back to the S of S, a copy of the UT's decision will be returned to the appropriate office along with the file documents.

6807 | If the outcome of the UT's decision means that the appeal is not remitted, for instance because the appeal wasn't successful or the UT had made his own decision, a copy of the UT's decision will be sent to the appropriate office and the papers retained by DMA Leeds.

6808 | When a UT sets aside a tribunal's decision and remits the case for the FtT to arrange a fresh appeal hearing, the Agency may be required to make a fresh submission. A fresh submission will have to be made:

- | • if directed to by the UT
- where the FtT have decided that a further submission is necessary. The FtT will notify the deadline for receipt of the submission (if a further submission is not required the FtT will notify the particular Agency)

6809 - 6830

- where DMA Leeds has advised that a further submission be made or, exceptionally, the appropriate Appeals Officer thinks one is necessary. In these cases it should be explained why the submission is being made and permission requested for it to be admitted.

Please be aware that it is very important that such a case is dealt with as quickly as possible, if necessary giving it priority over other appeals.

6809 As well as avoiding a delay in processing the case, the officer drafting the new submission must take care also to address any issues highlighted in the UT's decision. DMA Leeds will give necessary guidance where the particular case requires it, and will also give guidance on request.

Claimant's appeal/application for permission to appeal to the Upper Tribunal

6810 Agency staff will not usually receive appeals, or applications for permission to appeal, to the UT from appellants other than the S of S. If any are received they should be sent to the FtT immediately.

6811 DMA Leeds will tell the appropriate office about any claimant's application for permission to appeal/appeal to the UT where the S of S is asked to comment on the application or the appeal. The outcome of such an application/appeal will be notified as in paras 6805 et seq above.

6812 - 6829

Gaining an advantage from a further appeal

6830 A claimant or other appellant can gain an advantage from continuing an appeal in the circumstances set out in paragraphs 6831 and 6833. "Continuing an appeal" means:

- making an application to a FtT or UT for permission to appeal against a FtT decision
- where leave to appeal is granted by the FtT, notice of the appeal with the UT(AAC) Office
- awaiting a rehearing where the UT remits the appeal to a tribunal.

Offices should note that permission to appeal can be granted by the UT even if it has been refused by the FtT. Where a UT grants permission, the application is normally treated as the appeal.

See CAP 6836

Recovery of overpayment

6831 Where a person:

- has been granted permission to appeal against a FtT decision that an overpayment is recoverable and
- where appropriate, lodged the appeal with the UT(AAC)'s Office recovery action is suspended pending determination of the appeal.

6832 If the notification is about being granted permission to appeal, or where appropriate lodging notice of the appeal, against a recoverable overpayment, the appeals officer **must** ensure that it is passed **immediately** to the appropriate Debt Management centre so that recovery can be suspended.

Reduced rate IS

6833 IS can continue in payment at a reduced rate where a claimant applies for or is granted permission to appeal against an FtT decision on IB or NI credits which upholds the DM's determination that they are not incapable of work following application of the PCA.

This also applies where leave is refused by the FtT, and the claimant renews their application before the UT Judge. If permission is granted by the FtT, the appeal must be lodged with the UT(AAC)'s office for reduced rate IS to continue.

The claimant is advised on UT1, the form used to make an application for permission to appeal, to notify their benefit office about the application if they were receiving IS and it stopped following the FtT decision.

See CAP 2323

6834 If the notification is about an application for permission to appeal or an appeal against an incapacity decision, and the claimant wishes to continue receiving reduced rate IS, the notification **must** be passed **immediately** to the appropriate office so that payment of IS can continue. See DMG Chapter 03 for guidance on revision where IS has been terminated following the FtT decision on incapacity.

Checking progress

6835 Action to check on progress of the application or appeal is the responsibility of the office dealing with the overpayment or payment of IS as appropriate. If the application or appeal is unsuccessful, recovery action may begin again, or the IS award be terminated again, as appropriate. Delay in taking appropriate action following the outcome of the application or appeal may lead to difficulties in recovering an overpayment, or an overpayment of IS.

6836 - 6999

Where DMA Leeds has informed an office of an application or appeal to the UT we will also notify the outcome of that application or appeal on a form OS77. The notification should be passed to the Debt Management centre or IS paying office as appropriate.

In all other cases, the office should check that the application is continuing by contacting the appropriate FtT office or UT(AAC)'s Office at regular intervals.

Judicial review

6836 The guidance about continuing an appeal does not apply where the appellant challenges a decision outside the SS appeal system. This is most likely to happen when:

- a claimant's appeal to a tribunal is dismissed **and**
- an application for permission to appeal is refused by the District Judge and the UT **and**
- the claimant applies for Judicial Review of the UT Judge's refusal to grant permission.

Where the claimant was entitled to reduced rate IS because an appeal against the decision about the PCA was ongoing, that entitlement ends when the UT Judge gives a ruling refusing the application for permission. The claimant's entitlement to IS can only continue if they satisfy another condition of entitlement. Alternatively, they could claim JSA.

6837 - 6999

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 submission/last day of the stats period.

Note: Working days mean Monday to Friday. Do not treat public holidays, bank holidays, or departmental privilege days, when the office is closed, 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 tribunal 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.

7051 - 7099

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.

7101 - 7112

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 para 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 Appendix 6 in this guide for a copy of form LT245

7106 - 7109

Appeals on matters outside of the FtT’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 the TS 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 Agency 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

Appendix 2

DL/CAP 38

Covering letter to accompany an appeal submission bundle sent to the appellant or the appellant's appointee

Dear (a) (b)

About your appeal

I enclose a copy of the appeal papers with this letter. These papers give the reasons for our decision.

We have sent a copy of the same information and your appeal letter to the Tribunals Service. They will get in touch with you to explain what happens next with your appeal.

[(c) We have sent a copy of the papers to your representative].

If you want more information please get in touch with us. Our address and telephone number are at the top of this letter. An Advice centre like the Citizen's Advice Bureau or a local law centre can also give you free advice.

If you ask someone for help and advice you should take this letter and the appeal papers with you.

Yours sincerely

Signature:

Date:

(Insert Initial or Forename and Surname of sender)

Notes for completion

- (a) insert the appellant's or appointee's title, e.g. Dr, Mr, Mrs, Miss, etc
- (b) insert the appellant's or appointee's surname
- (c) include where the appellant has a representative.

Appendix 3

Benefit assessment type codes and issue codes

Benefit assessment type codes

New code	Benefit
13	Attendance Allowance
37	Disability Living Allowance
45	State Pension Credit
52	Incapacity Benefit
61	Income Support
64	Industrial Death Benefit
67	Industrial Injuries Disablement Benefit
67	Reduced Earnings Allowance
67	Retirement Allowance
70	Carers Allowance
73	Jobseeker's Allowance
76	Lookalikes
79	Maternity Benefit/Allowance
82	Retirement Pension
85	Severe Disablement Benefit/Allowance
88	Social Fund Maternity
89	Social Fund Funeral
94	Bereavement Benefit/Widow's Benefit
99	Others

Benefit assessment type codes and issue codes

Issues codes

New code	Issue
AA	Invalid
AP	Assessed Income Periods
AR	Alternative Dispute Resolution
AS	Asylum
AT	Personal Capability Assessment (All Work Test)
BW	Back to Work Bonus
CB	Contribution Record
CC	Conditions of Entitlement - complex
CD	Care (DLA)
CE	Conditions of Entitlement
CF	Care Mobility (DLA)
CL	Capital
CM	Child Maintenance Bonus/Premium
CO	Community Order
CR	Credits
CS	Chest - pneumo', asbestosis etc
DA	Disability and Carers
DE	Date of entitlement
DP	Disability Premium/Severe Disability Premium
DQ	Disablement Question
EC	European Court of Human Rights (ECHR)
EX	EC Legislation
GC	Good Cause
HC	Housing Costs
HT	Habitual Residence Test
IA	Industrial Accident
ID	Industrial Disease
IQ	Income Query
LE	Late (extending back)
LM	Labour Market Issues

continued

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Issues codes continued

New code	Issue
LT	Living Together As Husband And Wife/Civil Partners (LTAHAW/CP)
MD	Mobility (DLA)
NC	Non-Compliance/Sanction
OC	Overpayment - capital
ON	One Project
OS	Overpayment - straightforward
OX	Overpayment - complex
PC	Property/Capital Settlement
PF	Persons from Abroad
PR	Premiums
RA	Rate of Assessment/Assessment/Payability Issues
RB	Reduced Benefit Decision
RC	Rate of Assessment/Assessment/Payability Issues - complex
RG	Reciprocal Agreement
SF	Funeral
SG	Support Group Placement
SM	Maternity
SS	Self-Employed - straightforward
SX	Self-Employed - complex
TB	Termination of benefit - failure to provide further information
TT	Term Time
WC	Work Capability Assessment
WF	Winter fuel payments

Appendix 4

Benefit specific and issue code permutations

All 53 issue codes are acceptable. However, depending upon benefit/assessment-type composition may be subject to alteration.

Benefit-type and code permutation(s):

Attendance Allowance (13)

AT37 code	Issue
13AA	Invalid
13AR	Alternative Dispute Resolution
13CC	Conditions of entitlement - complex
13CD	Care (DLA/AA)
13CE	Conditions of entitlement
13CF	Care/Mobility (DLA/AA)
13DQ	Disablement Question
13EC	European Court of Human Rights
13EX	EC legislation
13GC	Good cause
13LE	Late (extending back)
13MD	Motability (DLA/AA)
13OC	Overpayment - capital
13ON	One Project
13OS	Overpayment - straightforward
13OX	Overpayment - complex
13RA	Rate of assessment/payability
13RC	Rate of assessment/payability - complex

Benefit specific and issue code permutations

Disability Living Allowance (37)

AT37 code	Issue
37AA	Invalid
37AR	Alternative Dispute Resolution
37CC	Conditions of entitlement - complex
37CD	Care (DLA/AA)
37CE	Conditions of entitlement
37CF	Care/Mobility (DLA/AA)
37EC	European Court of Human Rights
37EX	EC legislation
37GC	Good cause
37LE	Late (extending back)
37MD	Mobility (DLA/AA)
37OC	Overpayment - capital
37ON	One Project
37OS	Overpayment - straightforward
37OX	Overpayment - complex
37RA	Rate of assessment/payability
37RC	Rate of assessment/payability - complex

State Pension Credit (45)

AT37 code	Issue
45AA	Invalid
45AP	Assessed Income Periods
45AS	Asylum
45BW	Back to Work Bonus
45CC	Conditions of entitlement - complex
45CE	Conditions of entitlement
45CL	Capital
45CM	Child Maintenance Bonus
45CO	Community Order
45DA	Disability and Carers
45DP	Disability Premium/Severe Disability Premium
45EC	European Court of Human Rights (ECHR)
45EX	EC legislation
45HC	Housing Costs
45HT	Habitual Residence Test
45IQ	Income Query
45LE	Late (Extending Back)
45LT	Living Together
45OC	Overpayment - Capital
45OS	Overpayment - Straightforward
45OX	Overpayment - Complex
45PF	Persons from Abroad
45PR	Premiums
45RA	Rate of Assessment/Payability Issues
45RB	Reduced Benefit Decision
45RC	Rate of Assessment/Payability Issues - Complex
45SF	Funeral
45SM	Maternity

continued

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Benefit specific and issue code permutations

State Pension Credit (45) continued

45SS	Self Employed - Straightforward
45SX	Self Employed - Complex

Disablement Benefit (46)

AT37 code	Issue
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Notes:

- Refer to Industrial Injuries Disablement Benefit (code 67). **Do not** lodge any appeals using code 46 - this is a duplicate benefit/assessment-type code

Benefit specific and issue code permutations

Employment Support Allowance (51)

AT37 code	Issue
51AA	Invalid
51CB	Contribution records
51CE	Conditions of entitlement
51EC	European Court of Human Rights
51HT	Habitual Residence Test
51LT	Living together
51NC	Non-compliance/Sanction
51OS	Overpayment
51PC	Property/Capital Settlement
51RA	Rate of assessment
51SG	Support Group Placement
51WC	Work Capability Assessment

Incapacity Benefit (52)

AT37 code	Issue
52AA	Invalid
52AT	Personal Capability Assessment (All Work Test)
52CB	Contribution records
52CC	Conditions of entitlement - complex
52CE	Conditions of entitlement
52CR	Credits
52EC	European Court of Human Rights
52EX	EC legislation
52GC	Good cause
52LE	Late (extending back)
52NC	Non-compliance
52ON	One Project
52OS	Overpayments - straightforward
52OX	Overpayment - complex
52RA	Rate of assessment/payability
52RC	Rate of assessment/payability - complex
52RG	Reciprocal agreement

Benefit specific and issue code permutations

Income Support (61)

AT37 code	Issue
61AA	Invalid
61AS	Asylum
61AT	Personal Capability Assessment (All Work Test)
61BW	Back to Work Bonus
61CC	Conditions of entitlement - complex
61CE	Conditions of entitlement
61CL	Capital
61CM	Child Maintenance Bonus
61CO	Appeal against a decision to penalise a claimant in breach of a Community Sentence order
61CR	Credits
61DP	Severe Disability Premium
61DQ	Disablement Question
61EC	European Court of Human Rights
61EX	EC legislation
61GC	Good cause
61HC	Housing Costs
61HT	Habitual Residence Test
61IA	Industrial Accident
61ID	Industrial Disease
61IQ	Income Query
61LE	Late (extending back)
61LM	Labour Market Issues
61LT	Living Together as Husband and Wife (LTAHAW)/Civil Partners (LTACP)
61OC	Overpayment - capital

continued

Benefit specific and issue code permutations

Income Support (61) continued

AT37 code	Issue
61ON	One Project
61OS	Overpayment - straightforward
61OX	Overpayment - complex
61PC	Property capital settlement
61PF	Persons from abroad
61PR	Premiums
61RA	Rate of assessment/payability
61RB	Reduced Benefit Direction
61RC	Rate of assessment/payability - complex
61RG	Reciprocal agreement
61SF	Funeral
61SM	Maternity
61SS	Self employed - straightforward
61SU	Suspensions
61SX	Self employed - complex
61TT	Term time
61WF	Winter fuel payments

continued

Benefit specific and issue code permutations

Industrial Death Benefit (64)

AT37 code	Issue
64AA	Invalid
64CC	Conditions of entitlement - complex
64CE	Conditions of entitlement
64CS	Chest - pneumoconiosis, asbestosis etc
64DQ	Disablement Question
64EC	European Court of Human Rights
64EX	EC legislation
64GC	Good cause
64IA	Industrial Accident
64ID	Industrial Disease
64LE	Late (extending back)
64ON	One project
64OS	Overpayment - straightforward
64OX	Overpayment - complex
64RA	Rate of assessment/payability
64RC	Rate of assessment/payability - complex

Industrial Injuries Disablement Benefit/Reduced Earnings Allowance/Retirement Allowance (67)

AT37 code	Issue
67AA	Invalid
67CB	Contribution Records
67CC	Conditions of entitlement - complex
67CE	Conditions of entitlement
67CS	Chest - pneumoconiosis, asbestosis etc
67DQ	Disablement Question
67EC	European Court of Human Rights
67EX	EC legislation
67FW	Forestry worker
67GC	Good cause
67IA	Industrial Accident
67ID	Industrial Disease
67LE	Late (extending back)
67ON	One Project
67OS	Overpayment - straightforward
67OX	Overpayments - complex
67RA	Rate of assessment/payability
67RC	Rate of assessment/payability - complex

Notes:

- Benefit/assessment-type code 46 should not be used (duplicated code)
- 67IA must only be used in cases where the only question at issue is whether there has been an industrial accident and there has been no claim to benefit. Where a claim to benefit has been made, consider using code 67CE instead.

Benefit specific and issue code permutations

Carers Allowance (70)

AT37 code	Issue
70AA	Invalid
70CC	Conditions of entitlement - complex
70CE	Conditions of entitlement
70EC	European Court of Human Rights
70EX	EC legislation
70GC	Good cause
70LE	Late (extending back)
70ON	One Project
70OS	Overpayment - straightforward
70OX	Overpayment - complex
70RA	Rate of assessment/payability
70RC	Rate of assessment/payability - complex

Jobseeker's Allowance (73)

AT37 code	Issue
73AA	Invalid
73AS	Asylum
73AT	Personal Capability Assessment (All Work Test)
73BW	Back to Work Bonus
73CB	Contribution records
73CC	Conditions of entitlement - complex
73CE	Conditions of entitlement
73CL	Capital
73CM	Child Maintenance Bonus
73CO	Appeal against a decision to penalise a claimant in breach of a Community Sentence order
73CR	Credits
73EC	European Court of Human Rights
73EX	EC legislation
73GC	Good Cause
73HC	Housing Costs
73HT	Habitual Residence Test
73IQ	Income Query
73LE	Late (extending back)
73LM	Labour Market Issue continued
73LT	Living Together as Husband and Wife (LTAHAW)/Living together a Civil Partners (LTACP)
73OC	Overpayment capital
73ON	One Project
73OS	Overpayment - straightforward
73OX	Overpayment - complex
73PF	Persons from abroad
73PC	Property Capital Settlement

continued

Benefit specific and issue code permutations

Jobseeker's Allowance (73) continued

73RA	Rate of assessment/payability issues
73RB	Reduced Benefit Decision
73RC	Rate of assessment/payability - complex
73RG	Reciprocal Agreement
73SM	Maternity
73SS	Self Employed - straightforward
73SU	Suspensions
73SX	Self Employed - complex

Benefit specific and issue code permutations

Lookalikes (76)

AT37 code	Issue
76AA	Invalid
76AS	Asylum
76AT	Personal Capability Assessment (All Work Test)
76BW	Back to Work Bonus
76CC	Conditions of entitlement - complex
76CD	Care (DLA)
76CE	Conditions of entitlement
76CF	Care/Mobility
76CL	Capital (DLA)
76CM	Child Maintenance Bonus
76CR	Credits
76CS	Chest - pneumoconiosis, asbestosis, etc
76DP	Severe Disability Premiums
76DQ	Disablement Question
76EC	European Court of Human Rights
76EX	EC legislation
76GC	Good Cause
76HC	Housing Costs
76HT	Habitual Residence Test
76IA	Industrial Accident
76ID	Industrial Disease
76IQ	Income Query
76LE	Late (extending back)
76LM	Labour Market Issue
76LT	Living Together as Husband and Wife (LTAHAW)/Living Together As Civil Partners (LTACP)
76MD	Mobility (DLA)

continued

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Benefit specific and issue code permutations

Lookalikes (76) continued

AT37 code	Issue
76OC	Overpayment capital
76ON	One Project
76OS	Overpayment - straightforward
76OX	Overpayment - complex
76PC	Property Capital Settlement
76PF	Persons from Abroad
76PR	Premiums
76RA	Rate of assessment/payability issues
76RB	Reduced Benefit Decision
76RC	Rate of assessment/payability - complex
76RG	Reciprocal Agreement
76SF	Funeral
76SM	Maternity
76SS	Self Employed - straightforward
76SU	Suspensions
76SX	Self Employed - complex

Notes:

- The President of the AS will declare 'lookalike' (dependant) status. This will determine the composition of the tribunal
- All 53 issue codes are acceptable

Benefit specific and issue code permutations

Maternity Benefit/Allowance (79)

AT37 code	Issue
79AA	Invalid
79CC	Conditions of entitlement - complex
79CE	Conditions of entitlement
79EC	European Court Human Rights
79EX	EC legislation
79GC	Good cause
79LE	Late (extending back)
79LT	Living together as Husband and Wife (LTAHAW)/Living Together as Civil Partners (LTACP)
79ON	One Project
79OS	Overpayment - straightforward
79OX	Overpayment - complex
79RA	Rate of assessment/payability
79RC	Rate of assessment/payability - complex

Benefit specific and issue code permutations

Retirement Pension (82)

AT37 code	Issue
82AA	Invalid
82CB	Contribution records
82CC	Conditions of entitlement - complex
82CE	Conditions of entitlement
82EC	European Court of Human Rights
82EX	EC Legislation
82GC	Good Cause
82LE	Late (extending back)
82LT	Living Together as Husband and Wife (LTAHAW)
82ON	One Project
82OS	Overpayment - straightforward
82OX	Overpayment - complex
82RA	Rate of assessment/payability issues
82RC	Rate of assessment/payability - complex

Severe Disablement Benefit/Allowance (85)

AT37 code	Issue
85AA	Invalid
85AT	Personal Capability Assessment (All Work Test)
85CC	Conditions of entitlement - complex
85CE	Conditions of entitlement
85DQ	Disablement Question
85EC	European Court of Human Rights
85EX	EC legislation
85GC	Good Cause
85LE	Late (extending back)
85OC	Overpayment capital
85ON	One Project
85OS	Overpayment - straightforward
85OX	Overpayment - complex
85RA	Rate of assessment/payability issues
85RC	Rate of assessment/payability - complex

Benefit specific and issue code permutations

Social Fund Maternity (88)

AT37 code	Issue
88AA	Invalid
88CC	Conditions of entitlement - complex
88CE	Conditions of entitlement
88EC	European Court of Human Rights
88EX	EC legislation
88GC	Good Cause
88LE	Late (extending back)
88OC	Overpayment capital
88ON	One Project
88OS	Overpayment - straightforward
88OX	Overpayment - complex
88PF	Persons from Abroad
88RA	Rate of assessment/payability issues
88RC	Rate of assessment/payability - complex
88SF	Funeral
88SM	Maternity

Social Fund Funeral (89)

AT37 code	Issue
89AA	Invalid
89CC	Conditions of entitlement - complex
89CE	Conditions of entitlement
89EC	European Court of Human Rights
89EX	EC legislation
89GC	Good Cause
89LE	Late (extending back)
89OC	Overpayment - capital
89ON	One Project
89OS	Overpayment - straightforward
89OX	Overpayment - complex
89PF	Persons from Abroad
89RA	Rate of assessment/payability issues
89RC	Rate of assessment/payability - complex
89SF	Funeral
89SM	Maternity

Benefit specific and issue code permutations

Widows Benefit/Bereavement Benefit

AT37 code	Issue
94AA	Invalid
94CB	Contribution records
94CC	Conditions of entitlement - complex
94CE	Conditions of entitlement
94EC	European Court of Human Rights
94EX	EC legislation
94GC	Good Cause
94LE	Late (extending back)
94LT	Living Together as Husband and Wife (LTAHAW)/Living Together as Civil Partners (LTACP)
94OC	Overpayment capital
94ON	One Project
94OS	Overpayment - straightforward
94OX	Overpayment - complex
94RA	Rate of assessment/payability issues
94RC	Rate of assessment/payability - complex

Other (Extinct/Rare Benefits) (99)

AT37 code	Issue
99AA	Invalid
99AS	Asylum
99AT	Personal Capability Assessment (All Work Test)
99BW	Back to Work Bonus
99CC	Conditions of entitlement - complex
99CD	Care (DLA)
99CE	Conditions of entitlement
99CF	Care/Mobility (DLA)
99CL	Capital
99CM	Child Maintenance Bonus
99CR	Credits
99CS	Chest - pneumoconiosis, asbestosis etc
99CT	Court action
99CX	Carson-related stayed appeals
99DP	Disability Premium/Severe Disability Premium
99DQ	Disablement Question
99DX	Death of an appellant
99EC	European Court of Human Rights
99EX	EC legislation
99GC	Good Cause
99HB	Stayed HB appeal cases
99HC	Housing Costs
99HI	Hinchy-related stayed appeals
99HT	Habitual Residence Test
99IA	Industrial Accident
99ID	Industrial Disease
99IQ	Income Query
99JL	Joint Liability

continued

Benefit specific and issue code permutations

Other (Extinct/Rare Benefits) (99) continued

AT37 code	Issue
99LA	Liberty to Apply
99LE	Late (extending back)
99LM	Labour Market Issues
99LT	Living Together as Husband and Wife (LTAHAW)/Living Together as Civil Partners (LTACP)
99MD	Mobility (DLA)
99MG	Minimum Income Guarantee
99MI	Minimum Income Guarantee
99OC	Overpayment capital
99ON	One Project
99OS	Overpayment - straightforward
99OX	Overpayment - complex
99PC	Property/Capital Settlement
99PD	Stayed PDD1
99PF	Persons from Abroad
99PR	Premiums
99RA	Rate of assessment/payability issues
99RB	Reduced Benefit Decision
99RC	Rate of assessment/payability complex
99RG	Reciprocal Agreement
99SD	Stayed cases
99SF	Funeral
99SM	Maternity
99SS	Self Employed - straightforward
99SU	Suspensions
99SX	Self Employed - complex
99WB	Stayed Widows Benefit

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