

National Service Agreement
between the Local Authorities and
the Tribunals Service

Signatories to the Agreement:

Local Authority.....

Signed for the Local Authority.....

Signed for the Tribunals Service

1 Introduction and purpose of this document

1.1 This document is the National Service Agreement between the Local Authorities and the Tribunals Service.

1.2 The purpose of this document is to specify:

- What services will be provided,
- When they will be provided,
- Roles and responsibilities, and
- Escalation routes.

2 Life span

2.1 This service level agreement takes effect from 1 April 2006 and will remain in force for 3 years. Yearly reviews of the content will be carried out by the Practitioners Operations Group (POG) who can instigate in-year reviews if required.

3 Scope and delivery of services

3.1 Schedules 2 and 3 outline the following:

- The services to be provided by the Tribunals Service, and
- The services to be provided by the Local Authority.

4 Role of the nominated officers

4.1 The Local Authority and the Tribunals Service will each provide a nominated officer as a contact point within their organisation. They will:

- Liaise between The Tribunals Service and Local Authorities to make effective contributions to closer working;
- Deal with any queries effectively that cannot be resolved by the usual channels;
- Resolve problems by contact with opposite number in the Local Authority or The Tribunals Service;
- Provide up to date lists of telephone numbers and contact points;
- Take a proactive role in cascading information throughout The Tribunals Service / Local Authority Benefits Service
- Foster good working practices; and
- Gather information and statistics to monitor the NSA to agreed frequency and detail.

The Tribunals Service and the Local Authority will agree details of nominated contact points locally.

5 Monitoring

- 5.1 The Tribunals Service and the Local Authority will aim to monitor and evaluate the standard of the services that it provides under the terms of this arrangement and will have appropriate quality control procedures in place. Where either considers that services are not being delivered to the required standard, issues should be raised through line management for resolution.
- 5.2 There will be an annual review of the Agreement between The Tribunals Service and Local Authority nominated officers.

6 Disagreements

- 6.1 Both parties shall endeavour to resolve disputes amicably at the lowest possible level e.g. via Tribunals Service Region and individual Local Authority.
- In the case of a disagreement concerned the conduct of a Tribunal. The Tribunals Service will undertake to bring this to the attention of the Judicial arm of the organisation.
 - Within The Tribunals Service and Local Authority the escalation of disagreements should be channelled through the appropriate nominated officer in each organisation. The identity and contact details are notified at schedule 1.

7 Schedule 1 – Contact Details

7.1 Local Authority

Tel:

Fax:

- **Senior Responsible Officer**

7.2 Tribunals Service:

Tel:

Fax:

- **Senior Responsible Officer**

8 Schedule 2 – Services to be provided by the Tribunals Service to the Local Authority

8.1 Introduction

8.1.1 This schedule sets out the mechanisms to enable The Tribunals Service to deliver services for Local Authorities.

8.2 Before the hearing

8.2.1 The Tribunals Service will register appeals within 2 working days of receiving the papers.

8.2.2 Where the Tribunals Service becomes aware that the appellant, or another party to the proceedings, has a representative, they will notify the Local Authority of this within 2 working days of receiving the information. This may be on return of the form TAS1 or at a later date. The referring Agency will be responsible for sending the representative a copy of the submission.

8.2.3 The Tribunals Service will issue a decision to the Local Authority within 4 weeks of receipt if there is a question as to an appeal not being duly made, being out of time or out of jurisdiction. The Tribunals Service will aim to provide reasons for the decision and copies of the argument involved.

8.2.5 Appeals will be heard within the timescale agreed with the Secretary of State for Work and Pensions. For 2006/07 this is 11 weeks. In most cases appeals that were lodged first being heard first.

8.2.6 The Tribunals Service will give at least 3 weeks notice of the time, date and venue of the tribunal hearing, enabling Local Authorities if appropriate to notify its own witnesses.

8.2.7 The needs of presenting officers will be taken into account when arranging tribunal hearings. This will include listing Local Authority appeals in 1 session, wherever possible, and consecutively where a presenting officer is to attend.

8.2.8 If additional evidence is received, this will with the exclusion of supplementary submissions sent by Local Authorities be copied to the Local Authority within 5 working days or 2 working days if the appeal is listed.

8.2.9 The Tribunals Service will notify the Local Authority within 2 working days where an appeal is postponed or cancelled. When this happens on the day contact will, initially, be by telephone to the presenting officer.

8.3 At the hearing

- 8.3.1 The Tribunals Service will provide, wherever possible, secure, suitable and private accommodation for presenting officers, with access to telephone and fax facilities.

8.4 After the hearing

- 8.4.1 Within two days of receiving the decision, the Tribunals Service will issue the tribunal's decision to all parties to the proceedings. When requested, a full statement of reasons will be issued where possible within 4 weeks. If a decision notice contains an error, the Tribunals Service will correct it and issue an amended version within 2 weeks of being informed.

8.5 Appeal documents

- 8.5.1 A copy of the appeal documents, including the decision notice, record of proceedings and full statement, where appropriate, will be retained for at least 6 months from the issuing of the decision or statement of reason or the date of last action. After this time the papers may be destroyed, unless Tribunals Service are aware of an outstanding appeal then no destruction will occur until the appeal has been exhausted.

9 Schedule 3 – Services to be provided by the Local Authority to the Tribunals Service

9.1 Introduction

This schedule sets out the mechanisms to enable The Tribunals Service to deliver services for Local Authorities.

9.2 Before the hearing

9.2.1 The Local Authority will aim to complete an appeal submission and issue copies of the submission to the Tribunals Service, the appellant (and where appropriate the presenting officer and any representatives). Submissions (in A4 format) will include all relevant documentary evidence. Pages will be numbered clearly and the copies will be clear enough to duplicate. Where a person affected (e.g. a landlord) has appeared or is entitled to be included in the appeals process, they will also be sent a copy of the papers, although these should be edited to exclude all personal information that should not be disclosed to third parties.

9.2.2 The Local Authority will complete the submission and issue to all parties within 4 calendar (this complies with the Local Authority Ombudsman recommendations) weeks of receipt of the appeal. Where the appeal is particularly complex or more information is required, it is accepted that this timescale may be exceeded.

9.2.3 The Local Authority will send the appellant and respondent the relevant pre-hearing enquiry form (TAS1) with the appeal submission. The Tribunals Service will provide small orders of envelopes (less than 50) (or overseas equivalent i.e. un-franked envelopes).

9.2.4 The Local Authority send form 'AT37' to the Tribunals Service with the appeal submission. The 'AT37' will notify the Tribunals Service of the following:

- Complex cases that may require a longer hearing time
- The date the submission was actually issued to the appellant
- Any known potentially violent 'PV' markings,
- Any known special needs or requirements such as limited mobility, wheelchair access required, sight or hearing impairments, or learning difficulties,
- Cases where the an expert witness would be desirable,
- Cases that contain information that should be kept confidential,

- Cases that the Local Authority believes are not duly made or out of time,
- Cases that involve a challenge based on the European Convention of Human Rights.
- Whether or not the Local Authority has chosen to send a presenting officer.

9.2.6 If an appeal is lapsed or withdrawn after a submission has been issued, the Local Authority will notify the Tribunals Service within 2 working days.

9.3 At the hearing

9.3.1 The Local Authority will send presenting officers in cases where the Local Authority has requested an oral hearing. In all other cases the Local Authority will endeavour to send a presenting officer where the appeal in question involves: (This list is not exhaustive)

- Complex evidence or legislation,
- A difficult judgmental element, or
- A Chairman has directed that a presenting officer attend.

9.4 After the hearing

9.4.1 The Local Authority will action the tribunal's decision as soon, as is practicable and seek to complete this action within 4 calendar weeks of receipt unless a further appeal is lodged, in which case no reassessment will occur until the appeal is exhausted.

9.4.2 If an appeal is adjourned for further evidence the Local Authority will provide the Tribunals Service with a further submission as directed by the chairman.