



SOCIAL SECURITY TRIBUNAL OBSERVATION PACK

Now that you have passed the test, the next stage of your training is to observe a tribunal.

This pack contains;

- 1. Information about the tribunal.**
- 2. A case report sheet.**
- 3. A map, showing the local hearing centre – you may visit any centre you wish.**

When you arrive be sure to follow any “signing in” requirements which the building may have. Once in the tribunal centre, introduce yourself to the clerk behind the main desk and explain that you are a law student wishing to observe a tribunal. One of the clerks will then arrange for you to observe a hearing, having first spoken to the claimant and the relevant Judge. You should not attempt to enter a tribunal hearing without one of the clerks.

Please be polite to the clerks and remember that they are very busy. Dress smartly. You may have to wait before going into a hearing: you might want to take something with you to read while you are waiting.

You should not agree to represent an appellant at this stage: You have not completed your training.

Once you have completed this visit you must attend an office induction. You can book a place via the website. At this stage you will be invited to take out your first case.

WHAT TO EXPECT DURING THE HEARING

Tribunals consist of one, two or three members depending on the benefit under appeal.

Appeal is a complete reconsideration

A tribunal conducts a complete reconsideration of the decision under appeal. The appellant needs to show the tribunal that they meet the necessary criteria – they do not win simply by criticising the earlier decision.

It is open to the tribunal to look into all aspects of the decision under appeal. This means that previously accepted issues can be re-examined, and if an award is in payment that award can be reduced as well as increased.

The tribunal can only consider the circumstances as they were at the date the decision was made.

Procedure

The Judge will decide how the case will be heard. They have wide ranging case management powers and in accordance with the overriding objective of the procedural rules, a duty to act fairly and justly (*rule 2, Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008*). Acting fairly and justly includes: dealing with the case in a way that is proportionate to the importance of the case, the complexity of the issues and the resources of the parties; being flexible and avoiding unnecessary formality; ensuring as far as possible that parties are able to participate fully in the proceedings; using any special expertise that the tribunal possesses effectively; and to avoid delay.

Inquisitorial Role

Tribunals have an investigatory role. They are not restricted, as in ordinary litigation, to accepting or rejecting the contentions made by the parties. It is open to the tribunal to ask questions of anyone present to assist them in determining the facts.

Evidence

Tribunals are not bound by the rules of evidence, and may consider any evidence as long as they think it relevant. It is up to them to decide how much weight to give each piece of evidence, and to determine the reliability of any witness before them. The standard of proof is the general civil “balance of probabilities” (more likely than not).

Presenting Officers

These are frequently absent from tribunals: this is because of a lack of resources at the Department for Work and Pensions; it is nothing to do with the departments will to contest the appeal. Local Authorities, the Inland Revenue and the Child Support Agency frequently send a presenting officer. The officer concerned will not normally have been involved in the original decision. Their role is that of “amicus curiae” (friend to the court). They should not put questions in a hostile or aggressive manner. They can only give evidence if they have personal knowledge of it: they then assume the role of witness and are open to be questioned.

Conduct of the Hearing

Tribunals aim to combine a formal procedure within an informal atmosphere. The tribunal will normally review the case before the hearing to identify what is in dispute, any inconsistencies or evidential issues.

At the start of the hearing the Judge will introduce all the parties and explain that the tribunal is independent from the agency which issued the decision under appeal. S/he will then outline the range of issues to be considered and sort out any preliminary matters. The tribunal will then begin taking evidence from the appellant. Occasionally they may invite a representative to take their client through their evidence. The tribunal is trying to ascertain the facts for themselves. Each party can then make closing remarks.

Everyone will be asked to leave the room while the tribunal deliberates, and then invited back in to receive the decision. In a few cases the tribunal may not be able to give a decision on the day: in these cases a summary decision will be posted out.

Adjournments

Occasionally a hearing may be adjourned. If this happens, please ask the clerk to arrange for you to observe another hearing.

CASE REPORT SHEET

Your Name: _____

Date: _____ **Time:** _____ **Name of Judge:** _____

Type of Benefit: _____

Issues: _____

Questions asked, and by whom: _____

Result: _____

Your views of the tribunal, was it as you expected: _____



How to find us in Fox Court London

4th Floor
 Fox Court
 14 Grays Inn Road
 London
 WC1X 8HN

By Road
 Fox Court is situated in Grays Inn Road (A5200), close to the junction with High Holborn (A40). There is one parking space for disabled callers at the venue - you must ring the Appeals Service dealing with your appeal well in advance of your hearing to check availability and book. The venue is accessible by wheelchair.

By Underground/Rail
 Chancery Lane underground station (Central Line) is two minutes walk from the venue. It is advisable to take the exit signposted 'Holborn Circus' as this will give you easier access to the venue. The nearest railway stations are Farringdon and City Thameslink, approx. 15 minutes walk away.

By Bus
 Buses 17, 45, 46, and 341 all stop immediately outside the venue in Grays Inn Road. Buses 8, 25, 242 and 521 stop just around the corner from the venue in High Holborn. For information about bus services, please telephone the National Traveline on 0870 608 2608.

