



JUDICIARY OF
ENGLAND AND WALES

HUGH HOWARD
REGIONAL TRIBUNAL JUDGE
SOCIAL ENTITLEMENT CHAMBER

31st March 2020

Dear Representative/Presenting Officer,

Tribunal Appeals during Coronavirus pandemic

I am writing to you to explain how we will be processing appeals Social Security and Child Support appeals in the South East region during the current pandemic. Please note that this only applies to the South East region. Other regions are taking similar steps but because of different resources and volumes each region is having to adjust processes to suit its needs.

I must stress that we are in a fast moving situation and that what I say now may change.

Urgent Hearings Understandably, we are being swamped with requests for urgent hearings. As you know we work on a 'First In, First Out' principle. We must stick to that because otherwise the more articulate or persistent will take precedence over those waiting for their appeals to be heard. At the moment I am having to deploy one judge, full time, to deal with these applications. That judge's time would be better spent determining appeals. I cannot give any hard and fast guidance as to what might qualify for an urgent hearing because to do so would be to interfere with judicial independence.

It would help us enormously if you would not make applications for urgent hearings, unless absolutely essential.

Triage The new Practice Directions and amended Tribunal Rule changes give a wide discretion to salaried judges to direct the composition and nature of a hearing.

- In Employment and Support Allowance appeals (and the similar Universal Credit appeals) we will listing all before a Triage panel whether or not the parties have asked for an oral hearing. If the appeal can be allowed, either by placing the appellant in the WRAG or Support groups then the Tribunal will issue a decision. If the Tribunal has placed an appellant in the WRAG group but the appellant wants to be in the Support group then they can apply for the decision to be set aside. The matter will then be listed for a telephone hearing (see below) and all options will be available to the next Tribunal including disallowing the appeal. Those appeals that the triage Tribunals feel unable to allow on the papers will be listed for telephone hearings.

- A similar process will be adopted for judge sitting alone appeals, such as Housing Benefit, Tax Credits, JSA, etc.
- Child Support and Industrial Injuries Disablement appeals will be subject to review by a salaried judge.
- All Personal Independence Payment, Disability Living Allowance and Attendance Allowance appeals will be sifted by a salaried judge in the first instance. We are feeling our way on these because of the many possible outcomes, but a Judge may allow the people on their own either in whole or in part; or direct a telephone hearing with a reduced composition of panel members.

Telephone hearings We have started these and would like to increase them. These will be the only form of an 'oral hearing' during the present crisis. We will not be arranging face to face hearings. Skype, Face Time and similar video hearings are too problematic bearing in mind the wide range of different devices, broadband width and whether parties can engage with them.

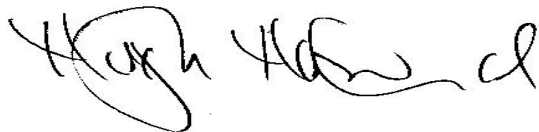
Telephone hearings will only work if we can make contact by telephone. We are aware that some appellants either do not pick up, or block, calls from numbers they do not recognise. Parties will be contacted before a telephone hearing to be given details of the hearing. The cost of the call will be free for the parties. They will need a working landline or a fully charged mobile telephone. If parties are unable to participate in a telephone hearing then consideration will have to be given to determining the matter on the papers.

These are difficult times. Staff levels have been deliberately reduced to 50%, working on alternative shifts, so as to enable staff to work at a safe distance from one another. Inevitably some things will take longer, but equally some will take shorter – such as successful triaged appeals.

I look forward to your cooperation. We very much want to achieve outcome decision for all parties as speedily as possible. It will help us, bearing in mind our 50% staff reduction, if general enquiries and the like can be kept to the bare minimum.

And above all please keep safe and heed the government guidelines.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Hugh Howard', with a stylized flourish at the end.

Hugh Howard
Regional Tribunal Judge