

APPEALING TO THE COMMISSIONER ENGLAND AND WALES

Social Security Commissioners
Child Support Commissioners
Pensions Appeal Commissioners

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Introduction

About this leaflet

This leaflet is to help both members of the public and advisors. It describes what steps you need to take to appeal to a Commissioner from a decision given by a Social Security and Child Support Appeals tribunal or a Pensions Appeal tribunal once you have asked the tribunal chairman for leave (permission) to appeal. It explains what will happen to an appeal to the Commissioner once it has been made. It also lists the stages that take place before the Commissioner decides an appeal. **However, it is only a guide and does not have the status of law. It does not cover all aspects of every situation, nor does it provide a full interpretation of the procedural rules. It should not be treated as a complete and authoritative statement of the law.**

In particular the leaflet does not describe any of the procedures at the appeal tribunal or how to apply for leave (permission) to appeal to the chairman which is an essential first step in appealing to the Commissioner. The Social Security and Child Support Appeals Tribunal (SSCSAT) or the Pensions Appeal Tribunal (PAT) will have provided information about this. In this leaflet the expression “appeal tribunal” is used to describe both these types of tribunals.

At the end of this leaflet is a section in which the meaning of some words used in this leaflet, or in documents which you may receive from the Commissioners' Office, is explained. We recommend that you keep this leaflet for reference throughout your dealings with our office.

Who are the Commissioners?

- The Social Security and Child Support Commissioners are special judges appointed by the Queen. **They are independent of and in no way connected to, the Department for Work and Pensions or any of its agencies (including the Child Support Agency), Her Majesty's Revenue and Customs, or Local Authorities. Commissioners who decide war pensions cases are called Pensions Appeal Commissioners. They are independent of the Ministry of Defence and the Veterans Agency**
- Social Security and Child Support Commissioners decide appeals on point of law from SSCSAT decisions in social security, tax credit, child support, housing benefit and council tax benefit cases. They also decide appeals on both fact and law in tax credit penalty proceedings.
- Pensions Appeal Commissioners decide appeals on point of law from PAT decisions in War Pensions Scheme cases (except assessment decisions) and Armed Forces Compensation Scheme (AFCS) cases.
- There is a small team of in-house lawyers called Legal Officers who assist the Commissioners. They have been appointed by the Lord Chancellor to deal with procedural stages of cases. They also do research for Commissioners. **A Commissioner always decides applications for leave to appeal and appeals.**

- **As the Commissioners give judicial decisions neither they, nor their Legal Officers, can give legal advice.** If you wish to receive advice, you could go to a Citizen's Advice Bureau or other organisation that gives welfare rights advice. You should find details in your local library or telephone directory. If your case concerns war pensions you may be able to obtain advice from the Royal British Legion or a similar ex-service organisation

Where are the offices of the Commissioners?

The Commissioners have an office in London headed by the Tribunal Manager, which deals with appeals from tribunal decisions in England and Wales. The administrative staff process applications for leave to appeal and appeals, prepare case files for Commissioners and deal with correspondence and queries. **However, they are not legally trained and cannot enter into correspondence about the merits of individual cases or give legal advice. The address of the office is:**

**3rd floor
Procession House,
55 Ludgate Hill,
London, EC4M 7JW.**

**Telephone (9am – 5pm) – 020 7029 9850
Fax – 020 7029 9819
Email – ossccsc@tribunals.gsi.gov.uk**

There is also another Commissioners' office in Edinburgh dealing with appeals from tribunal decisions in Scotland. It is headed by the Secretary to the Commissioners. The address is

George House
126 George Street
Edinburgh
EH2 4HH
Telephone: 0131 271 4310
Fax: 0131 271 4398
ossc@ossc-scotland.org.uk

Who can appeal to a Commissioner?

Appeals by claimants and other individuals

- Claimants, and other individuals who are involved as parties at a SSCSAT or PAT tribunal can appeal to the Commissioner from the decision of the appeal tribunal.
- In housing benefit and council tax cases a person who was affected by the initial decision made by the local authority may appeal to the Commissioner even if he or she did not play any part in the appeal tribunal proceedings.

Appeals by the Secretary of State for Social Security, the Secretary of State for Defence, Her Majesty's Revenue and Customs (HMRC) or a local authority

- If you won your case at the appeal tribunal, it is still possible for the Secretary of State for Work and Pensions (for social security cases and child support cases), HMRC (for tax credit, child benefit, guardians' allowance and child tax fund cases), the local authority (for housing benefit or council tax benefit cases) or the

Secretary of State for Defence (for war pensions and AFCS cases), to appeal to the Commissioner.

- You will be told if any of them wish to appeal. If they do, the payment of any benefit awarded to you by the appeal tribunal may be suspended.
- The same rules about applying for the written statement of reasons and applying for leave to appeal apply to all "official" appeals as would apply to an appeal made by you. These rules are explained briefly in the sections "**Before you can appeal**" and "**How to appeal**".
- If the Secretary of State, HMRC or a local authority is given leave to appeal you will be told by the SSCSAT, PAT or the Commissioners' office.
- You will be entitled to make comments in writing before the Commissioner decides the appeal. You will also be able to ask for an oral hearing if you wish.

Before you can appeal

If you wish to challenge the decision of an appeal tribunal **there are various steps that you must have taken at the SSCSAT or PAT before you can appeal to the Commissioner**. These steps will have been explained to you in letters and forms given or sent to you by the clerk to the tribunal.

In particular you must have

- **Asked for a written statement of the tribunal's reasons for its decision, and**

- **Applied to the tribunal chairman for leave (permission) to appeal.** (This does not apply in tax credit penalty proceedings).

There are **one month** (six weeks in PAT cases) time limits for both these stages, which may be extended in certain circumstances. You should always ask for a written statement first, but if you do not, or you are refused one because you are too late, you must always ask the tribunal chairman for leave (permission) to appeal, even though the rules do not allow him to give you leave. (This does not apply to tax credit penalty cases).

Please note: if you do not ask for a written statement within the time limit your chances of appealing will be lost or seriously limited.

Reasons for appealing

Unless your case concerns a tax credit penalty proceeding, you can only appeal against an appeal tribunal decision if it was **wrong in law**. Examples of where the tribunal may be wrong in law include:

- The tribunal did not apply the correct law or wrongly interpreted the law.
- The tribunal made a procedural error.
- The tribunal had no evidence, or not enough evidence, to support its decision.
- The tribunal did not give adequate reasons for its decision in the written statement of its reasons.

These are only examples and the tribunal may be wrong in law for some other reason not mentioned here.

If you are unsure whether the tribunal was wrong in law you may wish to consult a Citizens Advice Bureau, welfare rights benefits adviser, or an ex-

service organisation. Details of these organisations are available in your local library or telephone directory.

You must always give full details of your reasons for appealing.

How to appeal

In general

As explained above, except in tax credit penalty proceedings, there are two different stages that you need to go through at SSCSAT or PAT if you wish to appeal to the Commissioner.

Once you have applied to the tribunal chairman for leave (permission) to appeal to the Commissioner-

- If the chairman **refuses you leave or rejects your application, you may apply to the Commissioner** for leave to appeal,
- If the **chairman grants you leave** to appeal, **you should send your appeal** to the Commissioner.

Details of what you need to do are set out below. They are also set out in the special forms for appealing (OSSC1 and PAC1) and the Notes which go with those forms.

How to apply to the Commissioner for leave to appeal

- If the chairman refuses your application for leave to appeal or rejects your application you may apply for leave to appeal direct to the Commissioner. **You must always have applied to the chairman first.**

- The SSCSAT or PAT will send you a letter telling you that the chairman has refused you leave to appeal or that your application has been rejected. You should then apply to the Commissioner **within one month** of the date on the letter

notifying you of the chairman's ruling. You should use the Form OSSC1 or PAC1 (for war pensions or AFCS cases) which SSCSAT or PAT will give you or, if you cannot get a copy, just write a letter setting out your reasons for appealing. You should enclose the necessary documents. These are listed on the OSSC1 and PAC1 forms.

- You may ask for an oral hearing of your application for leave to appeal. If the Commissioner grants your request you will be told the date and place at least 14 days in advance. The procedure at the hearing will be similar to the procedure at the oral hearing of an appeal. This is explained in the section “**What happens once leave has been granted?**”
- **If you are late or do not have a written statement** of reasons for the appeal tribunal's decision you should explain why. The Commissioner may accept your application for leave if the Commissioner considers there are **special reasons** for doing so.
- **If the Commissioner decides that there are no special reasons you will not be able to appeal.** Your only remedy may be to apply for judicial review. This is explained more in the next section.
- The Commissioner **cannot accept your application** unless you have first applied to the chairman before the end of the period of **13 months** from the date you were sent the written statement of the tribunal's reasons or the decision notice (if you do not have a written statement).

- You may withdraw your application for leave to appeal at any time before it is decided. You just need to write a letter to the Commissioners' Office.

What happens if the Commissioner refuses leave to appeal?

- The Commissioners' office will send you a copy of the Commissioner's ruling refusing you leave to appeal, including the Commissioner's reasons.
- A refusal of leave to appeal may only be set aside by the Commissioner on certain very limited procedural grounds (details of this process may be obtained from the office). This application must be made in writing **within one month** (see the section titled “**What to do if you are dissatisfied with the decision of the Commissioner**”).
- There is no right of appeal to the Court of Appeal against a refusal of leave to appeal or refusal to accept a late or procedurally defective application. You may also not appeal against the decision of a Commissioner to grant leave to appeal to someone else.
- There may be a right to apply for judicial review of the Commissioner's ruling in the Administrative Court of the High Court of Justice. Any application should be made to the

:

Administrative Court Office
Royal Courts of Justice
The Strand
London
WC2 2LL

Telephone: 020 7947 6205.

If you wish to consider this remedy, you are advised to take legal advice. There is a short time limit and you may become liable for costs.

How to appeal to the Commissioner once you have been granted leave to appeal

- If the tribunal chairman grants you leave to appeal, SSSC or PAT will send you a letter telling you.
- You should then **appeal within one month** of the date on which that notification letter is sent to you. You should use Form OSSC1 or PAC1 if you can. If not just write a letter saying you wish to appeal and giving your reasons.
- If you are late, you should say why. The Commissioner will decide whether there are **special reasons** to accept your appeal. If the Commissioner decides there are no special reasons **you will not be able to appeal**. Your only remedy may be to apply for judicial review (see the section “**What happens if the Commissioner refuses you leave to appeal**”)
- If the Commissioner grants you leave to appeal you will not normally have to make a separate appeal. You will be told by the Commissioners’ office if you have to.
- In tax credit penalty proceedings you should **appeal within one month** of the date on which you were sent the tribunal’s statement of reasons. Use Form OSSC1 if you can. If not just write a letter saying you wish to appeal and giving your reasons.

What happens once leave has been granted?

How the appeal will proceed

- Once you have appealed to the Commissioner, or the Commissioner has granted you leave to appeal, the Commissioners’ office will copy the appeal papers, including the notice of appeal to you and the respondents. There is a more detailed explanation of who may be a respondent in the section headed ‘**the Meaning of Words**’.
- The Commissioner will give reasons for granting leave to appeal (unless the tribunal chairman granted leave) and will indicate how the appeal is to proceed.
- You and the respondents may simply be asked whether you object to the Commissioner deciding the appeal on a particular point. Otherwise the respondents will normally be asked for full comments on your appeal and you will be given the opportunity to reply.
- If **you are appealing**, there will normally be only one respondent. However, in child support and housing benefit cases there may be more than one respondent. If it is necessary, the Commissioner will say in what order the comments from each party should be made. The Commissioner will also set out the time limits.

If the **Secretary of State for Work and Pensions, the Secretary of State for Defence, HMRC or local authority has appealed**, the Commissioners’ office will ask you whether you have a representative and you (or your representative) will be asked if you wish to make comments on the appeal. This will also happen if one of the other parties has appealed in a child support or housing benefit case.

- You should note that all comments or observations made by one party will be copied to all the other parties. The Commissioners' office will do this by sending out letters explaining what, if anything, needs to be done next.
- In child support cases there are special rules about the disclosure of addresses. You will be sent a letter about this.

Will there be an oral hearing of the appeal?

- The Commissioners decide most appeals without oral hearings. The Commissioner will give his or her decision after considering the documents from the appeal tribunal as well as the grounds of appeal and the written comments made by all parties to the appeal to the Commissioner.
- You may ask for an oral hearing of your appeal. You should give your reasons. If you ask for an oral hearing, the Commissioner will normally grant your request unless satisfied that he or she can decide the case properly without an oral hearing.
- Oral hearings are held regularly in London, Edinburgh, Cardiff, Bury, and Doncaster. They are exceptionally held in other court centres if people are unable to travel.
- Commissioners are able to offer hearings using video conferencing technology. This is explained further below. Once your request for an oral hearing has been granted, unless the Commissioner decides that your case is not suitable for a hearing by video conference, you will be sent a letter telling you where oral hearings can be held and asking you whether you would like a hearing by video conference.

- If the appeal has been made by someone else and you are a respondent and the Commissioner decides to have an oral hearing you will be told about it and will be entitled to attend even if you did not ask for a hearing.
- A Commissioner can direct an oral hearing even though no one has asked for one.

What will happen if there is an oral hearing?

- Once the date for an oral hearing has been set, you will be sent a letter with details of the time and place, facilities available and a map to show you how to get there.
- You must normally be given at least 14 days notice of the date of a hearing but usually you will be given more
- A comprehensive information pack will be sent to you at this time telling you about this part of the process, including details of approved travel expenses and subsistence allowance that may be claimed for attendance.
- Oral hearings are normally in public unless the Commissioner directs a private hearing. However, it is unusual for members of the public to come to hearings. If you would like your hearing to be private, you should say why and the Commissioner will make a ruling.
- Your representative (if you have one) and all the respondents to your appeal will also be entitled to attend the oral hearing and will be notified of it.

- The Commissioner will decide the order in which people speak at the hearing. You and all the other parties will be able to address the Commissioner. As appeals to the Commissioner are only on the ground of error of law, you will need the permission of the Commissioner to give evidence or call any witness (this does not apply to tax credit penalty proceedings).
- The Commissioner will not usually give a decision at the end of the hearing. It will be sent to you and all other parties after the hearing has taken place.

Video-conferenced hearings

As well as ordinary oral hearings, we can now offer video-conferenced hearings at additional locations. However this does not apply to any case with more than two parties.

- Video-conferenced hearings use a three-way television link between the Commissioner in London, you and your representative (if you have one) and the Secretary of State (or HMRC) representative.
- The Commissioner conducts the hearing in the same way as normally, and all parties are able to see and hear each other throughout the hearing.
- Because it is available in more centres, a video-conferenced hearing may result in a shorter journey to your hearing and will probably enable your case to be heard more quickly.

The video-conferencing facilities are available in various locations across the country. The listings clerk will be able to provide you with more details.

What you should do if you find you cannot attend an oral hearing

- If you find that you will not be able to attend a hearing which has been fixed you should tell the Commissioners' office as soon as possible. **You should write unless the time is very short in which case you may telephone.**
- If you would like the hearing postponed you should say why and the Commissioner will decide what should happen. He or she may decide to go ahead with the hearing without you.
- If you do not turn up at the hearing, the Commissioner will decide whether to go ahead without you. **If you are delayed on your journey to the hearing, you should make every effort to ring the Commissioners' office to let them know immediately.**

What you should do if you wish to withdraw your appeal

- Once you have been granted leave to appeal, you need the agreement of the Commissioner to withdraw, so you should explain your reasons.
- If the Secretary of State for Work and Pensions, the Secretary of State for Defence, HMRC or a local authority (or the other party in a child support or housing benefit case) has appealed you cannot withdraw from the appeal. You do not need to take any part but a decision will be made whether or not you do.

The Commissioner's decision on the appeal

How and when is the appeal decided?

- If there is no oral hearing the appeal papers will be sent to the Commissioner to be decided once all the parties have made their written comments in accordance with the directions made by the Commissioner.
- **The appeal should normally be decided within 20 weeks of the date leave to appeal was granted by the Commissioner (or of the appeal), but it may be longer than that, for instance, if there is an oral hearing.**

The Commissioner's decision

- The Commissioner always makes or confirms his or her decision in writing.
- The Commissioners' office will send you a copy of the Commissioner's decision. They also send a copy to your representative if you have one and to all the other parties to the appeal.
- The Commissioner will usually give reasons in the decision for the appeal being allowed or dismissed. If all the parties agree, or your appeal has been supported and the Commissioner is sending your case back to an appeal tribunal to be re-decided, the Commissioner need not give reasons.
- If the Commissioner has sent your case back to be re-decided by a SSCSAT appeal tribunal, you will receive a letter from the clerk to the tribunal. If you want to have an oral hearing at the new tribunal, you should say so on the form the clerk to the tribunal will

send you. If your case is sent back to a PAT tribunal you will receive a letter from the clerk about the new hearing.

- If the Commissioner has dismissed your appeal, or the result of the appeal is not wholly favourable to you, you have the right to appeal to the Court of Appeal. The Commissioners' office will send you a letter telling you about your right to appeal. There is more detail about this in the section "**What to do if you are dissatisfied with the decision of a Commissioner**".
- If the Commissioner allows your appeal, any of the respondents (e.g. the Secretary of State, HMRC or the local authority) may wish to appeal to the Court of Appeal.

Particular issues which may arise on appeals

How much will it cost to appeal?

There is no fee payable for applying for leave to appeal or for appealing to the Commissioner. Costs cannot be awarded against any party to an appeal. If you attend an oral hearing you will be entitled to travel costs and expenses.

Representatives

- You can have a representative to help you fill in the appeal form, deal with letters from the Commissioners' office, make and respond to submissions and appear in front of the Commissioner for you if there is an oral hearing.
- Your representative may be a friend or relative or may be from an organisation giving welfare rights advice such as a Citizens Advice

Bureau or a service organisation. You may also be represented by a trade union representative or by a solicitor.

Is legal aid available?

- You may be able to obtain initial legal advice under the Legal Help scheme of the Community Legal Service from a solicitor who has a franchise.
- **There are financial limits and the scheme will not normally extend to representation at oral hearings. However section 6(8)(b) of the Access to Justice Act 1999 empowers the Lord Chancellor to authorise funding (known as *exceptional funding*) in certain individual cases. The Legal Services Commission can provide more information.**
- A Citizens Advice Bureau or local authority welfare rights advisory service will give free advice.
- The Royal British Legion and other similar ex-service organisations will also give free advice.
-

What happens if the person who wishes to appeal is a child or is unable to act because of mental or other incapacity?

- In SSCSAT cases, the person who has been appointed by the Secretary of State, HMRC or a local authority to act on behalf of a child or someone who is mentally or physically incapable of managing their own affairs may apply for leave to appeal and appeal on the claimant's behalf.
- If there is no current appointment but one is needed, a form should be obtained from the office dealing with the claim (i.e. the office of the Department for Work and Pensions (or one of its Agencies) or HMRC). In housing benefit or council tax benefit cases, an appointment can be obtained from the local authority of the person who is incapable.
- The person who has been appointed should send a copy of the form of appointment with the appeal **Form OSSC1**.
- If the person who wishes to appeal has a receiver appointed by the Court of Protection then a copy of the document proving this should be sent with the appeal form. No other appointment is necessary.
- In War Pensions and AFCS cases a person can be designated to act for an ex-service person who is incapable of conducting an appeal. The Veterans Agency will make the necessary arrangements.

What happens if the person who wishes to appeal dies?

- Where a person dies before the Commissioner has decided their application for leave to appeal or appeal, the executor or administrator may also start an application or an appeal for the deceased claimant.

The Commissioners' office will ask for a copy of the Grant of Probate or Letters of Administration

- If there is no executor or administrator, someone, normally the next of kin, may apply to the Secretary of State, HMRC or the local authority (in a housing benefit or council tax case) to be appointed to act on behalf of the person who has died.
- An appointment made during the life of a person (because they are a child or unable to act because of mental or other incapacity - see above) comes to an end on the death of that person, and a fresh appointment is necessary
- A person who is appointed may continue with an existing appeal or, if the person who has died has not appealed, make a new appeal that the person could have made.
- For social security cases, the person should apply to the Department for Work and Pensions office dealing with the deceased person's claim. For tax credit, child benefit, guardian's allowance and child tax fund cases the person should apply to the HMRC office.
- For housing benefit or council tax cases the person should apply to the local authority where the deceased person was living when he made the claim for benefit that is in dispute.
- In War Pensions or AFCS cases a person may be designated to act in the place of an ex-service person who has died. The Veterans Agency should be contacted and they will make the necessary arrangements.

What happens to an appeal by the Secretary of State for Work and Pensions, the Secretary of State for Defence, HMRC or a local authority if the claimant dies?

- In these circumstances, the appeal will continue even if the claimant has died, unless the appellant decides not to continue.
- An executor or administrator of the claimant's estate, who has taken out a grant, may continue as the respondent to the appeal. This may be important as the result of the appeal may have an effect on the estate.
- If there is no executor or an administrator or no grant has been taken out then a relative may apply to the Secretary of State, HMRC or the local authority to be appointed to act on behalf of the person who has died or may be designated by the Veterans Agency.

What to do if you are dissatisfied with the decision of the Commissioner

In general

- You may appeal against the decision of a Commissioner on an appeal to the Court of Appeal. **You need leave (permission) first.**
- You may apply to the Commissioner for a decision on an appeal to be set-aside on certain limited procedural grounds.

How to appeal against a Commissioner's decision

There is a right of appeal to the Court of Appeal

- You can appeal against a Commissioner's decision if it is wrong in law. You must have leave (permission) from the Commissioner, or if the Commissioner refuses, from the Court.

- **The time limit for applying for leave to appeal to the Commissioner is within three months of the decision being issued to you.** The time limit may be extended by the Commissioner.
- If you are refused leave to appeal by the Commissioner, you may renew your application in the Court of Appeal **within 6 weeks**.
- If the Commissioner grants you leave you must appeal to the Court of Appeal **within 6 weeks**.

The addresses for the Court of Appeal is:

The Civil Appeals Office,
The Royal Courts of Justice,
Strand,
London WC2A 2LL.

If you wish to appeal to the Court of Appeal, you are advised to take legal advice, as you may become liable for costs.

How to apply for the Commissioner's decision to be set aside

A Commissioner has the power to set aside his decision in certain limited circumstances where there has been certain procedural errors. If you think there has been a procedural error you should write **within one month** of the date of the office letter sending you the Commissioner's decision asking the Commissioner to set the decision aside. You should give your reasons.

The level of service you can expect

Provision for people with disabilities

If you need special help when attending hearings or in your dealings with this office please contact us and we will make every attempt to accommodate your needs

Waiting times

- We will aim to register your application or appeal within **5 working days** of receiving it in this office.
- We will answer the telephone between the hours of **9am and 5pm**.
- Your calls will be answered within **20 seconds**.
- We attempt to send you a full written response to your letters **within 10 working days of receipt**. If this is not possible, we will acknowledge your correspondence within that time and tell you that a full response will be issued as soon as possible.
- We will send you the Commissioner's decision in your case **within 5 working days** of us receiving it from the Commissioner.

To help us deal with your application or appeal

- Please quote your case reference number from this office on all correspondence.
- If you change your address or your representative, please inform us in writing immediately.

Suggestions, comments, or compliments

The leaflet “a positive step forward – your guide to giving feedback” details how you can comment on, pay a compliment or complain about any aspect of our administration. It is available, upon request from the office using the contact details given on page 3 of this leaflet.

The meaning of words

The following words are either used in this leaflet or may be used in documents you receive from the Commissioners’ Office.

- **An applicant** is a person who is applying for leave to appeal to a Commissioner.
- **An appeal** is made by a person who has been given leave to appeal. A person who is appealing is called an **appellant**
- The **Administrative Court** is a specialised part of the High Court in London. The judges deal with claims for judicial review.
- The **Court of Appeal** in London is a higher court (for cases in England and Wales) to which you may be able to appeal against the decision of a Commissioner.
- A **Direction** is a written instruction by the Commissioner, or a legal officer, on the procedure that must be followed. The Commissioner will make a Direction at the beginning of an appeal

as to the order in which the parties are to make their submissions and the time limits for doing so.

- **Judicial review** is a procedure whereby the Administrative Court can review the lawfulness of a decision against which there is no right of appeal. In Commissioners proceedings, it is usually brought against a refusal of leave to appeal.
- **Leave to appeal** means being given permission to appeal.
- **Observations** are made by a **respondent** in a written document answering the points made in an appeal or the points that the Commissioner has raised in a **Direction**. Observations are also called **submissions**.
- **Oral hearings** and **video-conferenced hearings** are described in the section titled “**What happens once leave has been granted**”.
- **A point of law**: examples are given in the section titled “Reasons for appealing”. You must bear in mind that there may be other points of law and if you are uncertain you may like to seek advice as described in that section.
- **A procedural error** is something that has gone wrong with the procedure in an appeal. The procedural rules in relation to appeals to the Commissioners are set out in the Social Security Commissioners (Procedure) Regulations 1999 and the equivalent regulations for child support and tax credit cases. However, only certain limited errors give you the right to have a decision **set aside**. These are set out in regulation 31 of the SSC (P) Regs, regulation 28 of the CSC (P) Regs and regulation 25 of the SSC (P)(Tax Credits Appeals) Regs.
- **A respondent** is a person who has a right to comment on and reply to an appeal that has been made to the Commissioner.

When an individual appeals to the Commissioner, the respondent will normally be:

- The Secretary of State for Work and Pensions in social security cases.
- The Secretary of State for Defence in war pensions and AFCS cases.
- HMRC in tax credit, child benefit, guardian's allowance and child trust fund cases.
- A local authority in housing benefit and council tax benefit cases.
- In child support cases there will normally be two respondents, the Secretary of State and the other parent.
- There may be two or more respondents in housing benefit cases.

When the Secretary of State, HMRC or a local authority appeals:

- The individual who won the case at the appeal tribunal will be the respondent.
- There may also be other respondents, depending on the type of case. You will be told who they are.
- A **ruling** is a determination by a Commissioner on a procedural issue. A ruling may, for example, decide whether you are to be given permission to appeal or it may decide whether your request for an oral hearing has been granted.
- The Department for Work and Pensions was previously called the Department for Social Security and you may see references to the old name in some documents.

General Note

The law governing the procedure on applications to the Commissioner for leave to appeal and appeals is set out in the Social Security Commissioners (Procedure) Regulations 1999 as amended and the Child Support Commissioners (Procedure) Regulations 1999 and the Social Security Commissioners (Procedure) (Tax Credits Appeals) Regulations 2002.