

The Office of the Social Security and Child Support Commissioners of Great Britain

Annual Report 2003-4

**Swyddfa'r Comisiynwyr Nawdd
Cymdeithasol a Chynnal Plant
Prydain**

Adroddiad Blynyddol 2003-4



SCOTTISH EXECUTIVE

The Department for Constitutional Affairs

CONTENTS

Foreword

Introduction

Part I - England and Wales

- 1. Workload and Performance**
- 2. Financial Performance**
- 3. Achievements**
- 4. Future Objectives**

Part II - Scotland

- 5. Workload and Performance**
- 6. Financial Performance**
- 7. Achievements**

Appendices

- 1. Contact Details**
- 2. List of Commissioners**

Chief Commissioner's Foreword

I am pleased to have been invited to write this foreword to the Office of the Social Security and Child Support Commissioners' Annual Report.

Whilst the independence of the judiciary is crucial, it is important that judges and their supporting offices work together to ensure that judicial work is dealt with efficiently. Leaving aside the additional costs that are associated with inefficiency, delay can compromise justice in many obvious ways.

This report contains the statistics upon which an informed view can be taken with regard to, for example, how long cases take before the Commissioners and how much it costs to process them. These generally compare favourably with the court system and other tribunals.

However, statistics cannot give a complete picture. The antithesis of "Justice delayed is justice denied" is not that decisions delivered promptly and cost-efficiently are necessarily just. Statistics alone give no indication as to the quality of Commissioners' individual decisions, or the extent to which their decisions have contributed to the development of a coherent body of welfare law. Yet, to the Commissioners, these aspects of their work are vital.

The Commissioners hear appeals on points of law. These mainly concern welfare benefits and tax credits, involving complex domestic statutory provisions, and often human rights and European Union law. It is the Commissioners' role not only to do justice between the parties in an individual case - important as that is - but also where appropriate to give guidance on matters of legal principle to the relevant government authorities and other benefit claimants. In Great Britain, nearly 5 million people of working age claim a key welfare benefit. In terms of tax credits, the numbers are even higher, 6.2 million

households (involving 10.4 million children) receiving such credits. And, of course, all children are entitled to child benefit. In giving guidance on the proper construction of benefit provisions, the decisions of the Commissioners therefore directly affect the lives of very many people.

Whilst not ignoring the importance of dealing with cases efficiently, the Commissioners have at the forefront of their minds their dual judicial functions of correctly deciding individual appeals, and giving guidance on the law more generally when appropriate. These will continue to be their priorities, whatever their future might be within the tribunal system.

" ... The ordinary courts should approach [appeals from Commissioners] with an appropriate degree of caution. It is quite probable that on a technical issue of understanding and applying the complex legislation the Social Security Commissioner will have got it right. The Commissioners will know how that particular issue fits into the broader picture of social security principles as a whole. They will be less likely to introduce distortion into those principles. They may be better placed, where it is appropriate to apply those principles in a purposive construction of the legislation in question. They will also know the realities of tribunal life. All of this should be taken into account by an appellate court ..." (Cooke v The Secretary of State for Social Security [2001] EWCA Civ 734, per Hale LJ).

The Tribunal Reform Programme

I was appointed Chief Commissioner in September 2003, at a time of impending change for the Commissioners.

In 2001, the Leggatt Report identified weaknesses in the tribunals system, and set out an overwhelming case for reform. It proposed a coherent, two-tier scheme, in which the Social Security Commissioners would be transformed into a second-tier tribunal.

The Government has indicated an intention to act upon the issues raised in the report. Its recent White Paper ("Transforming Public Services: Complaints, Redress and Tribunals", Cm 6243 (July 2004)) proposes radical reforms to the whole scheme of Government decision-making, covering complaints as well as the judicial process for correcting decisions. So far as the reform of the adjudication of benefits is concerned, it proposes that the Commissioners are abolished in 2007, in favour of a new second-tier tribunal that will also incorporate the Lands Tribunal and Transport Tribunal, as well as some of the work of the Finance & Tax Tribunals. Legislation is not due to be presented until mid-2005 but, whatever the final structure may be, it is likely to involve substantial change for the Commissioners.

Radical change to the adjudication process in relation to benefits and associated matters is not new. Since the effective start of the modern social security system in the late 19th century there has been almost constant change.

The Workmen's Compensation Acts were based upon a private law model, with cases being heard in the County Court. The introduction of the state-administered unemployment insurance scheme led to a less formal system of tribunals, including the Umpire (the forerunner of the Commissioners). Recourse to the courts is now rare. The scope of appeals has also changed. The right of appeal to a

Commissioner - originally on questions of fact and law - has been restricted to one in respect of points of law only, with issues of fact normally being finally determined at first-tier appeal level. The jurisdiction of the Commissioners at that second-tier level has expanded regularly, now encompassing not just entitlement to social security benefits administered by the Department for Work and Pensions ("DWP"), but issues concerning tax credits, housing benefit, council tax benefit and child support. The expansion has meant the respondents to claims have been extended beyond the central government department administering benefits, to the Inland Revenue and local authorities. In child support cases, in addition to the State, the mother and father of the relevant child are sometimes mutual protagonists. Further jurisdictions are shortly to be added.

However, many of these changes have been made in an *ad hoc* way, and the Commissioners welcome reform based upon sensible rationalisation. Since my appointment, much of my time has been taken up, with that of other tribunal presidents and the acting Senior Tribunal President (Lord Justice Brooke), in considering and commenting upon the Government's proposals for reform. This is likely to continue throughout the preparation and passage of the proposed Courts and Tribunals Bill. Although the statutory provisions are of course a matter for Parliament, judicial input is essential if the benefits of the reforms are to be optimised. As I have indicated, as judges, the Commissioners are dedicated to dealing justly with the cases which come before them. The scheme within which such cases are dealt is vitally important to that end.

The Changing Nature of the Judicial Work of the Commissioners

However, in the meantime, the Commissioners of course continue to hear appeals from Appeals Service tribunals. As the statistics in this report

show, in the year 2003-4, the Commissioners dealt with 6,540 cases. It is projected that they will deal with a similar number of cases in the year 2004-5.

The Commissioners' workload has fallen over the last few years, although the decrease is not as great as sometimes portrayed. For example, in the year 1998, Commissioners disposed of 6,846 London Office cases. In the year 2003-4, this figure was 6,540. Although the annual disposal rate in the intervening years rose to over 8,000, to a considerable extent this represented a reduction in work in progress (i.e. the pending cases before Commissioners) rather than a substantial increase in the number of cases being referred to Commissioners during that period.

Nevertheless, there has been some reduction in the Commissioners' workload over the last few years. This has resulted from a number of causes. The general state of the economy has meant that fewer people have been claiming benefits, and this is reflected in reduced number of appeals to Appeals Service tribunals and onward appeals to Commissioners. The Social Security Act 1998 introduced a number of procedural measures to reduce the Commissioners' workload, e.g. the ability of Appeals Service tribunals to review their own decisions. The Appeals Service has introduced improved training for its tribunal members which has resulted in fewer appeals being made to Commissioners. There is no reason to suppose that the level of applications and appeals to Commissioners will rise substantially in the short-term.

However, the balance between cases finally determined on an application for leave to appeal and those that go to a full appeal has shifted significantly. In 1998, of the 6,846 London cases, 4,317 (63%) went to a full appeal. By 2003-4, of the 6,540 cases, only 2,301 (35%) were full appeals. This change has not been accompanied by any increase in

applications for (or grants of) judicial review of refusals of leave to appeal - there are currently about 20 applications per year to the Administrative Court, of which only about 3 or 4 are successful. On the other hand, where leave is granted by a Commissioner, the success rate for full appeals has increased substantially.

These statistical changes reflect not only the introduction of a power for tribunals to review their own decisions, but also a more robust approach of Commissioners' to the refusing of leave to appeal in cases of little merit. Whilst not affecting the quality of the ultimate decisions, this change has considerably improved the time within which cases before the Commissioners are dealt.

The Organisation of the Commissioners

Under my predecessors, the Commissioners instituted various case management techniques which enabled their workload to be dealt with more efficiently. This too has resulted in a significant reduction in the time taken to decide applications and appeals.

I have built on this work. In 2003-4, in London, the average time taken for an application was reduced to 8.1 weeks, and the time for an appeal to 19.7 weeks. Within the current system, it is unlikely that these figures can be significantly reduced - but, in 2004-5, I propose to review with the Commissioners' Office the systems in place with a view to identifying any systemic changes that might result in a reduction in even these times, but without any reduction in the quality of Commissioners' decisions.

Under the Social Security Act 1998, the Chief Commissioner has power to set up a tribunal of three or more Commissioners to consider any case in which there arises a question of law of special difficulty. In recent years, few tribunals of Commissioners have been

The Evolution of the Commissioners' Jurisdiction

Workmen's Compensation Act 1897: Adjudication of benefit disputes on a private role model in the County Court.

National Insurance Act 1911: The first tribunals, known as "courts of referees", are introduced to hear appeals on unemployment benefit claims, with the insurance officer having the power to have an unfavourable decision referred to an "umpire", the forerunner of the Commissioners.

National Insurance Acts 1946-8: From 1948, the National Insurance Commissioner and the Industrial Injuries Commissioner hear appeals from local tribunals.

Family Allowances and National Insurance Act 1959: Introduction of a right of appeal from medical appeal tribunals to the Industrial Injuries Commissioner on a point of law only (these decisions previously only being amenable to challenge by way of judicial review). This results in Commissioners dealing with essentially medical issues for the first time.

National Insurance Act 1966: The jurisdiction of the Industrial Injuries Commissioner merged into that of the National Insurance Commissioner.

National Insurance (Old Persons' and Widows' Pensions and Attendance Allowance) Act 1970: An appeal on a point of law from the new Attendance Allowance Board to a National Insurance Commissioner is introduced.

Social Security Act 1980: A right of appeal, on a point of law, to a Commissioner from a decision of a supplementary benefit appeal tribunal is introduced, to replace a right of appeal to the High Court. To reflect this wider jurisdiction, the Commissioners are restyled "Social Security Commissioners". At the same time, a right of appeal from a decision of a Commissioner to the Court of Appeal is introduced in place of the right to bring proceedings in the High Court.

Forfeiture Act 1982: A procedure is introduced under which the Secretary of State refers to a Commissioner any question as to whether the forfeiture rule applies to a claim for benefit. This jurisdiction, which still exists, provides the only first instance cases heard by Commissioners.

Social Security Act 1986: All appeals to Commissioners from social security appeal tribunals (which have replaced local tribunals and supplementary benefit appeal tribunals) are confined to points of law.

Social Security Act 1989: Jurisdiction extended to recoverability of benefits from the payer of compensation in respect of personal injury.

Disability Living Allowance and Disability Working Allowance Act 1991: The Attendance Allowance Board is abolished and disability appeal tribunals are introduced, with the parties having a further right of appeal, on a point of law, to a Commissioner.

Child Support Act 1991: From 1993, all Social Security Commissioners are appointed as Child Support Commissioners to hear appeals on points of law from child support appeal tribunals.

Child Support, Pensions and Social Security Act 2000: In relation to housing benefit and council tax benefit, internal review by a local authority and judicial review by the High Court are replaced by a right of appeal to an appeal tribunal (which had replaced social security appeal tribunals, medical appeal tribunals, disability appeal tribunals and child support appeal tribunals) and a further right of appeal, on a point of law, to a Commissioner.

Tax Credits Act 2002: Administration of tax credits transferred to the Inland Revenue, with a right of appeal to an appeal tribunal and then to a Commissioner.

constituted, a trend which I have reversed. In addition to dealing with individual cases efficiently, as indicated above, one role of the Commissioners is to give guidance on the relevant law and procedure, and, where there are points of special difficulty, this can often be done better by a number of Commissioners sitting together. I propose to call tribunals of Commissioners as and when appropriate cases arise, which I would expect to be perhaps 8-10 times per year.

Commissioners' Committees

A number of administrative functions of the Chief Commissioner are effectively exercised through committees, which have further developed over the last year.

The Editorial Board: One of the functions of the Chief Commissioner is to ensure that appropriate Commissioners' decisions are reported. Reported cases are those on which decision-makers and tribunals place most reliance. They are published by the DWP quarterly in loose-leaf form, and also by the Stationery Office in bound volumes once every 2 years. These cases are selected by an Editorial Board of Commissioners which I chair and which includes a Northern Ireland Commissioner. The Board identify potentially reportable cases, which are circulated to all Commissioners. Decisions of single Commissioners are only reported if they are of general importance and command the support of at least a majority of Commissioners, which ensures a reasonable degree of consistency. In 2003-4, 52 cases were selected for reporting (of which eight were the decisions of the Court of Appeal or the House of Lords on appeal from Commissioners' decisions).

In addition, decisions are regularly published by being put onto the OSSCSC website. These decisions are not subject to the scrutiny of reported cases, but are considered by the

Commissioner concerned to have some point of significance that may be of use in other cases. In 2003-4, 253 cases were put onto the website.

The Development and Training

Committee: For many years, the Commissioners have had a dedicated training programme, organised by a committee comprising full and Deputy Commissioners, Legal Officers and others (including, for example, the Appeals Service National Training Officer).

The training programme incorporates three days of training per year for all Commissioners (full-time and Deputy) and Legal Officers, and an additional day for Deputy Commissioners alone. The Northern Ireland Commissioners also attend. These sessions are held in London and, although the full-time Commissioners based in Edinburgh attend, it is often difficult for Scottish Deputy Commissioners to do so. A one-day training session per year for the Scottish Deputies in Edinburgh has therefore been introduced.

In addition to this programme, in 2003-4, all Commissioners attended one of the regional training days of the Appeals Service dedicated to equal treatment and disability assessment. Three Commissioners also attended Judicial Studies Board training on judicial assessment and development.

There is also some mutual training assistance between the Appeals Service and the Commissioners. The National Training Officer for the Appeals Service attends all Commissioners' training sessions. Two Commissioners attend each of the residential updating conferences for part-time Appeals Service tribunal chairmen: and three Commissioners attended the annual Regional and District Chairman's meeting of the Appeals Service at Harrogate (all as speakers or discussion leaders). Commissioner David Williams and Deputy Commissioner Professor Nick Wikeley also led the tax credit training

for the Appeals Service that took place throughout 2003. It is hoped to develop this liaison between the Appeals Service tribunals and the Commissioners further in future.

In addition to training, over the last three years, the Chief Commissioner has developed a mentoring and assessment programme for Deputy Commissioners, to assist them particularly on appointment. Both mentoring and assessment are important to ensure that part-time judges have proper support and are able to develop to their full potential. The Development and Training Committee is in the process of drafting a protocol for the mentoring and assessment of Deputy Commissioners, which will be operational from 1 January 2005.

Procedure Committee: This committee (which again includes a representative from the Northern Ireland Commissioners) considers procedural rules changes. Whilst it has no statutory powers, it makes suggestions to the Department for Constitutional Affairs and (insofar as the Appeals Service tribunal rules dovetail with the Commissioners' own rules) the DWP accordingly.

The committee also consider other general procedural matters, such as practice directions and explanatory notes made available to parties and, in conjunction with the Secretaries, office procedures.

Mr Commissioner Walker QC

I should like to record my appreciation of the contribution to the work of the Commissioners of Mr Commissioner William Walker QC, who retired in September 2003. He made a substantial mark in the judicial work of the Commissioners, particularly through his chairmanship of a number of important tribunals of Commissioners, as well as overseeing the smooth and efficient administration of the Edinburgh Office as Senior Commissioner for Scotland.

His Honour Judge Michael Harris

Finally, may I thank my predecessor Judge Michael Harris for his contribution during his two years as Chief Commissioner. It was on any view substantial. In particular, his development of case management enables the Commissioners to face whatever the future might hold with confidence.

**His Honour Judge
Gary Hickinbottom**

**Chief Social Security & Child
Support Commissioner
of Great Britain**

July 2004

Rhagair Prif Gomisiynydd

Rwy'n falch iawn fy mod wedi cael gwahoddiad i ysgrifennu'r rhagair hwn i Adroddiad Blynyddol Swyddfa'r Comisiynwyr Nawdd Cymdeithasol a Chynnal Plant.

Mae annibyniaeth y farnwriaeth yn hollbwysig, ond mae'n bwysig hefyd bod barnwyr a'r swyddogion sy'n eu cynorthwyo yn gweithio gyda'i gilydd er mwyn sicrhau bod gwaith barnwrol yn cael ei wneud yn effeithlon. Ar wahân i'r costau ychwanegol sy'n gysylltiedig ag aneffeithlonrwydd, gall oedi roi cyfiawnder yn y fantol mewn nifer o ffyrdd amlwg.

Mae'r adroddiad hwn yn cynnwys yr ystadegau sydd eu hangen er mwyn canfod, er enghraifft, am faint o amser y mae achosion sy'n mynd gerbron y Comisiynwyr yn para a faint mae'n ei gostio i'w prosesu. Mae'r ystadegau hyn yn cymharu'n ffafriol ar y cyfan â'r gyfundrefn ar gyfer llysoedd a thribiwnlysoedd eraill.

Ond ni all ystadegau roi darlun cyflawn. Er bod "Oedi cyn gweinyddu cyfiawnder yn gyfystyr ag atal cyfiawnder" nid yw'n wir o reidrwydd bod penderfyniadau sy'n cael eu gwneud yn fuan ac mewn modd cost effeithlon yn mynd i sicrhau cyfiawnder. Ni all ystadegau moel ddangos ansawdd penderfyniadau unigol y Comisiynwyr, nac i ba raddau y mae eu penderfyniadau wedi helpu i ddatblygu casgliad cydlynol o gyfreithiau lles. Ac eto, i'r Comisiynwyr, mae'r agweddau hyn ar eu gwaith yn hollbwysig.

Mae'r Comisiynwyr yn gwrando ar apeliadau sy'n ymwneud â phwyntiau cyfreithiol. Mae'r pwyntiau cyfreithiol hyn yn ymwneud yn bennaf â budd-daliadau lles a chredyd treth, gan gynnwys darpariaethau statudol domestig cymhleth, ac yn aml iawn â hawliau dynol a chyfraith yr Undeb Ewropeaidd. Mae'r Comisiynwyr yn gyfrifol nid yn unig am sicrhau cyfiawnder i'r ddwy ochr mewn achosion unigol – er mor bwysig yw

hynny – ond hefyd, lle bo'n briodol, am roi cyfarwyddyd ar faterion sy'n ymwneud ag egwyddor gyfreithiol i'r awdurdodau perthnasol yn y llywodraeth ac i hawlwy'r budd-daliadau eraill. Ym Mhrydain, mae bron i 5 miliwn o bobl o oed gweithio yn hawlio un o'r prif fudd-daliadau lles. O safbwynt credyd treth, mae'r nifer yn uwch fyth, gyda 6.2 miliwn o deuluoedd (yn cynnwys 10.4 miliwn o blant) yn derbyn credyd o'r fath. Ac, wrth gwrs, mae gan bob plentyn hawl i fudd-dal plant. Gan eu bod yn rhoi cyfarwyddyd sy'n ymwneud â'r ffordd briodol o lunio darpariaethau budd-daliadau, mae penderfyniadau'r Comisiynwyr yn effeithio'n uniongyrchol ar fywydau llawer iawn o bobl.

Mae'r Comisiynwyr yn cytuno ei bod yn bwysig delio gydag achosion yn effeithlon, ond maent yn canolbwyntio'n bennaf ar ddwy agwedd ar eu swyddogaethau barnwrol, sef gwneud penderfyniadau cywir mewn apeliadau unigol, a rhoi cyfarwyddyd ar y gyfraith yn fwy cyffredinol lle bo'n briodol. Bydd y rhain yn parhau i fod yn flaenoriaethau iddynt, beth bynnag fydd eu dyfodol yn y system dribiwnlysoedd.

Y Rhaglen Ddiwygio Tribiwnlysoedd

Cefais fy mhenodi'n Brif Gomisiynydd ym Medi 2003, ar adeg pan oedd y Comisiynwyr yn wynebu newidiadau.

Yn 2001, cyfeiriodd Adroddiad Leggatt at wendidau yn y system dribiwnlysoedd, a chyflwynodd ddadl gref dros ddiwygio'r system. Cynigiodd gynllun cydlynol â dwy haen iddo, lle byddai'r Comisiynwyr Nawdd Cymdeithasol yn cael eu trawsnewid i fod yn dribiwnlys ail haen.

Mae'r Llywodraeth Prydain wedi nodi ei bod yn bwriadu gweithredu ar sail y materion a godwyd yn yr adroddiad. Mae'r Papur Gwyn a gyhoeddwyd ganddi yn ddiweddar ("Trawsnewid Gwasanaethau Cyhoeddus: Cwynion, Unioni Cam a Thribiwnlysoedd", Cm

6243 (Gorffennaf 2004)) yn cynnig diwygiadau radical i broses wneud penderfyniadau'r Llywodraeth yn ei chyfanrwydd, diwygiadau i'r drefn gwyno yn ogystal â'r broses farnwrol ar gyfer cywiro penderfyniadau. Gyda golwg ar ddiwygio'r trefniadau ar gyfer dyfarnu budd-daliadau, mae'n cynnig y dylai'r Comisiynwyr gael eu disodli yn 2007 gan dribiwnlys ail haen newydd a fydd hefyd yn cynnwys gwaith y Tribiwnlys Tiroedd a'r Tribiwnlys Cludiant, yn ogystal â rhywfaint o waith y Tribiwnlysoedd Cyllid a Threth. Nid yw'n debygol y cyflwynir deddfwriaeth hyd ganol 2005, ond beth bynnag fydd y strwythur terfynol, mae'n debygol o olygu newid sylweddol i'r Comisiynwyr.

Nid yw newid radical i'r broses ddyfarnu yng nghyd-destun budd-daliadau a materion cysylltiedig yn beth newydd. Mae llawer o newidiadau wedi eu gwneud ers pan sefydlwyd y gyfundrefn nawdd cymdeithasol fodern yn niwedd y 19eg ganrif.

Roedd y Deddfau lawndal Gweithwyr yn seiliedig ar batrwm cyfraith breifat, gydag achosion yn cael eu gwrandio yn y Llys Sirol. Pan gyflwynwyd y cynllun yswiriant diweithdra a oedd yn cael ei weinyddu gan y wladwriaeth cafwyd system lai ffurfiol o dribiwnlysoedd, yn cynnwys yr uwchganolwr (rhagflaenydd y Comisiynwyr). Yn anaml y troir at y llysoedd y dyddiau hyn. Mae cwmipas apeliadau wedi newid hefyd. Cyfyngwyd yr hawl i apelio i Gomisiynydd - mewn perthynas â chwestiynau ffeithiol a chyfreithiol yn wreiddiol - i fod yn seiliedig ar bwyntiau cyfreithiol yn unig, gyda phynciau o ffaith yn cael eu penderfynu'n derfynol fel arfer ar lefel apel haen gyntaf. Mae awdurdodaeth y Comisiynwyr ar yr ail haen hon wedi ei hehangu'n gyson, ac erbyn hyn mae'n cynnwys materion yn ymwneud â hawl i fudd-daliadau nawdd cymdeithasol sy'n cael eu gweinyddu gan yr Adran Gwaith a Phensiynau, ynghyd â materion sy'n ymwneud â

chredydau treth, budd-dal tai, budd-dal treth cyngor a chynnal plant. Mae'r ehangu hwn wedi golygu bod Cyllid y Wlad ac awdurdodau lleol, yn ogystal â'r adran sy'n gweinyddu budd-daliadau yn y llywodraeth ganolog yn gorfod ymateb i hawliadau. Mewn achosion cynnal plant, yn ogystal â'r Wladwriaeth, mae mam a thad y plentyn perthnasol ambell waith ill dau'n chwarae rhan allweddol. Bydd awdurdodaethau eraill yn cael eu hychwanegu cyn bo hir.

Fodd bynnag, mae llawer o'r newidiadau hyn wedi eu gwneud i bwrpas penodol, ac mae'r Comisiynwyr yn croesawu diwygiadau sy'n seiliedig ar resymoli synhwyrol. Ers i mi gael fy mhenodi, mae llawer iawn o'm hamser i, ac amser llywyddion tribiwnlysoedd eraill a'r Uwch Lywydd Tribiwnlysoedd (Yr Arglwydd Ustus Brooke), wedi ei dreulio yn ystyried cynlluniau'r Llywodraeth ar gyfer diwygiadau ac yn gwneud sylwadau arnynt. Mae hyn yn debygol o barhau hyd nes y bydd y Mesur Llysoedd a Thribiwnlysoedd arfaethedig wedi mynd drwy'r Senedd. Er mai mater i'r Senedd wrth gwrs yw'r darpariaethau statudol, mae mewnbyn barnwrol yn hanfodol er mwyn cael y budd gorau o'r diwygiadau. Fel y nodais, mae'r Comisiynwyr, fel barnwyr, wedi ymrwymo i sicrhau cyfiawnder wrth ddelio gyda'r achosion sy'n dod ger eu bron. Mae'r cynllun sydd ar gael er mwyn delio gydag achosion o'r fath yn hollbwysig i'r perwyl hwnnw.

Y Newid yn Natur Gwaith Barnwrol y Comisiynwyr

Yn y cyfamser, fodd bynnag, mae'r Comisiynwyr wrth gwrs yn dal i wrando apeliadau o dribiwnlysoedd y Gwasanaeth Apeliadau. Fel y dengys yr ystadegau yn yr adroddiad hwn, yn y flwyddyn 2003-4, ymdriniodd y Comisiynwyr â 6,540 o achosion.

Datblygiad Awdurdodaeth y Comisiynwyr

Deddf Iawndal Gweithwyr 1897: Dyfarnu anghydfod budd-daliadau ar batrwm cyfraith breifat yn y Llys Sirol.

Deddf Yswiriant Gwladol 1911: Cyflwyno'r tribiwnlysoedd cyntaf, a elwid yn "llysoedd canolwyr", i wrando apeliadau yn ymwneud â hawliadau budd-dal diweithdra. Roedd gan y swyddog yswiriant hawl i gael penderfyniad anffafriol wedi ei gyfeirio i sylw "uwchganolwr", rhagflaenydd y Comisiynwyr.

Deddfau Yswiriant Gwladol 1946-8: O 1948 ymlaen, y Comisiynydd Yswiriant Gwladol a'r Comisiynydd Anafiadau Diwydiannol yn gwrando apeliadau o dribiwnlysoedd lleol.

Deddf Lwfansau Teulu ac Yswiriant Gwladol 1959: Cyflwyno hawl i apelio o dribiwnlysoedd apeliadau meddygol i'r Comisiynydd Anafiadau Diwydiannol ar bwynt cyfreithiol yn unig (yr unig ffordd o herio'r penderfyniadau hyn cynt oedd drwy adolygiad barnwrol). O ganlyniad i hyn dechreuodd Comisiynwyr ddelio gyda materion meddygol yn y bôn am y tro cyntaf.

Deddf Yswiriant Gwladol 1966: Uno awdurdodaeth y Comisiynydd Anafiadau Diwydiannol ag awdurdodaeth y Comisiynydd Yswiriant Gwladol.

Deddf Yswiriant Gwladol (Pensiynau'r Henoed a Gweddwon a Lwfans Gweini) 1970: Cyflwyno apêl ar bwynt cyfreithiol o'r Bwrdd Lwfans Gweini newydd i Gomisiynydd Yswiriant Gwladol.

Deddf Nawdd Cymdeithasol 1980: Cyflwyno hawl i apelio i Gomisiynydd, ar bwynt cyfreithiol, yn dilyn penderfyniad tribiwnlys apeliadau budd-dal atodol, yn lle hawl i apelio i'r Uchel Lys. Er mwyn adlewyrchu'r awdurdodaeth ehangach hon, rhoddwyd teitl newydd i'r Comisiynwyr, sef "Comisiynwyr Nawdd Cymdeithasol". Yr un pryd, cyflwynwyd hawl i apelio i'r Llys Apêl yn dilyn penderfyniad Comisiynydd yn lle'r hawl i ddwyn achos yn yr Uchel Lys.

Deddf Fforffedu 1982: Cyflwyno trefniadau lle mae'r Ysgrifennydd Gwladol yn cyfeirio unrhyw gwestiwn sy'n ymwneud â pherthnasedd y rheol fforffedu i hawliad am fudd-dal i sylw Comisiynydd. Yr awdurdodaeth hon, sy'n bodoli o hyd, yw'r unig un lle mae Comisiynwyr yn gwrando ar achosion gwrandawriad cyntaf.

Deddf Nawdd Cymdeithasol 1986: Cyfyngu pob apêl i Gomisiynwyr o dribiwnlysoedd apeliadau nawdd cymdeithasol (sydd wedi cymryd lle tribiwnlysoedd lleol a thribiwnlysoedd apeliadau budd-dal atodol) i bwyntiau cyfreithiol.

Deddf Nawdd Cymdeithasol 1989: Ymestyn awdurdodaeth i adennill budd-daliadau gan y sawl sy'n talu iawndal mewn perthynas ag anaf personol.

Deddf Lwfans Byw i'r Anabl a Lwfans Gweithio i'r Anabl 1991: Diddymu'r Bwrdd Lwfans Gweini a chyflwyno tribiwnlysoedd apeliadau anabledd, gyda'r partïon yn cael hawl arall i apelio, ar bwynt cyfreithiol, i Gomisiynydd.

Deddf Cynnal Plant 1991: O 1993 ymlaen, penodi pob Comisiynydd Nawdd Cymdeithasol yn Gomisiynydd Cynnal Plant i wrando apeliadau ar bwyntiau cyfreithiol o dribiwnlysoedd apeliadau cynnal plant.

Deddf Cynnal Plant, Pensiynau a Nawdd Cymdeithasol 2000: Mewn perthynas â budd-dal tai a budd-dal treth cyngor, adolygiadau mewnol gan awdurdod lleol ac adolygiadau barnwrol gan yr Uchel Lys yn cael eu disodli gan hawl i apelio i dribiwnlys apeliadau (sydd wedi cymryd lle tribiwnlysoedd apeliadau nawdd cymdeithasol, tribiwnlysoedd apeliadau meddygol, tribiwnlysoedd apeliadau anabledd a thribiwnlysoedd apeliadau cynnal plant) a hawl arall i apelio, ar bwynt cyfreithiol, i Gomisiynydd.

Deddf Credyd Treth 2002: Trosglwyddo gweinyddiaeth credydau treth i Gyllid y Wlad, gyda hawl i apelio i dribiwnlys apeliadau ac yna i Gomisiynydd.

Disgwylir y byddant yn delio gyda nifer tebyg o achosion yn y flwyddyn 2004-5.

Mae baich gwaith y Comisiynwyr wedi lleihau yn ystod y blynyddoedd diwethaf, ond nid i'r fath raddau ag sy'n cael ei gyfleu gan rai. Er enghraifft, yn y flwyddyn 1998, penderfynodd y Comisiynwyr ynghylch 6,846 o achosion yn Swyddfa Llundain. Yn y flwyddyn 2003-4, roedd y ffigwr hwn yn 6,540. Er bod cyfradd y penderfyniadau a wnaethpwyd yn ystod y blynyddoedd rhwng y ddau ddyddiad hyn wedi codi i dros 8,000, roedd hyn i raddau helaeth yn adlewyrchu lleihad yn y gwaith a oedd ar ei ganol (h.y. yr achosion yn aros i gael eu gwrandio gerbron Comisiynwyr) yn hytrach na chynnydd sylweddol yn nifer yr achosion a gyfeiriwyd i sylw'r Comisiynwyr yn ystod y cyfnod hwn.

Er hyn, bu rhywfaint o leihad ym maich gwaith y Comisiynwyr yn ystod y blynyddoedd diwethaf. Mae nifer o resymau dros hyn. Mae cyflwr cyffredinol yr economi wedi golygu bod llai o bobl wedi bod yn hawlio budd-daliadau, ac mae hyn i'w weld yn y nifer llai o apeliadau i dribiwnlysoedd y Gwasanaeth Apeliadau ac apeliadau sy'n cael eu hanfon ymlaen at y Comisiynwyr. Cyflwynodd Deddf Nawdd Cymdeithasol 1998 nifer o gamau trefniadol er mwyn lleihau baich gwaith y Comisiynwyr, e.e. galluogi tribiwnlysoedd y Gwasanaeth Apeliadau i adolygu eu penderfyniadau eu hunain. Mae'r Gwasanaeth Apeliadau wedi cyflwyno gwell hyfforddiant ar gyfer aelodau tribiwnlysoedd, ac o ganlyniad i hyn mae llai o apeliadau'n cael eu gwneud i Gomisiynwyr. Nid yw'n debygol y bydd nifer y ceisiadau a'r apeliadau i Gomisiynwyr yn cynyddu'n sylweddol yn y tymor byr.

Fodd bynnag, mae'r cydbwysedd rhwng achosion sy'n cael eu penderfynu'n derfynol yn dilyn cais am ganiatâd i apelio a'r rhai hynny sy'n mynd i apêl lawn wedi newid yn sylweddol. Yn 1998, o'r 6,846 o achosion yn Llundain, aeth 4,317 (63%) i apêl lawn. Erbyn

2003-4, o'r 6,540 o achosion, dim ond 2,301 (35%) oedd yn apeliadau llawn. Nid yw'r newid hwn o ganlyniad i gynnydd yn nifer y ceisiadau (neu'r caniatadau) ar gyfer adolygiad barnwrol o achosion lle gwrthodwyd caniatâd i apelio - ar hyn o bryd gwneir tua 20 o geisiadau y flwyddyn i'r Llys Gweinyddol, a dim ond tua 3 neu 4 ohonynt sy'n llwyddiannus. Ar y llaw arall, lle rhoddir caniatâd gan Gomisiynydd, mae'r gyfradd llwyddiant ar gyfer apeliadau llawn wedi cynyddu'n sylweddol.

Mae'r newidiadau ystadegol hyn yn adlewyrchiad o'r ffaith fod gan dribiwnlysoedd bellach hawl i adolygu eu penderfyniadau eu hunain, a hefyd o ddull gweithredu mwy pendant gan Gomisiynwyr wrth wrthod caniatâd i apelio mewn achosion llai pwysig. Er nad yw'r newid hwn yn effeithio ar ansawdd y penderfyniadau terfynol, mae wedi golygu gwelliant sylweddol o ran yr amser a gymerir i ddelio gydag achosion gerbron y Comisiynwyr.

Trefniadaeth y Comisiynwyr

Dan fy rhagflaenwyr, sefydlodd y Comisiynwyr dechnegau rheoli achosion amrywiol er mwyn iddynt allu delio'n fwy effeithlon â'u baich gwaith. Mae hyn hefyd wedi arwain at ostyngiad sylweddol yn yr amser y mae'n ei gymryd i wneud penderfyniad ynghylch ceisiadau ac apeliadau.

Rwyf wedi adeiladu ar y gwaith hwn. Yn 2003-4, yn Llundain, lleihawyd cyfartaledd yr amser a gymerid ar gyfer cais i 7.7 wythnos, a'r amser ar gyfer apêl i 20.8 wythnos. Gyda'r system bresennol, nid yw'n debygol y gellir gostwng llawer ar y ffigyrau hyn - ond, yn 2004-5, bwriadaf adolygu'r systemau sy'n bodoli gyda Swyddfa'r Comisiynwyr gyda'r bwriad o ganfod unrhyw newidiadau cyfundrefnol a allai arwain at leihau'r amseroedd hyn hyd yn oed, ond heb amharu ar ansawdd penderfyniadau Comisiynwyr. Dan Ddeddf Nawdd Cymdeithasol 1998, mae gan y Prif Gomisiynydd hawl i sefydlu tribiwnlys o dri Chomisiynydd

neu fwy i ystyried unrhyw achos lle mae cwestiwn cyfreithiol arbennig o anodd yn codi. Ychydig iawn o dribiwnlysoedd Comisiynwyr gafodd eu ffurfio yn ystod y blynyddoedd diwethaf, ond rwyf i wedi newid y patrwm hwn. Yn ychwanegol at ddelio gydag achosion unigol yn effeithlon, fel y nodwyd uchod, un o gyfrifoldebau'r Comisiynwyr yw rhoi cyfarwyddyd ar y gyfraith a'r trefniadau perthnasol, a lle bo pwyntiau arbennig o anodd, gellir gwneud hyn yn well yn aml drwy gael nifer o Gomisiynwyr i eistedd gyda'i gilydd. Bwriadaf alw tribiwnlysoedd Comisiynwyr pan fo achosion priodol yn codi, a gallai hynny fod oddeutu 8-10 gwaith y flwyddyn.

Pwyllgorau Comisiynwyr

Mae nifer o swyddogaethau gweinyddol y Prif Gomisiynydd yn cael eu cyflawni mewn gwirionedd drwy bwyllgorau, sydd wedi datblygu llawer yn ystod y flwyddyn ddiwethaf.

Y Bwrdd Golygyddol: Un o swyddogaethau'r Prif Gomisiynydd yw rhoi gwybod am benderfyniadau priodol sy'n cael eu gwneud gan Gomisiynwyr. Yr achosion hyn y rhoddir gwybod amdanynt yw'r rhai y mae cyrff gwneud penderfyniadau a thribiwnlysoedd yn dibynnu fwyaf arnynt. Maent yn cael eu cyhoeddi'n chwarterol gan yr Adran Gwaith a Phensiynau ar ffurf dalenni rhydd, a hefyd gan y Llyfrfa mewn cyfrolau rhwymedig bob 2 flynedd. Dewisir yr achosion hyn gan Fwrdd Golygyddol o Gomisiynwyr (gan gynnwys y Comisiynydd dros Ogledd Iwerddon). Mae'r Bwrdd yn nodi achosion y gellid rhoi gwybod amdanynt, ac yn cylchredeg gwybodaeth amdanynt i'r holl Gomisiynwyr. Ni roddir gwybod am benderfyniadau Comisiynwyr unigol oni bai eu bod o bwysigrwydd cyffredinol a'u bod yn cael eu cefnogi gan fwyafrif y Comisiynwyr o leiaf, ac mae hyn yn sicrhau cysondeb rhesymol. Yn 2003-4, dewiswyd 52 o achosion ar gyfer rhoi gwybod amdanynt (roedd wyth ohonynt yn benderfyniadau gan y Llys Apêl neu Dy'r Arglwyddi yn dilyn apêl yn erbyn penderfyniadau Comisiynwyr).

Yn ychwanegol at hyn, mae penderfyniadau'n cael eu cyhoeddi'n rheolaidd drwy gael eu rhoi ar wefan OSSCSC. Nid yw'r penderfyniadau hyn yn cael eu harchwilio i'r un graddau ag achosion y rhoddir gwybod amdanynt, ond maent yn cael eu hystyried gan y Comisiynydd dan sylw fel rhai sydd â rhyw bwynt pwysig a allai fod yn ddefnyddiol mewn achosion eraill. Yn 2003-4, rhoddwyd 253 o achosion ar y wefan.

Y Pwyllgor Datblygu a Hyfforddi:

Mae gan y Comisiynwyr raglen hyfforddi benodol ers sawl blwyddyn, sy'n cael ei threfnu gan bwyllgor sy'n cynnwys Comisiynwyr llawn-amser a Dirprwy Gomisiynwyr, Swyddogion Cyfreithiol ac eraill (gan gynnwys, er enghraifft, Swyddog Hyfforddi Cenedlaethol y Gwasanaeth Apeliadau).

Mae'r rhaglen hyfforddi'n cynnwys tri diwrnod o hyfforddiant bob blwyddyn i bob Comisiynydd (llawn-amser a Dirprwyon) a Swyddogion Cyfreithiol, a diwrnod ychwanegol ar gyfer Dirprwy Gomisiynwyr yn unig. Mae Comisiynwyr Gogledd Iwerddon yn dilyn y rhaglen hyfforddi hefyd. Cynhelir y sesiynau hyn yn Llundain, ac er bod y Comisiynwyr llawn-amser sydd wedi eu lleoli yng Nghaeredin yn dod iddynt, yn aml iawn mae'n anodd i Ddirprwy Gomisiynwyr yr Alban eu mynychu. O ganlyniad cyflwynwyd un diwrnod o hyfforddiant y flwyddyn i Ddirprwyon yr Alban yng Nghaeredin.

Yn ychwanegol at y rhaglen hon, yn 2003-4 mynychodd pob Comisiynydd un o ddiwrnodau hyfforddi rhanbarthol y Gwasanaeth Apeliadau a oedd yn canolbwyntio ar gyfle cyfartal ac asesu anabledd. Manteisiodd tri Chomisiynydd hefyd ar hyfforddiant y Bwrdd Astudiaethau Barnwrol ar asesiadau a datblygiad barnwrol.

Ceir rhywfaint o hyfforddiant ar y cyd hefyd rhwng y Gwasanaeth Apeliadau a'r Comisiynwyr. Mae Swyddog Hyfforddiant Cenedlaethol y Gwasanaeth Apeliadau'n mynychu holl sesiynau hyfforddi'r Comisiynwyr. Mae

dau Gomisiynydd yn mynychu pob un o'r cynadleddau diweddarau preswyl ar gyfer cadeiryddion tribiwnlysoedd rhan-amser y Gwasanaeth Apeliadau: a mynychodd tri Chomisiynydd gyfarfod blynyddol Cadeirydd Rhanbarth ac Ardal y Gwasanaeth Apeliadau yn Harrogate (pob un ohonynt fel siaradwyr neu arweinwyr trafodaethau). Yn ychwanegol at hyn arweiniodd y Comisiynydd David Williams a'r Dirprwy Gomisiynydd yr Athro Nick Wikeley yr hyfforddiant credyd treth ar gyfer y Gwasanaeth Apeliadau a gynhaliwyd trwy gydol 2003. Gobeithir datblygu rhagor ar y cyswllt hwn rhwng tribiwnlysoedd y Gwasanaeth Apeliadau a'r Comisiynwyr yn y dyfodol.

Yn ogystal â hyfforddiant, yn ystod y tair blynedd diwethaf, mae'r Prif Gomisiynydd wedi datblygu rhaglen fentora ac asesu ar gyfer Dirprwy Gomisiynwyr, er mwyn eu cynorthwyo'n fwyaf penodol ar ôl iddynt gael eu penodi. Mae mentora ac asesu yn bwysig er mwyn sicrhau bod barnwyr rhan-amser yn cael cefnogaeth briodol a'u bod yn gallu datblygu i'w llawn botensial. Mae'r Pwyllgor Datblygu a Hyfforddi wrthi'n drafftio protocol ar gyfer mentora ac asesu Dirprwy Gomisiynwyr, a fydd yn cael ei weithredu o 1 Ionawr 2005 ymlaen.

Pwyllgor Gweithdrefnau: Mae'r pwyllgor hwn (sydd unwaith yn rhagor yn cynnwys cynrychiolydd o blith Comisiynwyr Gogledd Iwerddon) yn ystyried newidiadau i reolau trefniadol. Er nad oes ganddo bwerau statudol, mae'n gwneud awgrymiadau i'r Adran Materion Cyfansoddiadol ac (i'r graddau y mae rheolau tribiwnlysoedd y Gwasanaeth Apeliadau yn cydweddu â rheolau'r Comisiynwyr eu hunain) yr Adran Gwaith a Phensiynau yn unol â hynny.

Mae'r pwyllgor hefyd yn ystyried materion trefniadol cyffredinol eraill, fel cyfarwyddiadau ymarfer a nodiadau esboniadol sydd ar gael i bartïon,

Introduction

This is the Second Annual Report of the Office of the Social Security and Child

ynghyd â threfniadau swyddfa, ar y cyd â'r Ysgrifenyddion.

Meistr Gomisiynydd Walker CF

Hoffwn gofnodi fy ngwerthfawrogiad o'r cyfraniad a wnaethpwyd i waith y Comisiynwyr gan y Meistr Gomisiynydd William Walker CF, a ymddeolodd ym Medi 2003. Gwnaeth gyfraniad sylweddol i waith barnwrol y Comisiynwyr, gan gadeirio nifer o dribiwnlysoedd pwysig dan ofal Comisiynwyr, yn ogystal â goruchwyllo gweinyddiaeth rwydd ac effeithlon Swyddfa Caeredin fel Uwch Gomisiynydd yr Alban.

Ei Anrhydedd y Barnwr Michael Harris

Yn olaf, hoffwn ddiolch i'm rhagflaenydd y Barnwr Michael Harris am ei gyfraniad yn ystod ei ddwy flynedd fel Prif Gomisiynydd. Roedd ei gyfraniad yn ddi-os yn un sylweddol. Yn fwyaf arbennig, mae'r modd y datblygodd y trefniadau rheoli achosion wedi galluogi'r Comisiynwyr i fod yn hyderus wrth wynebu beth bynnag sydd o'u blaenau.

**Ei Anrhydedd
y Barnwr Gary Hickinbottom**

**Prif Gomisiynydd
Nawdd Cymdeithasol
a Chynnal Plant Prydain**

Gorffennaf 2004

Support Commissioners ("OSSCSC"),
for the period April 2003 to March 2004.

The Commissioners have two offices where appeals can be registered and managed, in London and Edinburgh. The London Office is managed under the auspices of the Tribunals Group of the Department for Constitutional Affairs; the Edinburgh Office is managed by the Justice Department of the Scottish Executive. This report covers both offices, the London office being dealt with in Part I and the Edinburgh office in Part II.

The Social Security and Child Support Commissioners are specialist judges appointed by Her Majesty the Queen to hear appeals from decisions of Appeals Service tribunals. These decisions relate to entitlement to social security benefits (including housing benefit and council tax benefit), tax credits, the recovery of benefits from compensators, and the assessment of child support maintenance payments. An appeal to a Commissioner can only be made on a point of law, and then only with leave (permission) from either a tribunal chairman or a Commissioner himself. The jurisdiction covers the whole of Great Britain, there being a parallel but separate jurisdiction in Northern Ireland. An appeal from the Great Britain Commissioners (again only on points of law and with permission) is to the Court of Appeal in England & Wales, or the Court of Session in Scotland, and from these courts to the House of Lords.

There are 18 Great Britain Commissioners who sit full-time in the jurisdiction. The Commissioners have diverse legal backgrounds being drawn from practising Queen's Counsel, senior advocates, barristers and solicitors, academic lawyers and Appeals Service tribunal chairmen. Prior to their full-time appointment, all Commissioners sat for some time as part-time Deputy Commissioners. In otherwise considerably out of date. The new site was launched in June 2004, and work is taking place to ensure that the site is brought up to date as quickly as possible. In particular, steps are being taken to

the year, 17 Deputies sat, generally for 3-4 weeks.

In addition to their work in this jurisdiction, some Commissioners continue to sit on other tribunals (the Pensions Appeal Tribunals, the Employment Appeal Tribunal and Care Standards Tribunal, or as a Deputy Special Tax Commissioner or Immigration Adjudicator) or in the court system.

The Commissioners are assisted by Legal Officers - barristers and solicitors highly experienced in benefits law and procedure - who exercise some judicial (case management) powers and assist the Commissioners with their caseload and management (e.g. in research, training and reporting of cases).

There are hearing rooms in both London and Edinburgh, but the Commissioners can and do hear appeals at other venues across Great Britain. Hearings are regularly held in Cardiff, Bury and Doncaster. So far as cases emanating from Wales are concerned, although these are registered in London, any hearing is conducted in Wales (and in the medium of the Welsh language) if a party requests. Additionally, the London office has the benefit of video conference facilities which are used for hearings with each party being linked through video conferencing facilities convenient for them.

The OSSCSC website is an important means of communication with those who appear before Commissioners, particularly in respect of informing them of recent Commissioners' decisions. During the year 2003-4, the website was frustratingly under the course of review for updating and, although decisions were regularly and promptly put onto the site, the site became

ensure that all important Commissioners' cases are on the site and are capable of being searched using the site's search engine. It is hoped to complete this work by October 2004. In addition to the general

OSSCSC website, in 2003 a separate website for the Edinburgh Office was launched with the support of the Scottish Court Service. In addition to links to the main site, that site is geared to the procedures of the Edinburgh Office and has posted decisions of notably Scottish interest. This site has been particularly well received.

The Commissioners had a variety of visitors during the year, including Lord Newton (The Chairman of the Council on Tribunals) and Justice Downes AM (President of the Australian Administrative Court). In addition, the Chief Commissioner had regular meetings with the Presidents of most of the larger national tribunals.

Proper liaison with those who appear before the Commissioners is essential, and is conducted through feedback on the website, and in users' meetings which are held jointly with the Appeals

Service. In London, these meetings are held on an approximately quarterly basis and in Scotland, alternately between Edinburgh and Glasgow every 6-9 months. Anyone from the many organisations which represent parties before Commissioners who would like to attend a users' meeting, should contact the appropriate Secretary providing details.

Constructive feedback is always welcome through any media. The Offices' details can be found at the end of this report

Lesley Armes
OSSCSC Secretary (London)

Susan M Niven
OSSCSC Secretary (Edinburgh)

July 2004

Part I - England and Wales

OSSCSC London - Standards of Service

We aim to achieve as high a level of service as possible. This means ensuring that we reach the standards and expectations set out in the Courts Charter.

These standards are as follows:

- * Register applications and appeals within 5 working days of receiving them*
- * Reply to correspondence within 5 working days of receipt*
- * Issue Commissioners decisions within 5 working days of receipt from the Commissioner*
- * Telephone to be answered weekdays between 9am and 5pm*
- * Telephones to be answered within 30 seconds*

In addition to the above you can expect:

- * All of your details and information will be dealt with in confidence*
- * To be given the name of any member of staff who communicates with you*
- * To be called back by a member of staff if necessary*
- * To receive assistance with travelling expenses to and from hearings*
- * Where a hearing is directed, for that hearing to be arranged at a location convenient to you wherever possible, either face to face or by video conferencing: and, where the case emanates from Wales, for the hearing to be conducted in Wales and in the medium of English or Welsh at your option*

If you feel that we have not given you a good standard of service please contact the Customer Service Officer or the Tribunal Manager at OSSCSC London.

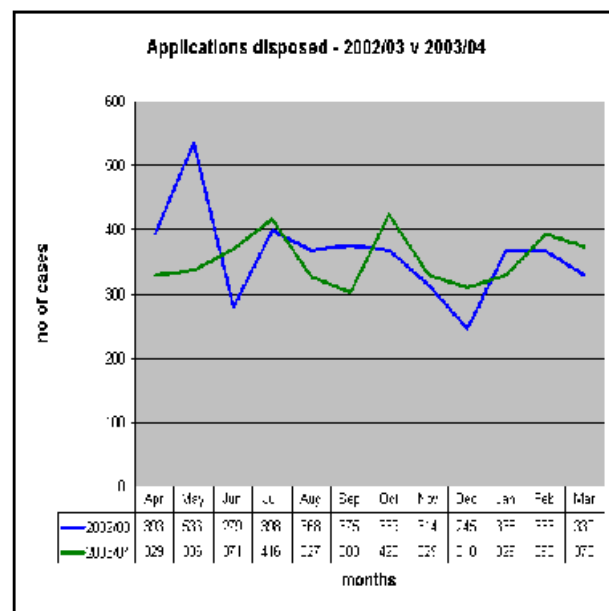
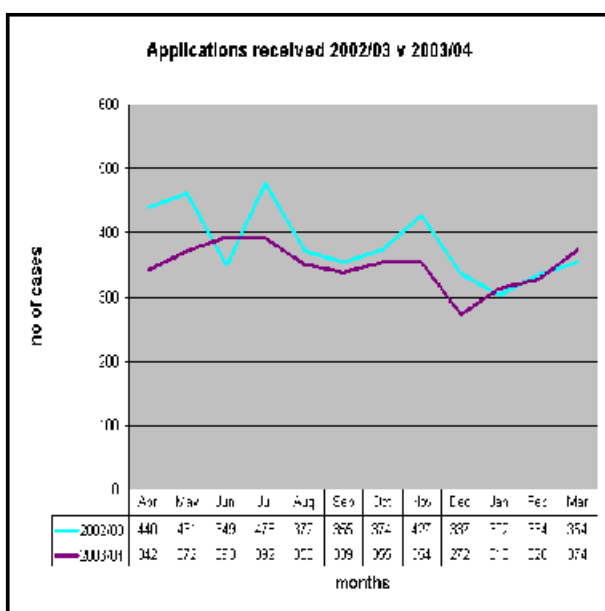
1. Workload and Performance

The workload of OSSCSC has continued to fall over the year 2003-4 and this is reflected in the tables below. Staff numbers have been reduced accordingly. Waiting times continue to improve in respect of applications for leave to appeal, whilst improvement in waiting times in respect of appeals has not been as substantial and therefore provides the focus for the next year.

Receipts and Disposals

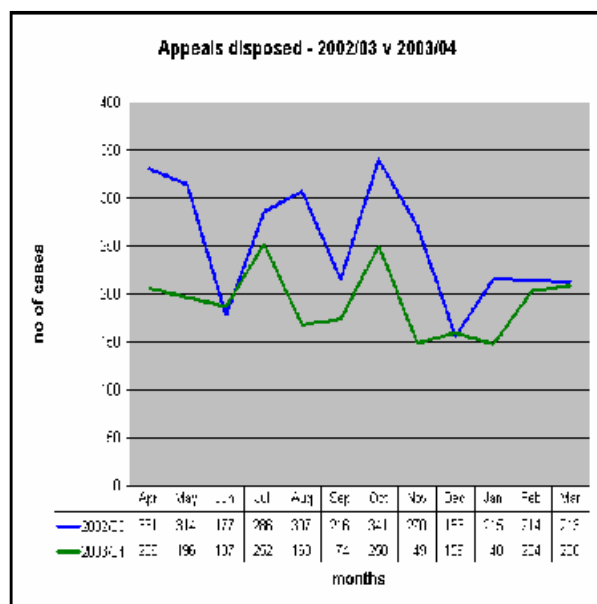
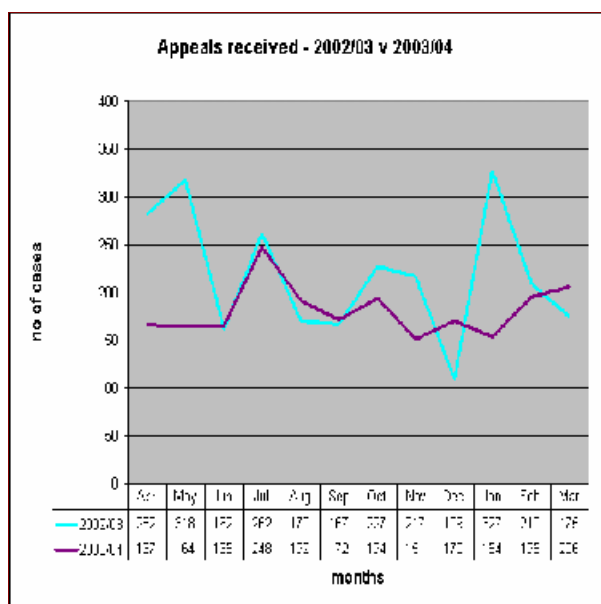
Applications

The number of applications received between April 2003 and March 2004 fell from 4583 to 4184, compared with the previous year. The number of applications disposed of also fell over the same period, from 4341 to 4239.



Appeals

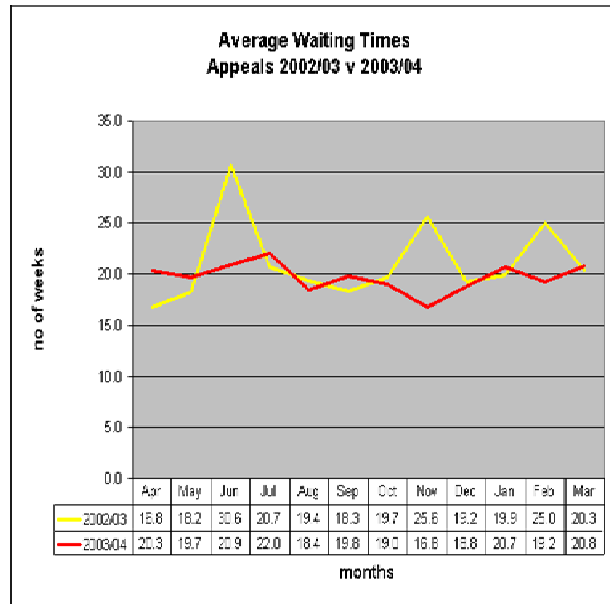
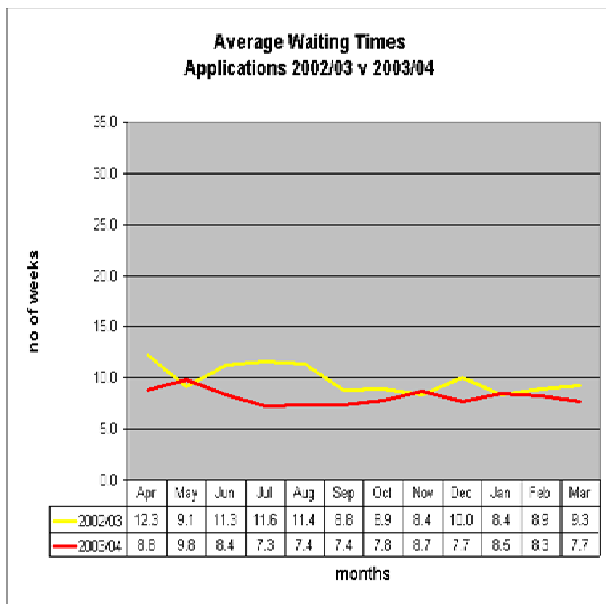
Both receipts and disposals fell between April 2003 and March 2004 compared with the previous year. Receipts fell from 2518 to 2180 and disposals from 3040 to 2301.



Average Waiting Times

During the year 2003-4 the average waiting time from application to ruling was 8.1 weeks, an improvement of 1.7 weeks on the previous year (9.8 weeks). Performance was best achieved in the summer months when the waiting time fell to 7.3-7.4 weeks. The target for the year 2004-5 continues to be 10 weeks.

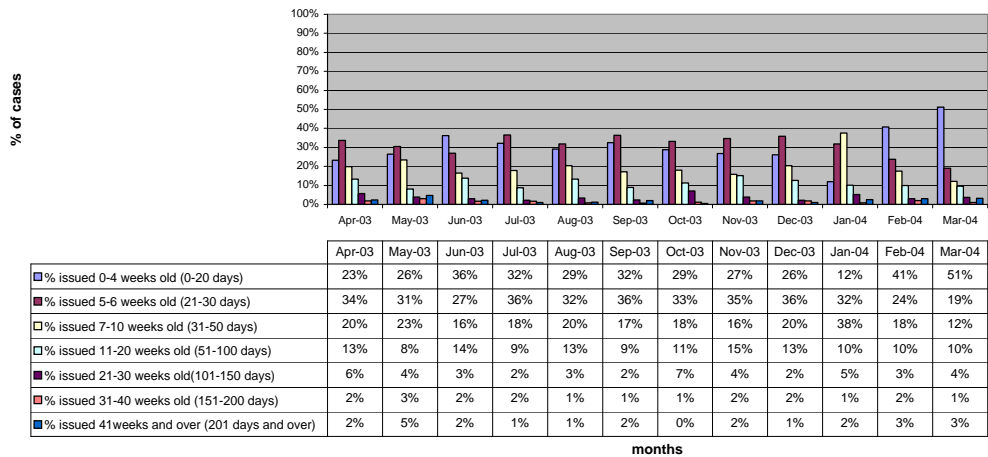
During the year 2003-4 the average waiting for appeal to final decision was 19.7 weeks, an improvement of 1.4 weeks on the previous year (21.1 weeks). There was consequently a small reduction in waiting times for appeals. Performance was also more consistent with the monthly averages all falling within the band of 16.8 and 22 weeks. The target for 2004-5 continues to be 20 weeks.



Disposal of Cases - Application to Ruling

The average percentage of cases over the year dealt with within 10 weeks from application for leave to appeal to ruling stood at 81.1%. The 75% target was consistently achieved over the course of the business year and has been increased to 80% for 2004-5.

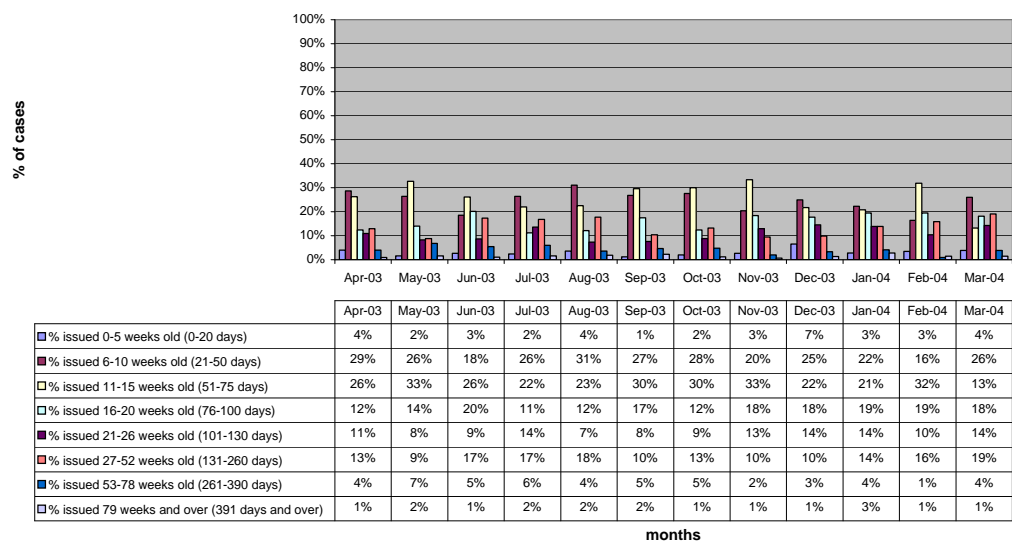
Application to Ruling
cases issued from 1 April 2003 to 31 March 2004 - breakdown by age
 Data from Post Reg Delay Stats and Decisions Delay Stats spreadsheets. Cases sorted by no of weeks to decision and categorised as % of total cases decided



Disposal of Cases - Leave granted/new appeal to decision

The average percentage of cases dealt with over the year within 20 weeks stood at 69.4% against a target of 70%. Further improvement will be sought in this area, and the target for 2004-5 remains unchanged.

Leave Granted/New Appeals to Decision
cases issued from 1 April 2003 to 31 March 2004 - breakdown by age
 Data from Decisions Delay Stats spreadsheet. Cases sorted by no of weeks to decision and categorised as % of total cases decided

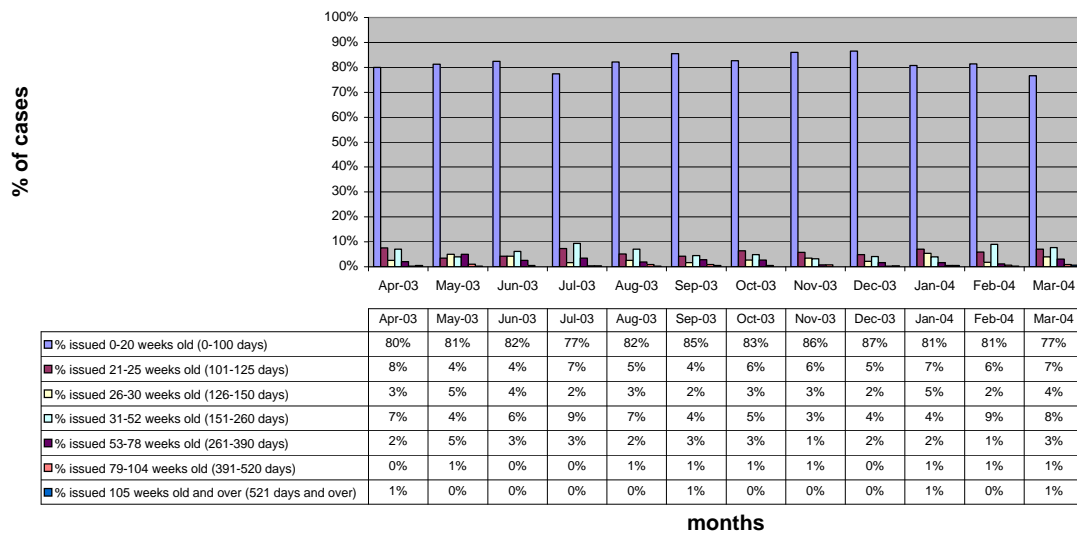


Disposal of Cases - Receipt to Disposal (End-to-end)

The average percentage of all cases dealt with over the year within 30 weeks was 91.4% against a target of 85%. This target was routinely met, and in all but three months 90% or better was achieved. The target for 2004-5 remains at 85%.

Total of All Cases Disposed Of cases issued from 1 April 2003 to 31 March 2004 - breakdown by age

Data from Post Reg Delay Stats and Decisions Delay Stats spreadsheet. Cases sorted by no of weeks to decision and categorised as % of total cases decided



2. Financial Performance

The 2003-2004 financial allocation provided OSSCSC with £3,894,194 to cover its business for the year, which was underspent by 1%. Savings were made on the administrative costs side due to initiatives to improve efficiency. The savings made here balanced the pressures on the programme budget, where there was a small overspend.

Budget Head	Budget £'s	Expenditure £'s	Variance £'s	Variance %
Salaries*	1,327,104	1,320,942	6,162	Less than 1%
Administrative Costs**	273,282	244,967	28,315	10%
Programme Costs***	2,293,808	2,333,461	-39,653	2%
Total	3,894,194	3,899,370	-5176	Less than 1%

* Includes permanent and casual staff salaries, staff travel and subsistence, miscellaneous allowances and overtime.

** Includes utility, telephone and reprographic charges, postage, stationery, miscellaneous office supplies, IT services and agency staff.

*** Includes Commissioners' salaries, travel and subsistence, stationery and training, Deputy Commissioner's fees and appellants' expenses.

3. Achievements

Waiting times

Waiting times have again improved with particular reductions in respect of applications.

	2000-1*	2001-2*	2002-3*	2003-4*
Application**	19.0	15.7	9.9	8.1
Appeal***	40.8	34.1	21.2	19.7

* average waiting times shown in weeks

** from receipt of application to disposal of application, either being refused or granted

*** from when an application is granted or upon direct receipt of an appeal

Office Structure Review

During the year workload fell. A restructure of the office was implemented as a result, and staff numbers were reduced by 5 clerical posts and 2 managerial posts. From having three alphabetical sections, one miscellaneous section and two office managers, there are now two alphabetical sections, one miscellaneous section and one office manager. However, with these reduced resources, performance has been maintained and targets etc, have not suffered.

Office move to Procession House

Towards the end of the financial year, much time in the office was taken up in planning the move to the new premises at Procession House (May 2004). Staff visits were arranged and regular meetings were held so that all staff were kept informed of progress and ensure minimal disruption to the office on the day of the move. The move subsequently took place and OSSCSC now share new accommodation with five other tribunals.

Electronic Communication

The pilot conducted last year with the Department for Work and Pensions in respect of e-mailing submissions became a permanent arrangement towards the middle of the year and is now a regular part of the office's procedures. Investigations are now being conducted into how other users can be encouraged to use these electronic facilities. In addition, the office continues to receive general enquiries via e-mail at ossesc@dca.gsi.gov.uk.

4. Future Objectives

Over the coming year the office will continue to look at ways of further improving the level of service through speeding up the throughput of work, improved case management and general improvement in overall waiting times.

The main areas that we will concentrate on in 2004 -5 will be:

Learning and Development Days for staff and managers

This was an area that we were not able to devote as much time to as we wished last year. Staff development is a key area for OSSCSC and improvement in this area remains a permanent fixture on the office's agenda. Progress has been made through staff involvement in exercises such as the office restructure and the successful application for Chartermark accreditation. The emphasis for 2004-5 will be to enhance personal performance through the use of staff development days, particularly at junior manager level. The move to Procession House will provide the opportunity to involve a wider range of staff in a wider range of activities as the building houses not only OSSCSC, but the Lands, Transport, Immigration Services, Pension Appeals Tribunals and HM Adjudicator to the Lands Registry.

Website

Progress in development of the new website was disappointing over the year. However, responsibility for the site passed to a dedicated team within the Tribunals Group in July 2004 and the management and support of the site will now fall to that team. We believe that this will enable improvements in the site to be made at some speed. The new site is expected to be fully operational by the end of October 2004. From then on, it is hoped that there will be continued improvements in content and layout. The new site will be fully disability compliant. Users' comments have assisted with the development of the site in the past, and it is hoped that this will continue. It is only through consultation with our users at forums and the like that we are able to establish needs and work towards satisfying them. The new website can be found at www.ossccsc.gov.uk

Office structure

Review of the office structure is an ongoing process. Now that OSSCSC shares accommodation with other tribunals, common functions such as accommodation, IT services, finance and training will be managed centrally. Other areas that may be considered for the future include listing functions, and the collation and production of statistical information.

Case Tracking & Case Management

A greater emphasis will be placed on case progression in 2004-5, particularly in respect of case tracking. Greater use will be made of the management reports produced by the database to establish where 'bottle necks' appear in the system and how best to address them to ensure the efficient progression of an application or appeal to final outcome.

Part II - Scotland

OSSCSC Edinburgh - Objectives

The intention of the office is to provide as high a quality of service as possible to both the Commissioners and the users of OSSCSC.

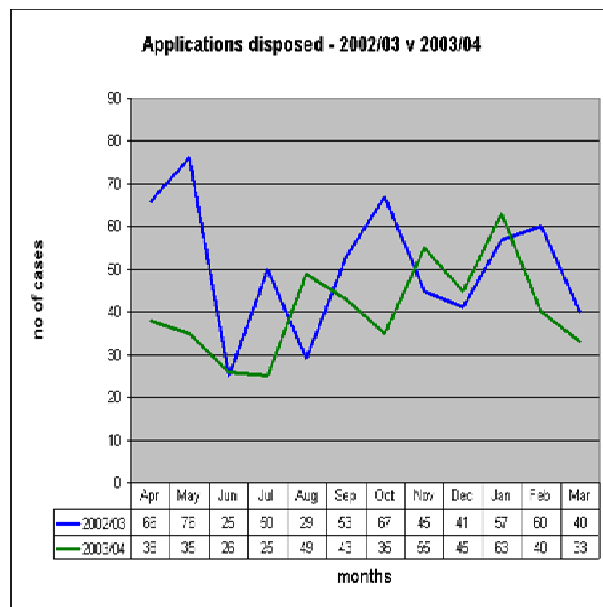
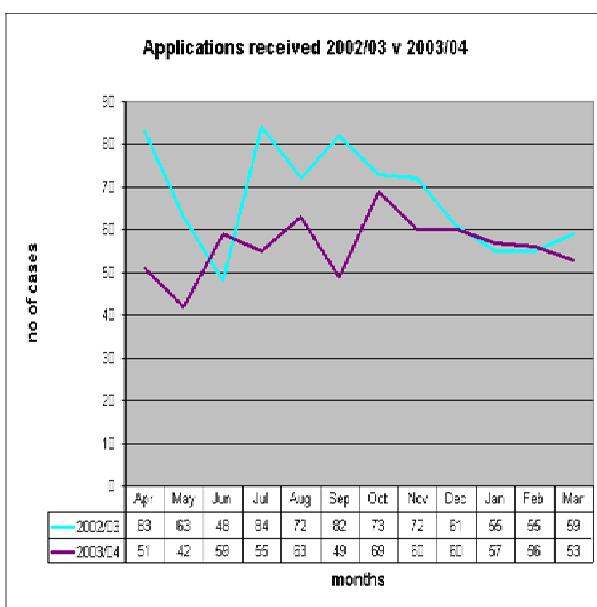
To help us achieve this intention we have the following objectives, subject to the levels of work, staffing, annual and sick leave:

- * Register applications and appeals within 5 working days of receiving them*
- * Issue Commissioners' decisions within 5 working days of receipt from the Commissioners*
- * Reply to correspondence within 10 working days of receipt*
- * Telephone to be answered Monday to Thursday 9am to 5pm and between 9am and 4.30pm on Friday.*

5. Workload and Performance

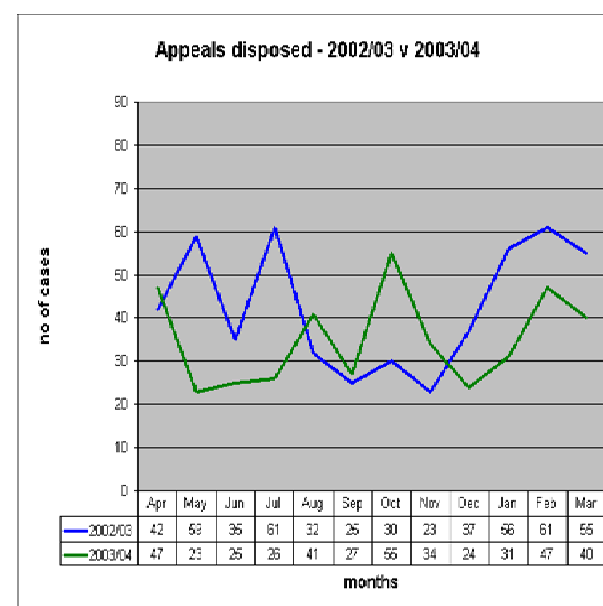
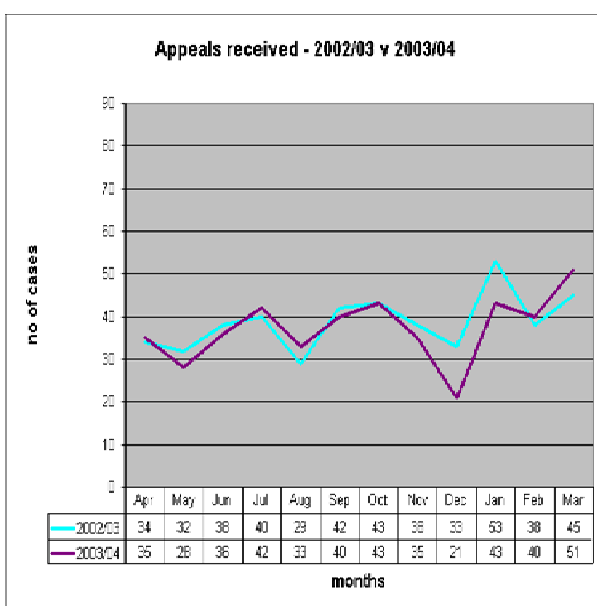
Receipts and Disposals - Applications

The number of applications received in 2003-4 fell by 133 on the previous year, from 807 to 674. The number of applications disposed of over the same period also fell by 122, from 609 to 487.



Appeals

During 2003-4 the number of appeals received and disposed of both fell compared with the previous year. The number of appeals fell by 18 from 465 to 447 and the disposals by 95 from 516 to 421.



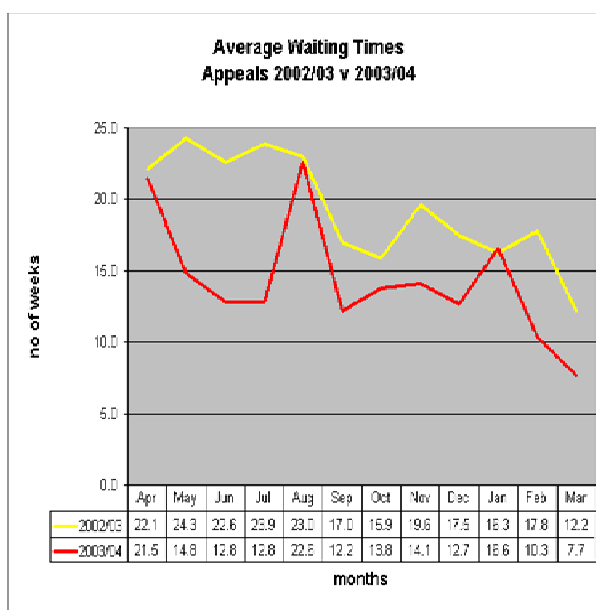
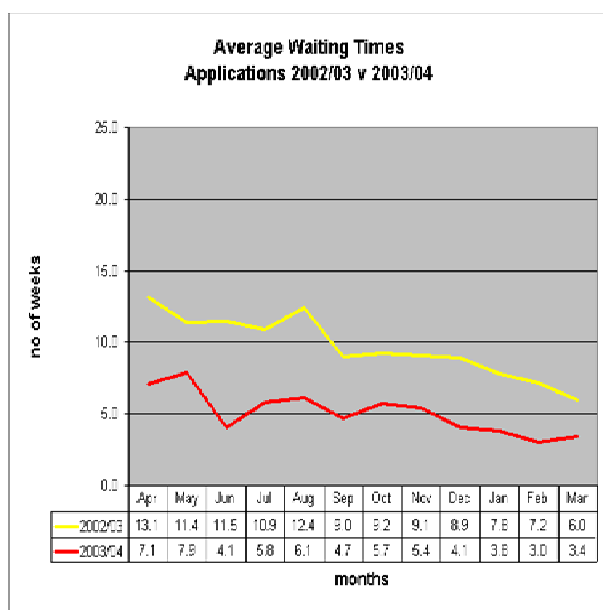
Waiting Times - Applications

During 2003-4 the average waiting time was 5.1 weeks, a significant improvement on the previous year (9.0 weeks). This has been achieved because of the reduction in numbers, the administration and the Commissioners being able to process the work continuously and thus avoiding a backlog. These waiting times should not be regarded as being sustainable, in the event of a surge of work or any unforeseen absences by the Commissioners or staff. 10 weeks is regarded by the office as being an acceptable parameter for the processing of applications.

Appeals

Because of a fall in the number of appeals the Commissioners and staff have been able substantially to eliminate the backlog in dealing with appeals. At the end of the year the average waiting time for appeals was 14.3 weeks, a reduction of 5 weeks compared with the average for the previous year (19.3 weeks).

It should be understood that this is not necessarily sustainable. The adding of new jurisdictions and potential increases in work may affect this. Further there are a number of older cases awaiting the outcome of appeals before the House of Lords, Court of Appeal and Court of Session. When these cases fall to be decided this will inevitably distort the average waiting times. 20 weeks is regarded as being an acceptable parameter for the processing of appeals.



6. Financial Performance

The following table shows details of the budget allocated and expenditure for the financial year 2003-4 to cover the business of the Edinburgh office. The actual spend for the year was £280,551, which gave an underspend of £24,449. A number of factors contributed to this underspend: lower than expected utility bills, staff savings and fewer appellants attending oral hearings.

Budget Accounts	Budget £'s	Expenditure £'s	Variance £'s	Variance %
Salaries*	226,950	215,986	10,964	5
Administrative Costs**	52,490	41,604	10,886	21
Accommodation Costs***	22,560	22,276	284	1
Appellants	3,000	685	2,315	77
Total	305,000	280,551	24,449	8

* The administrative staff of the Office of Social Security and Child Support Commissioners in Scotland are civil servants on loan from the Scottish Executive. Salary costs includes permanent staff costs, staff travel and subsistence and agency staff fees.

** Includes utility, electricity, telephones, water and sewage, office cleaning, postage, reprographics, stationery, training, publications etc.

*** Includes rates and minor maintenance.

+ Commissioners' salaries, travel and subsistence and training, Deputy Commissioners' fees are met by the Department for Constitutional Affairs and therefore not included in this financial statement.

7. Achievements

Waiting times

Since the waiting times of applications and appeals have been measured by this office in the space of two years the time taken to deal with both applications for leave to appeal and appeals has fallen considerably. We have achieved this by creating two further administrative posts, as well as changes to working practices. Also the recent fall in receipts has played its part in reducing the time we take to process cases. It should be appreciated that such a small office can easily be thrown off target by such things as changes to the staff complement, annual and sick leave. However, as with any procedure we continually look at our processes to see where improvements to our levels of service can be made.

The OSSC Scotland Website

We launched last summer our own website which reflects the Scottish dimension. The site has been well received. In fact we have received an enquiry asking who designed the site as they wished to model their own site along similar lines.

The site provides helpful information about how to appeal, provides the forms that should be used when submitting an application for leave to appeal or an appeal to the Commissioner, along with details of the expenses available for attending an oral hearing. You will also find posted Commissioners' decisions that have more of a Scottish interest on this website; otherwise decisions can be accessed through the link to the website operated by OSSCSC in London (www.ossccsc.gov.uk)

Electronic Communication

We have introduced the use of electronic communication to our everyday working. It is now possible for people to communicate with us via our e-mail address: www.osscc@osscc-scotland.org.uk. We are now starting to receive submissions from Welfare Rights Officers by this mode of communication. Recently, we have started to request files from the Appeals Service by e-mail, this has proved to be very successful and has improved the time taken to receive tribunal files considerably.

APPENDICES

1. OSSCSC Contact Details

London Office

Hearing Centre and Judicial Operations Harp House
83 Farringdon Street
London
EC4A 4DH

Administrative Office 3rd Floor
Procession House
55 Ludgate Hill
London EC4M 7JW

Tel: 020 7029 9850
Fax: 020 7029 9819
Minicom: 020 7029 9817
Email: ossccsc@dca.gsi.gov.uk

Specific Contact Numbers

Tribunal Manager
Ms Lesley Armes 020 7029 9839

Office Manager
Mr Alex Pether 020 7029 9838

Customer Service Officer
Mrs Ngozi Obichere 020 7029 9835

Website Support Team
Roy Mendonca 020 7566 1301

Edinburgh Office

Hearing Centre, Judicial Operations
and Administrative Office

23 Melville Street
Edinburgh EH3 7PW.

Tel: 0131 225 2201
Fax: 0131 220 6782
Email: osscc@osscc-scotland.org.uk

2. The Social Security and Child Support Commissioners of Great Britain (with dates of appointment)

The following Commissioners sat during the year 2003-4.

The Chief Commissioner of Great Britain

His Honour Judge Michael Harris 1 September 2001, retired 28 September 2003

His Honour Judge
Gary Hickinbottom 29 September 2003

Commissioners

William Walker QC	1 June 1988, retired 30 September 2003
Douglas May QC	4 May 1993
Mark Rowland	27 September 1993
John Mesher	1 October 1993
Jonathan Henty	29 November 1993
Patrick Howell QC	19 September 1994
Robert Angus	3 April 1995
Stephen Pacey	10 June 1996
Patrick Powell	23 August 1996
Howard Levenson	3 November 1997
David Williams	5 January 1998
Edward Jacobs	5 October 1998
Andrew Lloyd-Davies	19 October 1998
Christine Fellner	1 March 1999
Andrew Bano	30 May 2000
Tanya Parker	3 July 2000
Charles Turnbull	6 November 2000
Elisabeth Jupp	10 September 2001

Deputy Commissioners

Alan Gamble	1 April 1994
Alison Green	31 May 1995
Christopher Whybrow QC	21 May 1996
Ann Humphrey	30 May 1996
John Wright QC	1 May 1997
Michael Mark	6 August 1997
Elisabeth Ovey	6 August 1997
Robin White	6 August 1997
David Burns QC	23 July 1998
Anne McGavin	23 July 1998
Harcourt Concannon	3 June 1999
Jeremy Thomas	11 August 2000
Sir Crispin Agnew of Lochnaw Bt QC	2 November 2000
Nicholas Paines QC	2 November 2000
Richard Poynter	2 November 2000
Alison Rowley	2 November 2000
Nick Wikeley	2 November 2000