

GUIDELINES FOR MAKING AN APPEAL TO THE SOCIAL SECURITY TRIBUNAL AND THE PROCESS

These guidelines will assist you in completing the appeal form and explains the Tribunal process.

Help and advice

You can obtain help and advice from:

- Citizens Advice Jersey (CAJ) on 01534 724942. Their website is www.cab.org.je;
- Lawyers and other professional advisors.
- The Tribunal can only give you general information concerning the Tribunal procedures, rules and practices.

Commencing an appeal

- If you are not satisfied with a decision made by the Social Security Department you may appeal to the Tribunal within **14 days of the date on the redetermination letter**. If your appeal is received after 14 days it will be considered 'out of time'
- You must complete an Appeal Form attaching a copy of the **redetermination letter** (if you do not include a copy of the redetermination letter this will delay your appeal).
- If you have not received a redetermination letter from the Social Security Department explaining that you can appeal to the Tribunal, you need to go back to the Department before submitting an appeal form, your appeal will be considered premature
- Within the appeal form you must explain why you do not agree with the decision made, it is not enough to simply say that you think the decision is wrong or you don't agree, for example if you have been asked to pay class 2 contributions you may explain why you think this does not apply to you.
- If you are appealing against more than one decision you must explain why you don't agree with each decision separately.
- The form must include
 - Your full name
 - Address, telephone numbers and email address
 - Your social security JY number
 - Date and signature
 - Name of benefit you are appealing against
 - Any special requirements e.g. translator (please note we do have wheelchair access and hearing loops in our Tribunal rooms)

- The form is then sent to:-
The Registrar, Tribunal Service, First Floor, International House, 41 The Parade, St Helier, JE2 3QQ or by email to registrartribunalservice@courts.je
- Once the form is received at the Tribunal it will be acknowledged and the appeal process will commence.
- For the purposes of the hearing and any legal documents you will be known as 'the Appellant' and the Department as 'the Respondent'

What happens if my appeal form is received out of time?

If the appeal form is received out of time, you will be required to put in writing the reason why. The reasons will be reviewed by a Tribunal Chair who will decide whether the appeal can proceed.

Appeal process

- The Tribunal will acknowledge your appeal form you will have 7 days to submit documents to support your appeal, from the date of the Tribunal's acknowledgment letter.
- Any documents you wish to submit must be strictly relevant to the time period in which the decision was made by the Department, please do not give the Tribunal original documents, provide us with copies.
- Your appeal will be sent to the Respondent who will have 3 weeks to decide whether:
 - to change their decision. If your appeal is changed by the Respondent, they will inform you in writing. You must then inform the Tribunal whether you would like to continue with your appeal or withdraw as you are satisfied with the changes.
 - defend their decision, a hearing will be arranged to hear your appeal
 - or if your appeal is bound to fail. If your appeal is bound to fail the Respondent will give their reasons which will be considered by the Chair. The Chair's decision together with the Respondent's reasons will be sent to you, you may still proceed with your appeal if you wish
- If the appeal is to go ahead, the Respondent will be informed and a hearing date will be arranged.
- Please keep us informed of any unavailable dates, hearing dates can only be changed by the Chair after reviewing written reasons from the Appellant and documentary evidence as to why they cannot attend

What happens at the hearing?

- In certain circumstances the Chair may conduct a directions hearing, this will involve yourself, one representative from the Respondent and the Chair, and this is to resolve any issues with your appeal before the final hearing, such as disputed evidence.
- Before the hearing you will be provided with case papers from the Respondent, which you will be required to collect from the Tribunal offices, you will need to bring these with you on the day of the hearing.
- Any submissions must be delivered to the Tribunal 1 week before the hearing. Four copies will need to be provided, one for the Department and one for each of the panel members.
- If you are represented, your representative will attend on the day of the hearing on your behalf, you can also attend if you wish
- If you are not represented you may bring along a friend for support, but they are not allowed to take part in the hearing.
- A Tribunal Panel will sit consisting of a Chair and two panel members made up of Doctors and/or lay members.
- There will be representatives from the Respondent on behalf of the Minister for Social Security.

- The hearing will take place at the Tribunal offices at International House, please do not hesitate to contact us if you would like to visit the premises before your appeal hearing date.
- You will be given an oral decision at the end of the hearing and a written decision will follow in roughly 14 days.
- All hearings are held in public and are recorded.
- In exceptional circumstances hearings can be held in private. If you feel your hearing should be held in private you can make a written request to the Tribunal Chair setting out your reasons.
- If you do not attend the hearing without informing the Tribunal Registrar a decision will be made in your absence.

After the hearing

- We aim to have a draft written decision sent to you for your comments within 14 days of the hearing date
- The final decision will be sent to you and the Respondent
- If you do not agree with the final decision you may appeal to the Royal Court only on a point of law only.
- All decisions are anonymised published on the Jersey Legal Information Board website (JLIB) but anonymised.