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### [Overview:](#)

[2008/2685](#) *Tribunal Procedure (First-tier Tribunal) (Social Entitlement Chamber) Rules 2008*

In GB (from October 2014) a part of a series of reforms to the tribunal procedure rules, a legislative requirement to resolve appeals within 42 days of being received (by HM Courts and Tribunals Service(HMCTS)).

Note: A 42 day timescale is greater than that given for DWP benefits, which will need to be resolved within 28 days of lodgement. The extended time in respect of Child Support appeals reflects the additional complexity of Child Support cases, which always involve at least two parties.

Mandatory Reconsideration and Direct Lodgement came into effect in Northern Ireland from 11 July 2016. Note that in NI, there is no legislative requirement to resolve appeals within 42 days of being received from The Appeals Service (TAS).

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### [Process:](#)

When an appeal is received and accepted by HMCTS or TAS (under Direct Lodgement), and subsequently notified to CAU (GB) / Appeals Team (NI), colleagues there will:

- investigate the appellant's grounds for appeal in specific detail;
- verify the accuracy of the decision under appeal, in respect of both its legal and mathematical correctness;
- explain the decision under appeal to the appellant, including signposting them appropriately in respect of actions that may be required but have no bearing on the decision appealed or the appeal process itself (e.g. signposting to magistrates' court in respect of DEO issues or referral to Complaints where service failure issues have been raised);

- revise the decision if it is found to be inaccurate and a confident new decision can be made; and,
- prepare a written response for the tribunal, including a breakdown of the calculation of the decision under appeal and evidence of the information used to make that decision, where the appeal is to progress to an appeal hearing.

Note: It is the last two bullets that are subject to the 42 day timescale.

#### Timescale extension

The timescale for resolving an appeal may be extended beyond 42 days if a request for an extension is approved by a judicial member. However, requesting such an extension should only be considered in highly exceptional circumstances unless:

- under Direct Lodgement, an appeal is received late by HMCTS or TAS and they are seeking the views of other parties to the case / casegroup as to whether the appeal should be accepted, but have yet to confirm to CAU (GB) or Appeals Team (NI) if the appeal is accepted; or,
- under Direct Lodgement, an appeal has been accepted as “duly made” but, after two weeks, there are outstanding confidentiality issues, where one or more of the parties to the appeal have failed to indicate whether or not they require their details to be edited from any written response.

Where CAU (GB) or Appeals Team (NI) are unable to proceed with issuing appeal papers, because it has not yet been established by HMCTS or TAS that one or more parties to the appeal require confidentiality editing, a request for an extension of time will be issued to HMCTS or TAS as a matter of course.

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#### [Decision Making Guidance](#)

The legal and mathematical accuracy of the decision under appeal will be verified at CAU(GB) or Appeals Team (NI) .

Any errors found should be corrected, provided a confident decision can be made in respect of them. Where the effect of the correction of the decision results in a new decision that favours the appellant financially, the appeal will lapse and not progress to a hearing.

Where the effect of the correction of the decision results in a new decision that does not favour the appellant financially, the appeal will not lapse but continue as if it had been made against the decision as revised, with a legal response being drafted for an appeal hearing.

[1991/48](#) *Section 16(6) of the Child Support Act 1991*

[1999/991](#) *Regulation 30 of the Social Security and Child Support (Decisions and Appeals) Regulations 1999*

Where no errors are found, a legal response will be drafted, for an appeal hearing.

Note: A client may also request to withdraw their appeal. As the appeal will have been made to HMCTS or TAS in the first instance, any request to withdraw it will need to be made to HMCTS or TAS also. If the tribunal agrees to the request, HMCTS or TAS will not schedule an appeal hearing and will advise CAU (GB) or Appeals Team (NI) that there is no appeal to answer.

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PLDMG @ 09.03.2017