

Ministry of **JUSTICE**

Proposed Closure of Social Security & Child Support Agency hearing centre, Wingfield House, Portsmouth

List of questions for response

We would welcome responses to the following questions set out in this consultation paper.

Question 1. What comments would you like to make on the proposal to withdraw SSCSA hearing from the Wingfield House, Portsmouth venue?

Comments: The AJTC noted the reasons given in the consultation for withdrawing SSCSA hearings from Wingfield House, i.e. because of its inaccessibility, poor state of repair and under-utilisation. It also noted the geographical proximity to the proposed new hearing centre in Havant which, it is suggested, would have no adverse effect on user accessibility and provide a more efficient service to users. These are all factors which impact upon user attendance and participation in appeal proceedings and so the AJTC welcomes their consideration in any decision to relocate hearings.

In Social Security and Child Support appeals, there is considerable evidence which suggests that if the appellant attends the hearing, they are more likely to have the appeal decided in their favour, than if they do not attend. In his 2007~08 Report on standards of decision making, the then President of Social Security and Child Support Appeal Tribunals indicated that the main reason for decisions being overturned on appeal in Social Security and Child Support cases was the production of further oral evidence at a hearing. For example, in 55% of overturned Child Support decisions in 2006, the tribunal was provided with additional evidence not available to the original decision maker, the majority which was provided in the form of oral evidence at the hearing.

The consultation document shows that in almost 25% of cases in Portsmouth, nobody attended the hearing; and in over 50% of cases, the appellant attended alone without a representative. It is clear, therefore, that the needs of self-represented appellants are critical in this jurisdiction, which suggests that these proposals need to have regard not only to geographical accessibility but also the nature and features of the proposed relocation venue.

The AJTC's primary concern about the proposals is that the proposed new hearing venue is a court building. Tribunals are distinct from the courts due to the informality of their proceedings, including the nature of the accommodation in which their proceedings take place. Whilst some tribunals are less informal than others, for social security and child support appeals, a high degree of informality is desirable since they are dealing with cases involving particularly vulnerable client groups, including elderly and disabled people. For these groups, attending a tribunal hearing is already a daunting experience (which may be reflected in the high level of non-attendance in Portsmouth) and so it is important that hearings take place in surroundings which are conducive to a high degree of informality.

The AJTC does not itself have first hand knowledge of The Court House in Havant, nor does the consultation explain why it is thought to be suitable for tribunal hearings or whether any consideration has been given to the informal nature of tribunal proceedings, bearing in mind that 50% of appellants in Portsmouth attend hearings without a representative. However, if it is typical of other court service

accommodation, the AJTC would consider it unlikely to be suited to providing the appropriate level of informality that these tribunal hearings require.

For example, in courtrooms the judiciary is usually positioned on a dais behind a barrier, which is an inappropriate arrangement for a social security appeal hearing. Moreover, the consultation does not discuss whether the Court House in Havant could provide rooms for appellants to meet with their representatives before a hearing.

Neither does the consultation explore any other options for transferring hearings to alternative Tribunals Service accommodation in the area, so it might appear to some that the only option in the consultation is one of “take it or leave it”.

AJTC members also expressed concern about the limited scope for comment, not only as a consequence of inadequate information about the proposed relocation venue but also due to the skewed nature of the consultation questions themselves.

Question 2. Please describe any particular impacts that should be taken into account and why.

Comments: There is little examination in the consultation of the likely impact on the users of social security and child support appeals in terms of access to justice, equality and diversity considerations, or whether some users may be deterred from attending an appeal hearing taking place in a court building, in particular the elderly, disabled or those with English as a second language.

it is regrettable that the list of consultees only includes local CABx, as there are likely to be other local groups, such as migrant support or disability advocacy groups, with a keen interest in these proposals.

Question 3. Will the closure of SSCSA, Wingfield House, Portsmouth and the transfer of hearing to HMCS Havant have a direct impact on you or others that you know? if yes, please explain how.

Comments: The potential impact on the users of social security and child support appeal tribunals is discussed above. From the AJTC's perspective there may be strong case for arguing that the proposed transfer should not proceed until a full assessment is carried out of its likely impact on the users of the tribunals who will be affected by it.

Please complete the section overleaf to tell us more about you.

About you

Please use this section to tell us about yourself

Full name	
Job title or capacity in which you are responding (e.g. member of the public etc.)	
Date	27 February 2009
Company name/organisation (if applicable):	Administrative Justice and Tribunals Council
Address	81 Chancery Lane
	London
Postcode	WC2A 1BQ
If you would like us to acknowledge receipt of your response, please tick this box	(please tick box)
Address to which the acknowledgement should be sent, if different from above	

If you are a representative of a group, please tell us the name of the group and give a summary of the people or organisations that you represent.