

THE OFFICE OF THE SOCIAL SECURITY COMMISSIONERS AND CHILD SUPPORT COMMISSIONERS

NOTES ON HOW TO APPLY FOR LEAVE TO APPEAL/ APPEAL TO A COMMISSIONER

If you think that the Tribunal decision in your case is wrong you may wish to appeal or apply for leave (that is, permission) to appeal. These notes are designed to tell you how to do so. **Please read the notes carefully.** They set out the steps involved and answer some questions you may have. Form OSSC1 should be used if you do wish to apply for leave to appeal or appeal.

BEFORE YOU CAN APPEAL TO A COMMISSIONER

1. You should ask for a written statement of the Tribunal's reasons for its decision, and then:
2. Apply to the Tribunal Chairman or Legally Qualified Panel Member for leave to appeal.

There are strict time limits for applying for the written statement and for leave to appeal which are explained elsewhere in this guide.

Your chances of appealing may be lost or seriously prejudiced if you do not ask for and obtain a written statement before you apply for leave or if you fail to meet the time limits.

3. When you hear from The Appeal Service (T.A.S.) with the Chairman's or Legally Qualified Panel Member's decision on your application for leave to appeal, complete the relevant parts of the OSSC1 form and send it to the Commissioners' Office at the address given at the end of that form.

REMEMBER YOU MUST HAVE ASKED THE TRIBUNAL CHAIRMAN OR LEGALLY QUALIFIED PANEL MEMBER FOR LEAVE TO APPEAL BEFORE YOU CAN GO TO THE COMMISSIONER. If you have not done this you should do so by contacting the T.A.S. Office that issued your Tribunal decision without delay. If you have a form from T.A.S. for applying for leave to appeal, use it to make your application. If you do not have such a form, contact T.A.S. immediately.

IF THE CHAIRMAN OR LEGALLY QUALIFIED PANEL MEMBER GRANTS LEAVE:

If you have applied to the Chairman or Legally Qualified Panel Member and he or she has **GRANTED** you leave, you may appeal to a Commissioner using **SECTIONS A B C & E** of the form. The Commissioners' Office must receive your appeal within **one month** of the date you were sent the letter telling you that the Chairman or Legally Qualified Panel Member had granted leave.

If you are appealing to a Commissioner outside the one month time limit you will also have to complete **SECTION D** of the form. It will be up to the Commissioner whether or not to allow your appeal to proceed even though you are late.

IF THE CHAIRMAN OR LEGALLY QUALIFIED PANEL MEMBER REFUSES LEAVE OR REJECTS YOUR APPLICATION

If the Chairman or Legally Qualified Panel Member has **refused** you leave or **rejected** your application for leave you may **apply to the Commissioner for leave**. Do this by completing **SECTIONS A B C & E** of the form. You have **one month** after the notice of refusal or rejection was sent to you by T.A.S. to apply to a Commissioner. If you are applying to a Commissioner outside this time limit you must also complete **Section D** of the form explaining why you are late.

A Commissioner will decide whether or not to allow your application for leave to appeal to proceed even though you are late.

IF A COMMISSIONER GRANTS LEAVE

If a Commissioner grants you leave you do not usually need to do anything more as your case will progress to the next stage in the Commissioners' Office automatically. The Commissioners' Office will write to you if there is anything more you need to do.

IF A COMMISSIONER REFUSES LEAVE

If a Commissioner refuses leave you cannot appeal against the determination.

ADDITIONAL DOCUMENTS

You should send certain documents with the form when you send it in to the Commissioners' Office. Please see **SECTION E** of the form. It tells you about the additional documents.

TIME LIMITS

There are time limits for applying to T.A.S. for the additional documents. You should request the written statement of reasons, within one calendar month from the date on which the Tribunal decision notice was given or sent to you. If you were present at the hearing the decision notice was probably given to you on the day. It is usually a brief form giving the result of your appeal. You must apply for leave to appeal from the Tribunal Chairman or Legally Qualified Panel Member within one month from the date the written statement of reasons was sent to you, The record of proceedings must be requested within six months of the date of the Tribunal decision. Do not delay your application if you are only waiting for a copy of the record of proceedings.