

SOCIAL SECURITY APPEAL TRIBUNAL

Homepage

Welcome to the website for the Social Security Appeal Tribunal in the Isle of Man.

This Website is provided by the General Registry to give general guidance only in relation to the Social Security Appeal Tribunal and is not, and should not be treated as, a complete and authoritative statement of the law. Advice from legal or other appropriate sources should be sought as necessary.

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General

1 What does the Social Security Appeal Tribunal do?

The Social Security Appeal Tribunal is an independent judicial body established in law to hear and determine appeals against decisions made by the Treasury involving entitlement to social security benefits, National Insurance matters and certain private pension matters.

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2 Who sits on the Social Security Appeal Tribunal?

The Social Security Appeal Tribunal ("the Tribunal") is constituted under section 5 of the Social Security Act 1998 and in accordance with the Tribunals Act 2006.

The constitution of the Tribunal will differ according to which type of benefit the appeal hearing relates to, however the Tribunal will always consist of a Chairperson. The Chairperson is drawn from a panel of appointed Chairpersons, all of whom are required to be a barrister, advocate or solicitor of not less than seven years standing. Lay members of the tribunal are drawn respectively from panels of persons who are appointed after consultation with organisations who are representative of employers and employees.

For the majority of benefits, the Chairperson is accompanied at the hearing by two lay persons. The lay persons are drawn respectively from a panel of persons representing employed earners (employees) and from a panel representing employers and self-employed earners. It is important to note that the two lay members of the Tribunal are not there in any way to represent the employee or the employer or self-employed person, but rather to sit as independent members drawing upon their knowledge and experience of employment related matters.

In addition to the above, where an appeal relates to a disability working allowance claim, a medical practitioner and a person experienced in dealing with the needs of disabled persons will also be present on the Tribunal.

However, where an appeal relates to an attendance allowance or disability living allowance claim, the Tribunal will only consist of a Chairperson, a medical practitioner and a person experienced in dealing with the needs of disabled persons.

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3 Who are the current persons appointed to the Social Security Appeal Tribunal?

The current appointments made by the Appointments Commission are:

Chairpersons – Mr G A Carnson, Mrs F A Kniveton, Ms O Austin and Mr P C Carlé

Panel of Persons appointed to be representative of employers – Mr D M Legg, Mr S M Rea, Ms A M Main Thompson, Mrs E V Butler and Mr P J Summerscales.

Panel of Persons appointed to be representative of employees – Mr D N Taylor, Mrs F J Robinson, Mr P Harper and Mrs J Sloane.

Panel of medical practitioners – Dr R U H Qureshi and Dr D M Foreman.

Panel of Persons appointed to be representative of persons who are experienced in dealing with the needs of disabled persons – Mr M Mellon, Mr D J Trace, Mr D M Booth, Mr P Cartmel and Mrs S Pressley.

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4 How do I contact the Social Security Appeal Tribunal?

You should contact the Clerk to the Social Security Appeal Tribunal in the first instance, details as below:-

Clerk to the Social Security Appeal Tribunal
Tribunals Office, General Registry
Isle of Man Courts of Justice
Deemster's Walk, Bucks Road
Douglas, Isle of Man
IM1 3AR

Tel. (01624) 685023
Fax: (01624) 685573
E-mail: Tribunals@gov.im

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5 How do I appeal?

If you think a decision given by Social Security is wrong you should first of all ask them for an explanation and reconsideration of the decision.

If, once you have been notified of the reconsidered decision, you are still not satisfied, you may formally appeal by completing an [Appeal Form](#) or write a letter which includes all the relevant grounds of your appeal i.e. reasons why you think the decision is incorrect.

You must bear in mind that strict time limits govern the appeals procedures and not all benefit decisions can be appealed against; the decision letter issued by the relevant benefit section of the Treasury should explain what the time limit is and make it clear if the decision can be appealed or not.

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6 Where can I obtain an appeal form?

An appeal form may be obtained along with the Social Security booklet 'If you think our decision is wrong' (GL24) from any Social Security Office (contact details are on the front of the decision letter). Alternatively, you may download any of the following documents by selecting from the appropriate links below:

For GL24 Booklet – "If you think our decision is wrong" click – [here](#)

[Appeal Form](#)

Alternatively, you may contact the Clerk to the Social Security Appeal Tribunal to ask for an appeal form to be sent out to you.

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7 Who should I send my completed appeal form to?

Your completed appeal form must be submitted by post, fax or by personal delivery to the [Clerk to the Social Security Appeal Tribunal](#)

Note: Please ensure you, as the benefit claimant, or a person who has written authority to act on your behalf in relation to benefit matters, signs the appeal form. Failure to do so will result in the form being returned to you which will obviously delay the progress of the appeal.

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8 Once an appeal is made, can it be withdrawn?

Yes – you can withdraw your appeal at any time. In order to do this you should notify the Clerk to the Social Security Appeal Tribunal, in writing, of your wish to withdraw your appeal.

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9 Are there regulations governing the procedure of the tribunal?

Yes - the current regulations can be found in the Social Security and Child Support (Decisions and Appeals) Regulations 1999; a copy of these may be obtained from the Tynwald Library [here](#), the Isle of Man Legislation Website [here](#) or in the Social Security Legislation Volumes [here](#).

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How your appeal is progressed

10 Can the Clerk challenge my appeal?

Yes – the Clerk may write to you if he/she is of the opinion that your appeal form is incomplete or you have not given valid grounds of appeal. Your appeal will not be progressed further until you comply with the instructions given in the Clerk's letter.

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11 What if I am late putting in my appeal?

Late applications can only be accepted if there are special circumstances or special reasons that caused the delay. You will need to explain why you were not able to make your request on time. A Late appeal form is available to download [here](#) or alternatively you may contact the Clerk to ask for the form to be sent to you.

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12 How will my appeal be progressed?

Having made an appeal to the Social Security Appeal Tribunal you will now be referred to as "the Appellant." The Clerk to the Appeal Tribunal will acknowledge receipt of your appeal in writing and provide you with an [enquiry form](#) which asks if you wish to attend the hearing or not. You should return this form within 14 days and your appeal will then be listed for the next available tribunal hearing.

A copy of the appeal and any subsequent information received from you and/or your representative will be forwarded to the relevant adjudication officer (or contributions decision-maker) in the Treasury. The Clerk will then request a submission from the Department which will contain background information about the claim and the criteria applied in reaching the decision.

Note: Adjudication officers are people who decide whether the law says you are entitled to benefit or not. Contributions decision-makers are people who make decisions on matters relating to National Insurance Contributions.

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13 What if I have any further information to add to my appeal?

You may submit any further information to the Clerk to the Social Security Appeal Tribunal any time up until the Tribunal hearing but if the Adjudication Officer and the Tribunal have not had enough opportunity to consider that information, the hearing may be adjourned.

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14 When will I be advised of the date for the hearing before the Social Security Appeal Tribunal?

You should receive a copy of all case papers relevant to your claim and details of the tribunal hearing, two weeks before the hearing date.

Social Security Appeal Tribunal hearings are usually held every 3-4 weeks. Our main aim is to get your appeal heard as quickly as possible, although sometimes there are difficulties beyond our control such as delays with the Adjudication Officer's submission or with the attendance of one of the Tribunal members. Whatever the reason, we will make every effort to minimise the delays that occur and keep you informed about your appeal's progression.

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Before the Tribunal hearing

15 Can I be represented in proceedings before the Social Security Appeal Tribunal?

Yes - in proceedings before the Social Security Appeal Tribunal a party may represent themselves or be represented by any other person.

A number of local law firms offer free representation by articled clerks (persons who are training to be advocates) for persons who appeal to the tribunal. For a list of these firms contact the Law Society on 662910 or email enquiries@iomlawsociety.co.im

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16 Is Legal Aid available for proceedings before the Social Security Appeal Tribunal?

Very limited assistance may be available under what is termed the Green Form Scheme. This enables persons to obtain legal advice from an advocate but does not necessarily include representation at a tribunal hearing.

Advice on the Green Form Scheme should be sought from the Civil Legal Aid Office at the General Registry – telephone 685977 or from the Isle of Man Law Society on 662910 or email enquiries@iomlawsociety.co.im

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17 What if my address, or that of my representative, changes after my appeal is submitted?

In the event that there is a change of address or telephone number for you, or your representative, it is important that such is communicated immediately in writing to the Clerk to the Social Security Appeal Tribunal.

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18 Can I ask for a postponement?

Please inform the Clerk to the Social Security Appeal Tribunal as soon as possible if you wish to postpone the hearing for any reason, preferably in writing stating the reasons why you are making the request. Your application will be considered by the Chairperson, and if they grant the postponement, your appeal will be re-scheduled.

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19 What if I do not wish to attend the hearing?

It is important that you try to attend the hearing; the Tribunal will have considered the written evidence but it may not tell the whole story. You may bring anyone you choose to attend the appeal hearing with you even if it is a friend or relative for moral support.

If you have asked for the appeal to be considered on the papers only, the Department is not represented and the Tribunal considers the appeal on the written evidence only.

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The Social Security Appeal Tribunal hearing

20 Who will be present in the hearing room?

As well as the Tribunal Chairperson and members, the Clerk to the Appeal Tribunal will also be present as the Clerk is responsible for recording the hearing. If you have any questions prior to the hearing please do not hesitate to contact the Clerk who will do their utmost to assist you. However, please bear in mind the Clerk will not be able to provide you with legal advice or comment on the merit of your appeal.

A Presenting Officer will attend on behalf of the Department and you will be given the opportunity to ask them questions; they will also have the opportunity to ask you questions.

The Tribunal hearings are open to members of the public to attend but it is very rare that they do. You may request a private hearing and the Chairperson will consider if it is appropriate for the matter to be heard in private.

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21 What happens at the hearing?

The Clerk to the Social Security Appeal Tribunal will come to collect you from the waiting area as soon as the Tribunal is ready to hear your appeal. Please bring your case papers with you as you will need to refer to them from time to time.

The Chairperson will introduce everyone and explain the procedure; please do not hesitate to ask them if you are unsure about anything.

Your hearing will usually take about 20 - 30 minutes although, depending on the complexity of the matter, some cases may take longer.

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22 Is the hearing recorded?

Yes - the Clerk will ensure that the hearing is recorded and parties will see microphones for this purpose located on each of the tables.

Although copies of the recording may be purchased on payment of the prescribed fee, following the hearing (it usually takes a few days for copy discs to be made available) it is the responsibility of parties to take their own notes for their use during the proceedings.

Apart from the Clerk, it is **not permitted** for any other person in attendance at the hearing to use any form of recording equipment.

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The Decision

23 When will I be given a decision?

After closing statements the Tribunal is likely to adjourn briefly to consider the appeal and reach a decision; you will be asked to return to the waiting area until the Clerk provides both parties with a copy of the handwritten decision. You will also receive a copy of ['Notes about your decision'](#) which explains what to do if you are not satisfied with the decision.

In most cases the Tribunal is able to give its decision immediately, however a more complicated case may require more lengthy consideration and the parties will be advised that the Tribunal will forward its decision in writing some days later.

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24 Does the decision have to be unanimous?

No – a decision of the Tribunal may be taken by a majority, and, if the Tribunal is constituted of 2 or 4 members only the Chairperson shall have a second or casting vote.

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Statement of Reasons

25 What if I want to know more about the Tribunal's decision?

The Statement of Reasons (also known as "the Full Findings") explains the Tribunal's findings on questions of fact and its reasons. You must ask for the Statement of Reasons within one month of the date you are given or sent the Tribunal's decision notice.

We would strongly recommend that you always obtain and consider the Statement of Reasons if you are thinking about asking for the Tribunal's decision to be set aside (see section 26), or if you think the Tribunal erred in law in reaching its decision and therefore intend to appeal to the Social Security Commissioner (see section 27). Please note that you will only have one month from the date the Statement of Reasons are given or sent to you in which to request the decision be set aside or to lodge an appeal to the Social Security Commissioner, unless there are special reasons or circumstances that prevent an application being made within the one month period.

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How to appeal against the Tribunal's decision

26 Can I ask for the Tribunal's decision to be set aside?

If you think the tribunal's procedure was unjust because an oral hearing took place without you or your representative being there, or the Tribunal did not have the necessary papers, or because of any other reason relating to a procedural matter, you may apply to have the Tribunal's decision set aside. To do this you should write to the Clerk to the Appeal Tribunal within one month of the date when the decision notice or the Statement of Reasons (whichever was the latter) was given or sent to you, giving your reasons in full.

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27 How to appeal to the Social Security Commissioner

If you think the Tribunal's reasons for their decision are mistaken in law, you may apply for leave to appeal to the Social Security Commissioner. You cannot appeal to the Commissioner about questions of fact. In order for you to determine if the Tribunal erred in law you will need to obtain and consider the Statement of Reasons (see section 25); upon receipt, you may also wish to seek legal advice as to any grounds you may have for appealing.

To make your appeal, please download the application form from [here](#) or alternatively contact the Clerk to the Social Security Appeal Tribunal (see section 4) and ask for an application form to be sent to you. The completed application form should be sent to the Clerk, within one month of the date when the decision notice or the Statement of Reasons (whichever was the latter) was given or sent to you, setting out the grounds of your appeal in full.

A copy of the Statement of Reasons must be sent with your application to appeal to the Social Security Commissioner.

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28 What if I am late asking for a Statement of Reasons or applying to the Social Security

Commissioner?

Late requests or applications may only be accepted if there are special circumstances or special reasons that caused the delay. You will need to explain why you were not able to make your request on time.

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29 Can the Department appeal against the Tribunal's decision also?

Yes - they have the same right to appeal as you do with the same time limits.

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Useful Links

[Appeal the Decision](#)

[Isle of Man Social Security Legislation Volumes Contents](#)

[Isle of Man Government on-line legislation](#)

[Tynwald](#)

[The Isle of Man Law Society](#)

Downloadable documents:

[Appeal Form](#)

[Late Appeal Form](#)

[Enquiry Form](#)

[Notes About Your Decision](#)

[Social Security Commissioner Appeal Application Form](#)

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