



Mick Whitley MP
House of Commons
London
SW1A 0AA

MP ref: MW1431
MoJ ref: MC92865

30 December 2021

Dear Mick,

SOCIAL SECURITY AND CHILD SUPPORT TRIBUNAL

Thank you for your email of 1 December on behalf of your constituent who has concerns about the handling of appeals to the Social Security and Child Support Tribunal.

I am sorry if your constituent has had a poor experience of the Tribunal. I can see from your email your constituent's dispute over benefits has been ongoing for some time and I am sorry about this. I will address each of your constituent's points in order.

The number of Speech to Text Writers (STTR)/Palantypists is limited due to the reducing numbers of qualified professionals nationwide. There are currently 24 STTRs/Palantypists qualified and experienced to work on the language services contracts from a pool of 30 registered with the National Registers of Communication Professionals working with Deaf and Deafblind People Nationwide. The Ministry of Justice (MoJ) continues to work with our contracted provider to attract qualified professionals onto our register but recognises the challenge of attracting individuals into a profession where there is an acknowledgement that technology will soon reach a stage where it will be a viable alternative. We are in the process of implementing a 'future pipeline' working group to look at all spoken and non-spoken language requirements and anticipated demand moving forwards and STTR/ Palantypist requirements will be considered as part of this.

The MoJ regularly reviews the level of unfulfilled bookings, to identify trends and to require remedial action to be taken where appropriate. Fulfilment of all non-spoken language bookings remains consistently high at circa 97.9%.

With the information provided in your email it has not been possible for my officials to trace your constituent's case, so I cannot investigate the reason for the delay and how long the appeal has been with the Tribunal. If you can provide the appeal reference, national insurance number and name of your constituent, I would be happy to write to you again with more information.

The MoJ publishes quarterly statistics which give a broad indication of current waiting times and these can be viewed at www.gov.uk/government/collections/tribunals-statistics. Waiting times are calculated from receipt of an appeal to its final disposal. An appeal is not necessarily disposed of at its first hearing. The final disposal decision on the appeal may be reached after an earlier hearing had been adjourned (which may be directed by the judge for a variety of reasons, such as to seek further evidence), or after an earlier hearing date had been postponed (again, for a variety of reasons, often at the request of the appellant). An appeal may also have been decided at an earlier date by the First-tier Tribunal, only for the case to have gone on to the Upper Tribunal, to be returned once again to the first-tier for its final disposal.

I appreciate your constituent is concerned that waiting times differ depending on where the appellant lives. Waiting times generally can fluctuate temporarily and geographically, owing to a number of variable factors, including volumes of benefit decisions made locally, availability of medical/disability members, venue capacity and the complexity of the issue in dispute. Any disparity in waiting times is monitored and investigated locally.

Throughout the coronavirus (COVID-19) pandemic, appeals have continued to be decided on the papers, or heard using telephone and other remote technology. Additionally, HM Courts & Tribunals Service (HMCTS) has introduced safety measures so that face to face hearings can be held for any cases which cannot be decided 'on the papers' or heard remotely. The decision as to how a hearing is conducted is a matter for the judge, who will determine how best to uphold the interests of justice. As a government Minister, I cannot comment on or intervene in an independent judge's decision.

Initial decision-making on entitlement to benefits is a matter for the Department for Work and Pensions (DWP). As the DWP is independent from HMCTS I cannot comment on its decisions or how decisions are made. If a claimant remains unhappy with the decision made by the DWP after they have gone through a mandatory reconsideration of their initial decision, an appeal can be lodged with the Tribunal. Tribunal judges provide a decision notice confirming the reason for their decision for every appeal heard by the Tribunal. The feedback from the Tribunal's judiciary contained in their decision notices can be used by the DWP to improve their decision-making. Decisions on benefit, typically on a person's entitlement to benefit, or its rate of payment, can be overturned on appeal for a variety of reasons. For instance, further evidence, including oral testimony, may be provided at the hearing.

Whilst the provision of feedback on reasons for Tribunal decisions is always a matter for the judiciary, HMCTS is supportive of any DWP initiatives to improve its decision-making processes, so that an appellant receives the level of benefit to which they are entitled (due to their individual circumstances) at the earliest opportunity.


Open justice is a fundamental principle in our Courts and Tribunals and any member of the public or media can request permission to observe hearings. Judges will determine whether the public can have access to a hearing in accordance with each jurisdiction's procedure rules.

I am sorry to read your constituent's request for automatic live transcription for hearings via Cloud Video Platform (CVP) was refused. I understand they are concerned for those who, like themselves, do not know British Sign Language and the barrier this could cause them. If this is a situation your constituent has faced themselves, if they want to and have not already, they can raise their concerns under HMCTS' complaints procedure about their experience. More information on how to complain can be viewed at www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/complaints-procedure. We use our complaints to learn and change.

HMCTS is committed to making remote hearings as accessible as possible. At the same time, remote participation in hearings, including via CVP, is an alternative method for conducting a hearing. We know that attending a hearing remotely will not always be appropriate. Court and tribunal users can tell HMCTS if they need a reasonable adjustment, have a support need or do not think a remote hearing is suitable for them. The type of hearing will then be arranged accordingly, together with necessary adjustments and support. The option to hold a remote hearing is at the discretion of a judge, who will decide if it is appropriate considering the needs of the parties involved. More information about how we offer support to people with disabilities, to make sure they can access HMCTS without barriers, can be found at www.gov.uk/government/organisations/hm-courts-and-tribunals-service/about/equality-and-diversity. This includes making sure hearing enhancement systems are available in every court and tribunal building. It also explains that, if you need help or support in a hearing room, court staff will discuss this with the judge.

I hope my reply is helpful and addresses each of your constituent's concerns.

Kind regards,

A handwritten signature in blue ink that reads "David Wolfson". The signature is written in a cursive style with a horizontal line underneath the name.

**LORD (DAVID) WOLFSON
OF TREDEGAR, QC**