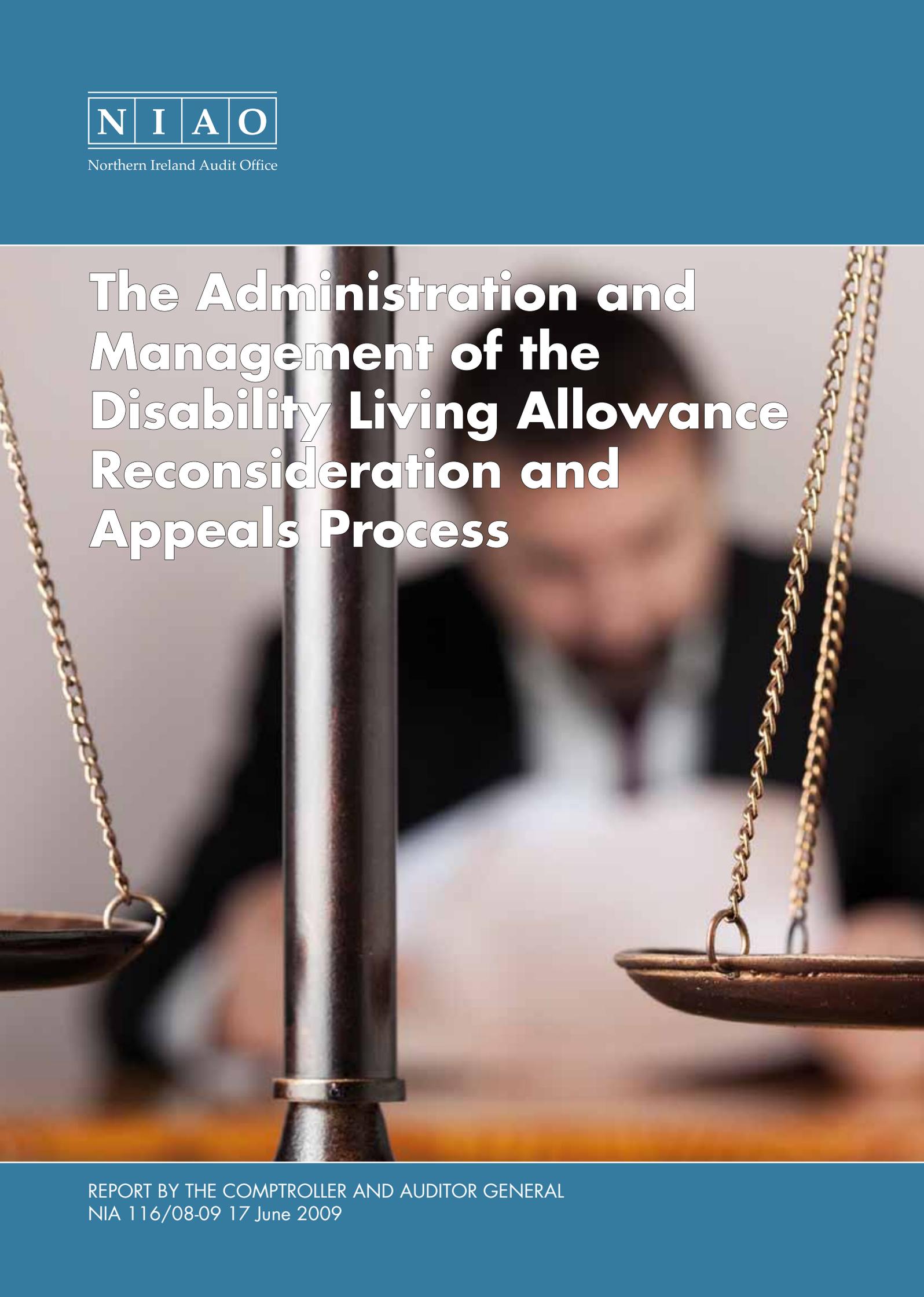




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The background of the cover features a close-up, shallow depth-of-field photograph of a pair of brass scales of justice. The central pillar and the chains of the pans are in sharp focus, while the pans themselves and the background are blurred. The background shows a person in a white shirt and dark jacket, possibly a judge or official, in a courtroom setting.

The Administration and Management of the Disability Living Allowance Reconsideration and Appeals Process

REPORT BY THE COMPTROLLER AND AUDITOR GENERAL
NIA 116/08-09 17 June 2009



Northern Ireland Audit Office

Report by the Comptroller and Auditor General for Northern Ireland

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The Administration and Management of the Disability Living Allowance Reconsideration and Appeals Process

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J M Dowdall CB
Comptroller and Auditor General

Northern Ireland Audit Office
17 June 2009

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Abbreviations

AACT	Average Actual Clearance Time
CAB	Citizens Advice Bureau
DLA	Disability Living Allowance
DWP	Department for Work and Pensions
EMP	Examining Medical Practitioner
GP	General Practitioner
NAO	National Audit Office
NIAO	Northern Ireland Audit Office
PAC	Public Accounts Committee
PDCS	Pensions, Disability and Carers Service
SLA	Service Level Agreement

Executive Summary



Executive Summary

Introduction

1. Disability Living Allowance (DLA) is a tax free benefit paid to people who are aged under 65 and who need help with personal care, getting around, or both because of an illness or disability. The benefit is administered by the Social Security Agency (the Agency), an executive agency of the Department for Social Development (the Department).
2. Overall, there are currently 173,000 DLA cases and in 2007-08, DLA payments amounted to £646 million. Each year, the Agency receives over 21,000 new applications for DLA. In addition to this, it also intervenes in an additional 30,000 cases by processing renewal applications and reported changes of circumstances. In 2007-08, the Agency made almost 62,000 DLA decisions. In comparison, in GB there are approximately 2.95 million recipients of DLA, with payments amounting to £9,869 million a year.
3. The rules governing entitlement to DLA are complex and eligibility is based not on a person's particular illness or medical condition but the impact this has on their daily living. Decisions on entitlement are made by decision-makers in the Agency and involve a high degree of judgement and interpretation of medical evidence. Customers who are dissatisfied with decisions made by the Agency on their entitlement to DLA or on the rate of allowance, can appeal these decisions. Before making a formal appeal, to be heard by an independent appeal tribunal, a customer can ask the Agency to reconsider the decision. If the customer is still dissatisfied with the decision after reconsideration, they can make a formal appeal.
4. Each year the Agency is asked to reconsider some 8,000 decisions and customers make a formal appeal in more than 7,000 cases.
5. The Department is responsible for administering social security benefits and for servicing tribunals. These functions are carried out through the Social Security Agency for the first part and through the Appeals Service in relation to tribunal administration. The DLA reconsideration and appeals process is complex with a number of bodies involved.
 - **The Agency** undertakes reconsiderations and, where a customer requests an independent appeal, prepares case papers and submits these to the Department's Appeals Service;
 - **The Appeals Service (NI)**, an office within the Department, provides administrative support to the independent appeal tribunals;
 - **The President of Appeal Tribunals**, who is appointed by the Lord Chancellor, is responsible for the judicial functions of appeal tribunals, training of tribunal members and preparation of an annual report on the standards of decision making; and

- **The Social Security Commissioners**, specialised members of the judiciary, are appointed to hear and determine appeals on points of law from appeal tribunals. Appeal cases may also proceed further to the Court of Appeal, House of Lords and European Court of Justice.

6. In June 2005, we reported on Decision-Making and Disability Living Allowance¹. Our report highlighted that nine per cent of DLA decisions were taken forward for hearing by an independent tribunal; there was scope to reduce significantly the time taken to process appeals; and greater consistency was needed to ensure prompt handling by tribunals. This report follows up on issues raised in our previous report and, in particular, the progress made to implement an end-to-end target for the appeals process.
7. This report does not examine the process of appeals to the Social Security Commissioners but focuses on the appeals process to the point of appeal tribunal outcome, the stage at which almost all appeals are completed.
8. In March 2006, following reforms in England and Wales, the Northern Ireland Secretary of State announced that, in order to secure greater independence and a more streamlined administration of the appeals process, responsibility for the administration of tribunals would transfer from the Department to the Northern Ireland Court Service. An outline business case for this transfer is currently being developed and will be subject to approval by the

Northern Ireland Executive. In our view, the findings of this report will continue to be relevant and should be taken into account in developing any new arrangements for the appeals process.

Key Findings

9. The respective roles and responsibilities of the Agency and the Appeals Service are set out in a Service Level Agreement (SLA) between these bodies. The SLA is reviewed annually and both parties consider that it has substantial benefits. It provides the basis for clearly defined working relationships, roles and responsibilities and encourages distinct lines of communication.
10. The President of Appeal Tribunals (the President) has no SLA with the Department. The President considers that this would not be appropriate for the relationship between a judicial body and its administrators, particularly where that administration is a party to the appeal. As each tribunal is independent, any SLA relating to the work of the tribunals or to having cases finalised within a certain timeframe would interfere with the judgement and processes of tribunals. However, the Department considers a Service Level Agreement, between the President's Office and the Appeals Service would be useful as there is considerable interaction between the two administration offices and it would be beneficial to formalise the roles and responsibilities of each office. The President has noted that there may be some merit in establishing some formalised arrangement or public service standard with the

¹ *Decision-Making and Disability Living Allowance*, HC 43 NIA 185/03, Session 2005-06, 16 June 2005

Executive Summary

Appeals Service, setting out for example, minimum standards the public could expect for accommodation at hearings when attending a tribunal. Each of the bodies involved in the appeals process expressed the view that communications between them were good but it is our view that there is scope to improve levels of co-operation and clarify the roles and responsibilities of each body.

11. The President also noted that he believes that the Department should be advising the appeal tribunal as soon as an appeal is made. We noted that this issue was considered in the Social Development Committee's report on DLA, and we note that, in light of the Committee's recommendation (**Appendix 4**, recommendation 13), the President and the Department are discussing what arrangements can be put in place to address the President's specific requirement in respect of notification.
12. The Agency and the Appeals Service have separate IT systems to manage and report on appeals. These have not been tested to determine if they are compatible and it is therefore not known if data can be electronically transferred or shared between them. During our review, we found that it was not possible to fully reconcile the data on both systems. The Appeals Service system can produce management information on the progress of cases from the date of appeal to the date a decision is issued by a tribunal. The Department has been producing such reports since September 2008 but there are no formal procedures for monitoring the management information produced. In our view there are benefits to be gained, including improved efficiency and quality of management information, from better integration of the IT systems in the Appeals Service and the Agency and monitoring of the information produced.
13. The President's 2005-06 report commended the high standard of DLA decision making and the 2006 Annual Report of the Chairman of the Standards Committee², on the standards of the Agency's decision-making, also acknowledged that there was a much improved performance for DLA. Despite these improvements the number of appealed decisions received by the Agency has remained broadly constant. While the number of decisions overturned at appeal due to Agency error has been very low, the trend in the number of DLA awards overturned at appeal tribunals has increased significantly from 24 per cent in 2002-03 to 32 per cent in 2007-08. The main reason for this is the production of additional evidence by the appellant which was not made available to the Agency at the time of the original decision.
14. The attendance of a Presenting Officer at a tribunal is intended to assist the panel to assess the facts, relevant law and case law, particularly in complex cases. Their attendance also allows the Agency to provide subsequent feedback from the hearing, to introduce greater consistency and accountability into the decision-making process. However, the Agency considers that the benefits of feedback are limited as the Presenting Officer is not present

when the tribunal makes its decision on the appeal. The level of attendance of Presenting Officers at DLA appeal tribunals has fluctuated over time and has fallen from a high of 48 per cent in 2004-05 to 32 per cent in 2007-08. The Agency told us that at present it seeks to optimise existing resources by attending appeal hearings which it regards as complex. In its view this approach recognises that, in certain instances, the attendance of a Presenting Officer is helpful in assisting the tribunal on matters which may arise from the Agency's written appeal submission because of the complex nature of a case. There is clearly a need for the Agency and the President to consider how to optimise the level of attendance at tribunals.

15. The President is required to produce an annual report on the standard of decision-making in cases which are referred to appeal tribunals; this is published by the Department. However, there has been a significant time lapse between the year end and the publication of the annual report. The report for 2005-06 was published in April 2008. It is important that the annual report is produced as soon as possible after the end of the relevant year, to provide timely information and assist in improving decision-making.
16. The President told us that, in his view, there is merit in developing an alternative dispute resolution process, where a Presenting Officer and the appellant and their representative liaise, before an appeal hearing takes place, to consider the additional medical or other evidence obtained by the Appeals Service, and

arrive at an agreed decision. In our view this suggestion is worth further consideration by the bodies involved to establish whether this would provide an effective alternative to the appeal tribunal proceedings.

17. Feedback from appellants and their representatives should focus on the end-to-end experience of the appeals process. Although the Agency, Appeals Service and the President's Office each have separate approaches to obtaining such feedback, this information is not always shared between the parties. A co-ordinated approach to gathering feedback should help to identify trends and problem areas and give the bodies the opportunity to improve the service for the appellant.
18. Achieving the staff complement in the Disability Appeals Unit has not presented many difficulties to the Agency. However, the absence of a number of staff due to long-term sickness has impacted adversely on workload³. The Agency has sought to minimise the impact of these difficulties. However, ongoing monitoring of staff recruitment, retention and absence will be necessary to ensure that the Unit is adequately resourced to fully deliver these important services.
19. Over the period 2002 to 2006, the Agency and the Appeals Service had been monitoring and reporting internally on end-to-end performance for the completion of DLA appeals. Our report on Decision-making and Disability Living Allowance in 2005 recommended that the end-to-end target should be based on the average

³ Management of Sickness Absence in the Northern Ireland Civil Service was the subject of reports by the Public Accounts Committee (Seventeenth Report, Session 2007/2008, 38/07/08R) and Northern Ireland Audit Office (NIA 132/07-08, 22 May 2008)

Executive Summary

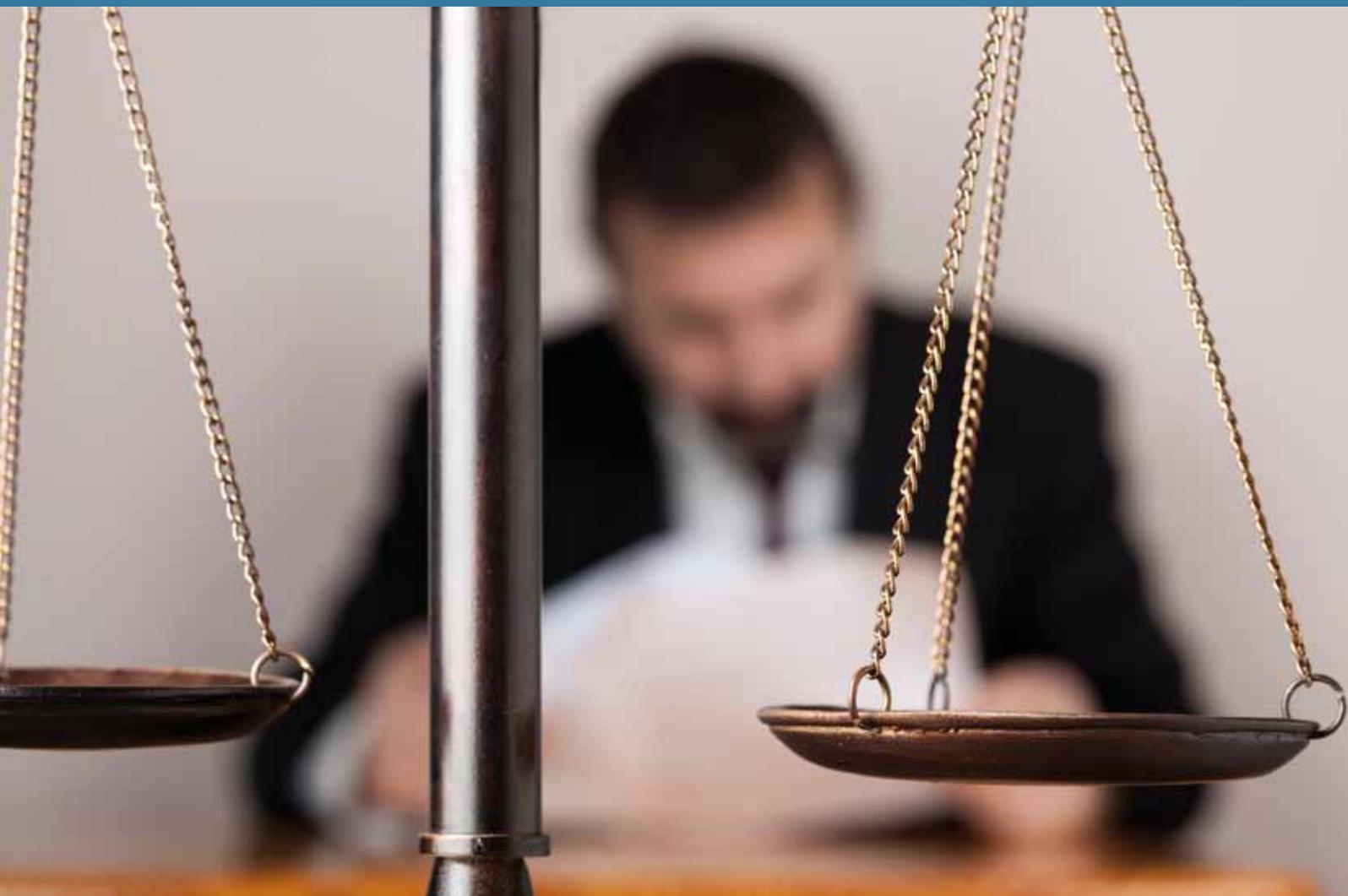
actual clearance time for appeals. However, in 2006, the Department decided not to continue with this approach but await implementation of its new IT system which it expected would provide more robust management information.

20. In any aspect of joined-up government there is a need to address the issues of accountability and transparency in establishing, monitoring and reporting on targets where more than one department or body is involved. However, improving services can only be brought about where bodies work together for the benefit of their service users. In our view, an end-to-end target would bring important benefits in this respect. In GB there is a commitment to measure the end-to-end process time from the appellant's perspective, to provide a benchmark for future initiatives aimed at reducing waiting times.
 21. Although there is no end-to-end target for the DLA appeals process, internal targets are set for each separate stage of the process. During the period 2004-05 to 2007-08, the Agency and the Appeals Service have not always achieved their targets. However, the Appeals Service performance for clearing appeals has been improving; the Agency indicated that it had not met its target for submission of appeals in 2007-08 mainly due to staff vacancies and difficulties in recruiting staff.
 22. Although the Agency publishes information on the average time it takes to prepare appeal submissions, no other performance information is published on the appeals process. We found that there is a wide range in the actual time for appeals to progress through the appeals system. The Department told us that it is aware of the variances and has measures in place to monitor the progress of cases, but that there are contributing factors outside its control.
 23. The appeals system in GB is broadly similar to that in Northern Ireland, although there are differences in structure and practices. It is important that the Agency and Appeals Service continue to evaluate developments in GB and benchmark processes and performance against their GB counterparts. This could provide information to assist in identifying areas for improvement and good practice.
 24. The Department has identified a number of areas for improvement in the administrative efficiency of the appeals process. These are discussed with the President and, where agreed, initiatives to make improvements are implemented. The value and impact of initiatives should continue to be assessed and we encourage the Department and the President to work together to ensure the tribunal process provides an effective service to appellants and delivers value for money.
 25. DLA decisions which are taken to appeal not only increase the length of time that claimants must wait for a final decision on their eligibility, they also add considerable expense to the DLA process. The total costs incurred in respect of DLA appeals in 2007-08 include £1.5 million for the Agency; £ 1.3 million for the Appeals Service; and £1.3 million for costs relating to panel members.
-

26. Overall, significant progress has been made in recent years in improving the DLA appeals process, particularly in relation to reducing the time taken to process appeals. However, it is apparent that:

- the DLA appeals process would benefit from the development, implementation and reporting against an end-to-end target; and
 - there is scope for improved communication and collaboration between the Department and the President of Appeal Tribunals to enhance the delivery of the appeals service to appellants.
-

Part One: Introduction and Background



Part One: Introduction and Background

Decisions on entitlement to DLA involve a high degree of judgement and interpretation of medical evidence

- 1.1 The rate of DLA payable depends on the care and mobility requirements of the claimant. The rules governing entitlement are particularly complex because eligibility is based, not on a person's particular illness or medical condition, but the impact it has on the person's daily living. The main features of DLA are summarised at **Appendix 1**.
- 1.2 Decisions on eligibility for DLA and the amount of allowance to be paid are made by decision makers in the Social Security Agency (the Agency), based on evidence provided by the customer and any additional corroborative medical evidence sought by the Agency. A DLA customer who is unhappy with a decision (on a fresh application, change in circumstances⁴ or renewal) can ask to have the Agency reconsider the decision or can formally appeal the decision.
- 1.3 A reconsideration entails a review of the evidence on file and, where appropriate, any additional evidence obtained. As part of the disputes process the appellant can request a copy of all the evidence that the decision-maker used when making the decision.
- 1.4 The Agency receives about 8,000 requests for reconsideration each year, and in about 20 per cent of these, the new decision is more advantageous to the claimant. If the customer remains dissatisfied with the

decision after reconsideration, they can request a hearing before an independent appeal tribunal.

The current DLA appeals process is complex

- 1.5 The Department is responsible for administering social security benefits and for servicing tribunals. These functions are carried out through the Agency for the first part, and through the Appeals Service in relation to tribunal administration. There are a number of bodies involved in the DLA reconsideration and appeals process:
 - **The Agency**, which was set up in July 1991 to administer and to give advice and information about a range of social security benefits, undertakes reconsiderations and, where a customer requests an independent appeal, prepares case papers and submits these to the Department's Appeals Service;
 - **The Appeals Service (NI)**, within the Department, was set up to provide administrative support to the independent appeal tribunals which hear appeals on decisions made by decision makers in the Agency, Child Maintenance and Enforcement Division, HM Revenue and Customs, NI Housing Executive and Rates Collection Agency;
 - **The President of Appeal Tribunals**, who is separate and independent from the Department, is responsible for the judicial functions of tribunals, training

4 A change of circumstances includes supersession, relevant change of circumstances and revision. Supersession is a change to a decision made by a decision-maker, a tribunal or a Commissioner and replacing it, due to the original decision being: erroneous in law; or made in ignorance of a material fact; or based on a mistake as to material fact.

tribunal members and preparation of an annual report on the standard of decision making. Appeal tribunals are part of the courts system and lie outside the administration of DLA. Each tribunal is independent and responsible for the decisions it makes. The President is appointed by the Lord Chancellor. Appeal tribunals consist of members drawn by the President from a panel also appointed by the Lord Chancellor. The costs in respect of the President, the President's staff, tribunal members and the running of tribunals are met by the Department; and

- **The Social Security Commissioners**, specialised members of the judiciary appointed to hear and determine appeals on points of law from appeal tribunals. Appeal cases may also proceed further to the Court of Appeal, House of Lords and European Court of Justice.

1.6 There are relatively few cases, 111 (two per cent) DLA appeals in 2007-08, which are taken to the Social Security Commissioners following the outcome of an appeal tribunal. This study does not examine the process of appeals to the Social Security Commissioners but focuses on the appeals process to appeal tribunal outcome, the stage at which almost all appeals are completed. The reconsideration and appeals process is summarised in **Appendix 2**.

1.7 During 2007-08, 61,790 DLA decisions were made⁵; 7,630 decisions (12 per cent) were formally appealed of which

6,125 (88 per cent) were taken forward to an independent appeal tribunal.

1.8 For DLA appeals, the appeal tribunal comprises a legally qualified member, a medically qualified member and a third member who has experience of dealing with the needs of disabled people in a professional or voluntary capacity or who is disabled themselves.

1.9 In March 2006, following reforms in England and Wales, the Northern Ireland Secretary of State announced that, in order to secure greater independence and a more streamlined administration of the appeals process, responsibility for the administration of tribunals will transfer from the Department to the Northern Ireland Court Service. This followed a report by Sir Andrew Leggatt⁶ who noted that it was fundamentally unsatisfactory for an appeal tribunal to be administered by one of the parties to the appeal (see paragraph 2.3). An outline business case for this transfer is currently being developed and will be subject to approval by the Northern Ireland Executive. Responsibility for reconsiderations and preparation of appeal submissions will remain with the Agency and tribunal members will continue to be appointed by the Lord Chancellor.

The numbers of DLA applications and appeals continue to rise but the percentage of appeals has been fairly constant

1.10 Over the period from 2002-03 to 2007-08, the number of DLA decisions made each year by the Agency has increased

5 The number of decisions includes new claims, renewal applications, reconsiderations and supersessions.

6 *Tribunals for Users, One System, One Service*, Sir Andrew Leggatt, August 2001 www.tribunals-review.org.uk

Part One: Introduction and Background

Figure 1: The number of DLA appeals has increased

Year	Number of DLA decisions	Number of DLA appeals received by the Agency	Percentage of decisions appealed
2002-03	48,823	Not available	Not available
2003-04	53,631	4,769	8.9%
2004-05	57,565	7,336	12.7%
2005-06	53,549	7,179	13.4%
2006-07	55,007	7,527	13.7%
2007-08	61,790	7,630	12.3%

Source: NIAO based on Agency figures

from 48,823 to 61,790. The proportion of decisions appealed has been between 12 per cent and 14 per cent for the past four years (**Figure 1**).

- 1.11 The Department told us that there is no single factor that accounts for the increase in appeals in 2004-05 when compared with 2003-04, other than more decisions were made during this period. It also said that it has no control over the number of appeals and, with the exception of those cases awarded the highest rates of allowance, there is potential for every customer to appeal.
- 1.12 The number of DLA cases within the system, classified as 'work-in-hand' by the Agency and awaiting processing and referral to the Appeals Service, increased from 441 at April 2002 to 2,006 at April 2008. Over the same period, the number of DLA cases in the Appeals Service caseload has reduced from over 2,600 to 2,051 at March 2008. The Agency was aware

of this significant increase in its year-end 'work-in-hand' figure, which is 851 cases above the level it considers acceptable, and put a recovery plan into action which reduced this to 865 by November 2008.

Scope of this study

- 1.13 In June 2005, we reported on *Decision-Making and Disability Living Allowance*⁷. Our report highlighted that nine per cent of DLA decisions were taken forward for hearing by an independent tribunal; there was scope to reduce significantly the time taken to process appeals; and greater consistency was needed to ensure prompt handling of tribunals.
- 1.14 At that time, we recommended the introduction of an 'end-to-end' target for the DLA appeals process:

In order to address the potential problems caused by this fragmentation of the

process, the Chairman of the Standards Committee has called for better liaison between the Agency and the Appeals Service. We would concur with this recommendation.

We welcome the introduction by the Agency in April 2004 of an Actual Average Clearance Time target of 40 days to forward appeal submissions to the Appeals Service and the inclusion of an 'end-to-end' target in the Agency's Business Plan for 2003-04, which is the same as in GB. However, we consider that this 'end-to-end' target would be more meaningful if it was also based on Average Actual Clearance Time.

1.15 This study examines:

- the DLA reconsideration and appeals process, through to the issue of a decision by an appeal tribunal;
- progress made to implement an end-to-end target for appeal cases, based on Average Actual Clearance Times; and
- the effectiveness of current targets and arrangements for monitoring and reporting performance.

1.16 Appeal tribunals are independent judicial bodies. As such we recognise that their decisions and judicial functions are outside the scope of our remit. In addition, as responsibility for the administration of justice has not yet been devolved to the Assembly, examination of this matter is also currently outside our remit. However, we are grateful to the President of the Appeal

Tribunals for his co-operation in this review. Our report has been through a clearance process with the President and reflects most of the points he put to us; nevertheless a letter is included at **Annex 1** with further points he wished to register.

1.17 To inform our review, we:

- liaised with the Agency, the Appeals Service and the President of Appeal Tribunals;
- undertook a high level review of these bodies' legislation, procedures and operating manuals;
- reviewed a sample of 75 DLA reconsideration and appeal cases and analysed data held by the Agency, the Appeals Service and the President's Office (**Appendix 3**);
- considered the findings of the previous NIAO report in this area; and
- commissioned Citizens Advice Bureau to advise and provide quality assurance on this report.

During the clearance of this report, the Northern Ireland Assembly's Committee for Social Development published a report on the administration of DLA⁸. We have included the report's recommendations at **Appendix 4**.

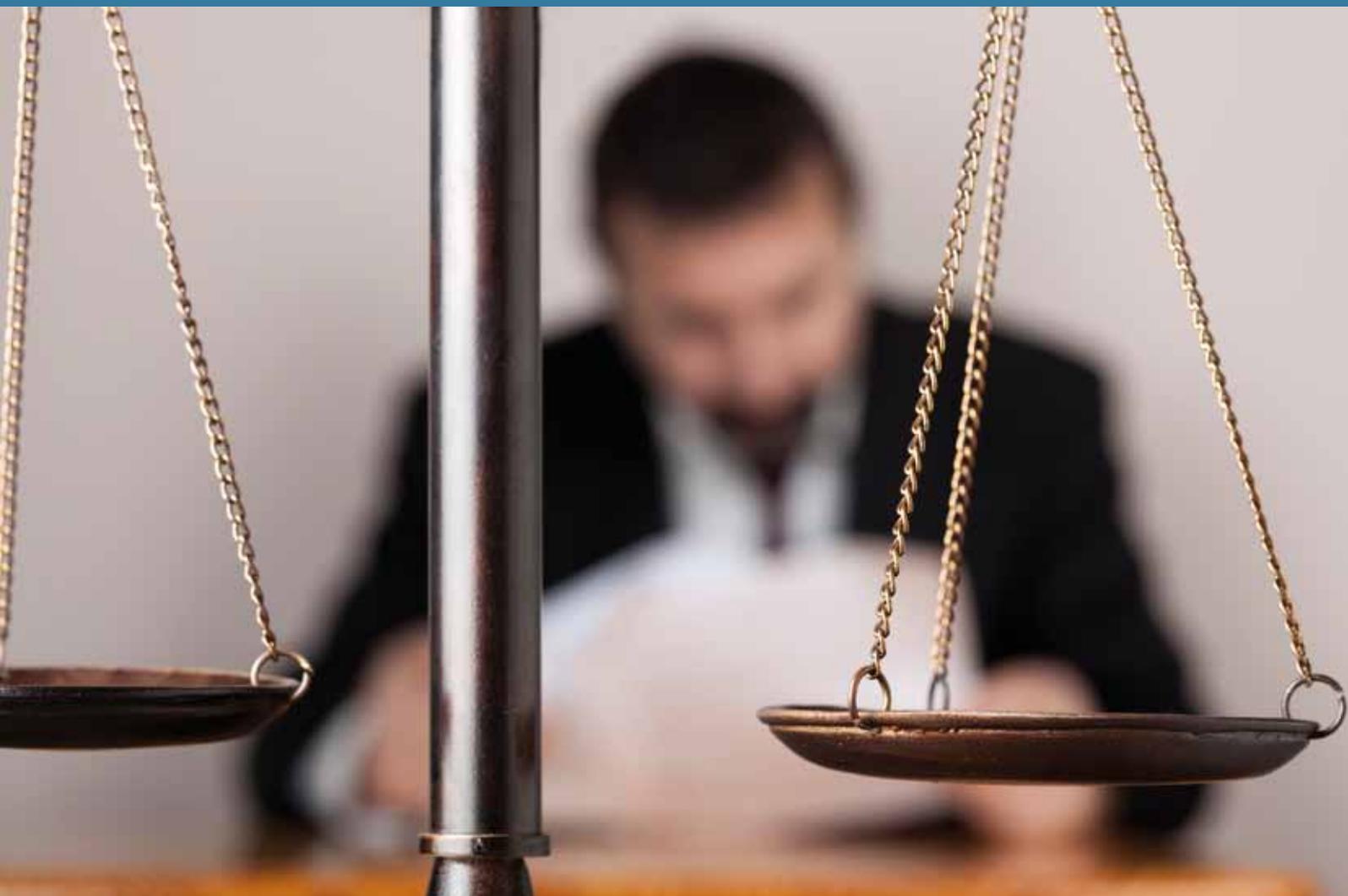
1.18 Although this report examines the reconsideration and appeals process in the context of current arrangements and structures, it includes case examples, which

8 *Report on the Committee for Social Development's Consideration of the Administration of Disability Living Allowance, 2 October 2008, 11/08/09R*

Part One: Introduction and Background

illustrate good practice in specific aspects of the process and the most common administrative problems encountered which affect timeliness of the process. In our view, the issues addressed and lessons identified will continue to be relevant and should be taken into account in developing new arrangements for the reconsideration and appeals process set out in paragraph 1.9.

Part Two:
Arrangements for the Delivery of the DLA
Reconsideration and Appeals Process



Part Two: Arrangements for the Delivery of the DLA Reconsideration and Appeals Process

There is good communication between the bodies involved in the appeals process but there is scope to improve co-operation

2.1 A Service Level Agreement (SLA) defines the relationship between a service provider and recipient and aims to:

- identify and define the customer's needs;
- provide a framework for understanding;
- simplify complex issues;
- reduce areas of conflict;
- encourage dialogue in the event of disputes; and
- eliminate unrealistic expectations.

2.2 The SLA between the Agency and the Appeals Service was developed in May 2004 and covers the delivery of appeals services for all social security benefits, including DLA. It is reviewed annually and both parties consider that it has substantial benefits, clearly defining the working relationships, roles and responsibilities and encouraging distinct lines of communication between counterparts in both bodies.

2.3 The President of Appeal Tribunals has no SLA with the Department. The President considers that this would not be appropriate for the relationship between a judicial body and its administrators, particularly where that administration is a party to the appeal. As each tribunal is independent, any SLA relating to the work of the tribunals or to

having cases finalised within a certain timeframe would interfere with the tribunal's judgement and processes.

2.4 The Department considers that an SLA between the President and the Appeals Service would be useful as there is considerable interaction between the two administration offices and it would be beneficial to formalise the roles and responsibilities of each. Although the President considers that an SLA would be inappropriate, he told us that there may be some merit in establishing some formalised arrangement or public service standard with the Appeals Service setting out, for example, minimum standards the public could expect for accommodation at hearings when attending a tribunal, formalising current arrangements, but not impinging on the independence of the tribunal.

2.5 The President also believes that the Department should be advising the appeal tribunal as soon as an appeal is made. In his view, it is the responsibility of the appeal tribunal to monitor the progress of appeals to address conflicts of interest between the Department and the administration of appeals. This issue was considered in the Social Development Committee's report on DLA, and we note that in light of the Committee's recommendation (**Appendix 4**, recommendation 13), the President and the Department are discussing what arrangements can be put in place to address the President's specific requirement in respect of notification.

2.6 Each of the bodies involved in the process told us that there are good communication channels in place. However, in our view co-operation could be improved and the roles and responsibilities of each body clarified.

The IT systems operated by the Agency and the Appeals Service do not share data

2.7 The Agency and the Appeals Service each operate separate and independent IT systems for maintaining records of reconsiderations and appeals.

2.8 The Agency's reconsideration and appeals IT system, the Benefit Appeals Statistical Information System, is used to track and report on the progress of preparing appeal submissions.

2.9 In June 2007, the Appeals Service IT system was upgraded. The new IT system has enhanced monitoring of progress of individual cases, intake numbers, hearings and adjournments, and the system generates statistical reports monthly, or as required by management. This includes management information on the progress of cases from the date of appeal to the date a decision is issued by a tribunal. The Department has been producing such reports since September 2008, but there are no formal procedures for monitoring this information.

2.10 As the IT systems used by the Agency and the Appeals Service have not been tested to determine if they are compatible, it is not known if data can be electronically transferred or shared between the systems. During our review, we found that it was not

possible to fully reconcile the data held on both systems.

2.11 In addition, while the Appeals Service's new computer system is able to provide management information on the process from the date an appeal is received in the Agency until the date of final determination, this requires manual input of data to the Appeals Service system which has already been input to the Agency's computer system.

2.12 The Agency told us that it recognises that there would be some merit in improving the compatibility of the IT systems.

2.13 In our view, the integration of the IT systems for the appeal process would improve efficiency in the recording of appeal data. We recommend that the Department works towards the integration of its IT systems.

Decision-making has been improving but the number of reconsiderations and appeals has remained constant

2.14 The President's 2005-06 report commended the high standard of DLA decision-making. The 2006 Annual Report of the Chairman of the Standards Committee⁹, on the standards of the Agency's decision-making, also acknowledged that there was a much improved performance for DLA which had exceeded the targets for both decision-making and accuracy.

2.15 The Agency has introduced new processes to help improve first time decision-making and, potentially, reduce the number of decisions that are appealed. For example,

Part Two: Arrangements for the Delivery of the DLA Reconsideration and Appeals Process

feedback on the preparation of appeal submissions and the outcome of tribunals is provided to decision makers by the Agency's Presenting Officers who attend tribunal hearings. The Agency also provides explanations of its decisions to customers and regularly reviews its procedures for DLA reconsiderations and appeals to identify areas for improvement in the decision making process (**Appendix 5**).

2.16 However, over the period 2004-05 to 2007-08, the number of appealed decisions received by the Agency has been broadly constant at 12 to 14 per cent (Figure 1) and the number of DLA appeals submitted to the Appeals Service is between 10 and 11 per cent.

The percentage of DLA decisions overturned at tribunal has increased but the number due to Agency error is very low

2.17 The number of decisions overturned at appeal, due to Agency error, has been very low and has fallen to nil in 2006-07, the last year for which figures are available (**Figure 2**). In contrast, the number of DLA awards overturned at appeal tribunals has increased significantly from 24 per cent in 2002-03 to 34 per cent in 2006-07 then falling back to 32 per cent in 2007-08 (**Figure 2**). The main reason for this is the production of additional evidence which was not available to the Agency (see paragraph 2.31). The Agency closely monitors the overturned decision rate

Figure 2: Percentage of DLA decisions overturned

Year	Number of DLA decisions	Number of DLA appeals registered with Appeals Service ¹	% of decisions overturned at Appeal Tribunal	% of decisions overturned due to error by the decision-maker ²
2002-03	48,823	8,715 ³	24%	2.4%
2003-04	53,631	8,966 ³	23%	5.0 %
2004-05	57,565	6,584	28%	4.3%
2005-06	53,549	5,552	29%	2%
2006-07	55,007	5,442	34%	0%
2007-08	61,790	6,125	32%	Not available

Notes: 1. Figures do not include cases identified as "work-in-hand" by the Agency and awaiting referral to the Appeals Service (see paragraph 1.12).

2. Figures from the Annual Report by the President of Appeal Tribunals on the Standards of Decision Making by the Department, 2002-03 to 2006-07.

3. Data for 2002-03 and 2003-04 records each component of the DLA case, i.e. mobility and carers, covered by the DLA appeal. In most cases (over 90 per cent), the case under appeal will include both components.

Source: Agency, *The Appeals Service and President of Appeal Tribunals*.

and compares this with corresponding rates in GB (paragraph 3.28). However, the Northern Ireland Assembly Social Development Committee report¹⁰ concluded that it is clear that many claimants are not getting their correct entitlement immediately. While the Agency asks for the necessary information to be provided on the claim form, in our view the form could more explicitly impress on claimants the need to provide, from the outset, as full a picture as possible of how their lives are impacted by their disability.

2.18 We also found that, in the 3 year period April 2005 to March 2008, where an appellant was represented at a hearing, for example by a representative from Citizens Advice Bureau or AdviceNI, a relative or other representative, the rate of overturned DLA decisions at appeal was higher - 48 per cent. Where the appellant was not represented, the overturned rate was 22 per cent. Although there will be a range of factors which impact on the outcome of an appeal, these figures suggest that the attendance of a representative can be important.

2.19 The Appeal Service's management information system is now able to provide data on the number of appeal decisions that: (1) upheld the original decision; (2) resulted in a more favourable decision; and (3) resulted in a less favourable decision. For the period July 2007 to March 2008, 3,722 appeal tribunal decisions were made with 2,391 (64 per cent) upholding

the original decision; 1,252 (34 per cent) where decisions were more favourable than the original decision; and 79 (2 per cent) where decisions were less favourable than the original decision¹¹.

2.20 The Department told us that it does not monitor the monetary implications of these changes but does monitor the volume of and the reasons for decisions being overturned at appeal.

Presenting Officers do not attend all tribunals

2.21 The attendance of a Presenting Officer at a tribunal is intended to assist the tribunal assess the facts, relevant law and case law, particularly in complex cases. Their attendance also allows the Agency to provide subsequent feedback from the hearing, to introduce greater consistency and accountability into the decision-making process (see paragraph 2.15).

2.22 In 2001-02, the Chairman of the Standards Committee pointed out that the problem of feedback from tribunals had become acute because in many cases the Agency failed to provide a Presenting Officer. In February 2003, the President directed the Chief Executive of the Agency to nominate a Presenting Officer at all tribunal hearings. This led the Agency to improve the attendance rate of Presenting Officers. However, the level of attendance at oral tribunal hearings has fallen to 32 per cent

10 & 11 *Report on the Committee for Social Development's Consideration of the Administration of Disability Living Allowance*, 2 October 2008, 11/08/09R

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in 2007-08 (**Figure 3**). This is despite the Agency's stated intention¹² of achieving 100 per cent attendance at all disability appeal hearings. The President has emphasised his view that attendance of Presenting Officers at all tribunals is essential. He told us that attendance by Presenting Officers at appeal hearings may make it possible to agree a benefit decision with many appellants who attend hearings without the need for a tribunal hearing. He also stated that it would give officers a better understanding of the appeal system in that they would have a chance to see the appellant and hear his or her account of his or her problems.

2.23 The Department told us that, as all costs associated with an appeal have been incurred by the time of the actual hearing, in its view it would be more beneficial if all the relevant claim information was made available at the earliest possible stage within the appeal process to avert the need

for a hearing. The Department considers that these issues could be explored further during the consideration of any alternative dispute resolution process.

2.24 The Agency told us that at present it seeks to optimise existing resources by attending appeal hearings which it regards as complex. It has set criteria to determine which cases should be attended by a Presenting Officer. The Agency has stated that this approach recognises that in certain instances the attendance of a Presenting Officer is helpful to assist the tribunal on matters which may arise from its written appeal submission because of the complex nature of a case. In the remainder of cases it considers that the written appeal submission addresses all the points at issue to be considered by the tribunal. With this approach, Presenting Officers attend around one-third of all DLA hearings (2006-07 and 2007-08). Recent evidence provided

Figure 3: Percentage of DLA oral hearings attended by a Presenting Officer

Year	Number of DLA oral hearings	Presenting Officer attendance	% of DLA hearings attended by Presenting Officer
2002-03	11,308 ¹	2,074	18%
2003-04	10,324 ¹	4,349	42%
2004-05	6,731	3,226	48%
2005-06	6,214	2,658	43%
2006-07	5,349	1,881	35%
2007-08	6,759	2,157	32%

Note: 1. Data for 2002-03 and 2003-04 records each component of the DLA case separately, i.e. mobility and carers, covered by the DLA appeal. In most cases (over 90 per cent), the case under appeal will include both components.

Source: *The Appeals Service*

¹² *Decision Making and Disability Living Allowance*, NIAO, HC43 NIA 185/03, Session 2005-06, page 42, paragraph 4.22

to the Westminster Committee for Work and Pensions by the Pensions, Disability and Carers Service¹³ suggests that, in GB, Presenting Officers attend 10 per cent of DLA hearings, on the basis of the more complex cases.

2.25 In its evidence to the Assembly's Social Development Committee, the Department estimates that the additional resources required to provide Presenting Officers at all DLA appeal hearings would equate to nine additional staff members, including six Presenting Officers, at a total cost of £214,000. The Agency also pointed out that there would be additional support costs to facilitate the higher levels of attendance¹⁴.

2.26 The Agency has commented that the value of feedback from Presenting Officers is questionable as they are not present when the tribunal deliberates and reaches a decision. In its view, feedback is therefore based on the Presenting Officers' perception of how a decision was determined. The Agency considers that the only reliable way to provide feedback on the reasoning behind tribunal decisions is for the tribunal to record the reasons for its decision and provide these to the Agency (**Figure 4**).

2.27 The President told us that the provision of feedback to one party to the appeal is incompatible with the procedural rules of the Appeal Tribunal and the obligation to

Figure 4: Feedback from tribunals

Our 2005 report on Decision-Making and Disability Living Allowance recommended that the Department and the Agency should take steps to develop their quality review systems so that they focus on the overall process and are able to provide timely feedback to decision-makers on factors that cause differences in decisions.

In May 2006, the Agency designed a pro forma for the tribunal members to complete for cases in which the tribunal changed the DLA decision made by the Agency. The feedback form was designed to reflect the same areas as covered within the President of Appeal Tribunal's report on the quality of decision making. It was intended that the analysis of the information provided would give decision makers insight to tribunals' reasoning, help to improve the standard of decisions and consequently reduce the number of appeals.

In April 2007, after careful consideration, the proposal was rejected by the President who told us that it was not feasible to provide written feedback on each individual case that had been overturned without also having to provide the same feedback to the appellant (paragraph 2.27) and that there were no significant benefits from this approach.

The Agency, however, considers that there are significant benefits to be obtained and that, if it is not possible for comments to be provided on all cases overturned, then feedback from cases which were being monitored for the purposes of the President's report would be helpful. In the absence of feedback from the tribunals on the reasons for decisions, the Agency told us that it had developed a system to record and review feedback from Presenting Officers to decision makers but stressed that the approach carried a degree of risk as it is based on Presenting Officers' perception of how the tribunal decision was determined as they are not present when the tribunal is reaching its decision.

13 House of Commons Select Committee for Work and Pensions, 17th December 2008, oral evidence.

14 *Report on the Committee for Social Development's Consideration of the Administration of Disability Living Allowance*, 2 October 2008, 11/08/09R

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treat both parties equally in law. He noted that, prior to 1999, the procedural rules made by the Department provided that the tribunal chairman was required to record the reason for the decision in all appeals. Under new rules introduced in 1999, reasons for the decision of the tribunal should only be provided if requested in writing after the summary decision is given. The President took the view that reasons for the outcome of an appeal should only be provided in accordance with the regulations.

2.28 In its report on the Administration of Disability Living Allowance, the Committee for Social Development expressed its concern that Presenting Officers do not attend all appeals and that levels of attendance are getting worse. It recommended that Presenting Officers are present at every appeal tribunal hearing. The Department noted the Committee's recommendation and explained that at present it seeks to optimise existing resources by attending appeal hearings that it regards as complex – this equates to just over a third of all DLA hearings. A predetermined set of criteria is used to decide which cases the Presenting Officer should attend. This approach recognises that, in certain instances, the attendance of a Presenting Officer is helpful to assist the Tribunal on matters of clarity which might arise from the written appeal submission because of the complex nature of the case. In the remainder of cases the written appeal submission provided by the Department, in its opinion, fully identifies and addresses all the points at issue in the appeal that need to be considered by the Tribunal.

2.29 It is important that the two bodies involved agree the guidance on Presenting Officers' attendance at tribunals to identify the optimum approach. This, we believe, will benefit the appeal process and in turn the feedback to decision makers to help improve decision-making. This again highlights the potential scope for the Agency to impress on claimants the need to provide all necessary information when applying for the benefit (see paragraph 2.23). This should help reduce the number of cases being appealed.

The President's report on the quality of decision-making could be more timely

2.30 The President is required to produce an annual report on the standard of decision-making in cases that are referred to appeal tribunals. The report is published by the Department. However, there is a significant time lapse in its publication.

2.31 The President's annual reports provide useful information on the reasons for tribunals overturning DLA decisions. In most cases this is due to the production of additional evidence, for example, medical evidence, oral evidence or an expert report, which was not made available to the decision-maker or appeal writer. In 2005-06, the President reported that 96 per cent of the decisions that were overturned were for this reason.

2.32 The Agency analyses the information provided, and ensures decision-makers and appeal writers are made aware of the report's findings.

Figure 5: Publication of the President of Appeal Tribunals' annual report

The most recent available report by the President of Appeal Tribunals on the standards of decision making by the Department relates to 2005-06.

The report was provided to the Department in September 2007, 17 months after the financial year end. The Department collated its comments on the report and forwarded them to the President's Office in March 2008, some 6 months later. The Department then published the report in April 2008, 25 months after the end of the relevant year.

By comparison, the report of President of Appeal Tribunals in GB for 2005-06 was published in June 2006, just 3 months after the end of the relevant year.

The President and the Department explained that the lapse in time from the end of the relevant year until production of the report was due, in part, to the length of time for cases in its sample to be completed through the appeals process. In comparison, in GB, because of the larger number of appeals and full-time members of tribunals, it is possible to carry out statistically valid one-day surveys of decision making standards using reports of the full-time legal members (**Appendix 6**). However, both agree that the delay in reporting is too long and that annual reports should be published much sooner after the end of the relevant year.

2.33 We recommend that the President's annual report is produced as soon as possible after the end of the relevant year, to provide timely information and assist in improving decision-making. It is also important that the Agency and the President's Office work closely together to ensure that additional information is exchanged between both parties as necessary, to help improve feedback from tribunals to the decision-making process.

2.34 The President told us that, in his view, there is merit in developing an alternative dispute resolution process, where a Presenting Officer and the appellant and their representative liaise, at a stage in the process before an appeal hearing takes place, to consider the additional medical or other evidence obtained by the Appeals Service and arrive at an agreed decision without the need for an appeal hearing.

2.35 The President of Appeal Tribunals is monitoring a pilot in GB for alternative dispute resolution for DLA and Attendance Allowance cases and awaiting its evaluation to determine if it is suitable for introduction in Northern Ireland; as at February 2009, this pilot has not yet concluded.

2.36 We encourage the Department and the President to consider the outcome of the approach taken in the GB pilot, which could provide a cost-effective and less stressful alternative to the appeal tribunal proceeding.

Feedback from appellants and their representatives should focus on the end-to-end experience of the appeals process

2.37 The Agency, Appeals Service and President's Office each have separate

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approaches to obtaining feedback from appellants on different aspects of the appeals process. This information is not always shared. In the President's view, co-operation with the Department in obtaining this feedback risks undermining the independence of tribunals and the right of the Appeal Tribunal to organise its service purely from a judicial viewpoint. The President has commented that it is of the utmost importance that the independence of tribunals is emphasised and understood by all those involved in the appeal system.

2.38 The Agency does not capture feedback directly from appellants. However, it reviews complaints received, correspondence from MLAs, other public representatives and appellants.

2.39 In January 2006 and September 2007, the Appeals Service carried out a satisfaction survey; it also issues a comment form to each appellant after a hearing. However, it told us that responses from both approaches have provided little beneficial information. The Appeals Service also monitors DLA complaints received, the number of which has been falling over time, from 15 in 2004-05 to six in 2007-08.

2.40 The President's Office conducted a first appellant satisfaction survey in November 2007 and intends to capture this information every 6 months. The President told us that his survey is for judicial purposes, and also to assist the parties to understand the functions of the tribunal as well as explaining changes in the appeals system. The main findings included:

- 75 per cent claimed they found the experience of their appeal stressful;
- 73 per cent were very satisfied with the courtesy and knowledge of Appeals Service staff and the tribunals' facilities;
- 71 per cent noted that they required help;
- 31 per cent claimed they would not advise someone to lodge an appeal;
- 12 per cent felt the venue they attended was not suitable; and
- 2 per cent claimed the Chairman did not introduce everyone and explain the proceedings.

2.41 During our review we spoke with the Citizens Advice Bureau (CAB) about the handling of complaints. It indicated that it found the Agency's and the Appeals Service's handling of complaints was positive and the staff accommodating. However, CAB found the President of Appeal Tribunals' complaints procedure to some extent unclear and is concerned that the President's staff are also involved in the complaints investigation process. The President informed us that all complaints about tribunal members are dealt with in accordance with the Code of Practice of the Lord Chief Justice of Northern Ireland. This states under what circumstances a complaint will be investigated and that a member of the President's staff will undertake the initial investigations. Details of the complaints system are available from the Court Service website and an explanatory note is issued

by the President's office when a complaint is received from a member of the public.

2.42 The gathering of robust appellant satisfaction information would allow the identification of trends and problem areas, giving the bodies the opportunity to improve the service to meet the needs of the appellant. We welcome the efforts made by the Appeals Service and the President to capture feedback from appellants. In 2006, the Department approached the President with a view to carrying out a joint survey but this was not taken up as the President wanted his survey to concentrate on the judicial aspects of the tribunal.

2.43 Both the Department and the President have stated that a co-ordinated approach to obtaining feedback, by a party to the proceedings (the Department) and the President's Office, could compromise the independence of the appeal tribunal. However, we would encourage both parties to consider designing a survey to collect feedback on the end-to-end DLA appeals process. This will reduce duplication of effort and help identify appellant perceptions of their full experience.

2.44 The Department and President's Office organise a number of meetings with interested stakeholders, for example Citizens Advice Bureau, AdviceNI and the Law Centre (NI). This provides an opportunity to consider relevant issues, identify problems with the process and how it affects the appellant and discuss possible improvements.

2.45 During this review we spoke with a number of interested bodies who attended these meetings and who, on the whole, found them to be structured and helpful and to have had some positive outcomes, for example, improving the wording of benefit claim forms. However, they have also suggested that there is scope for these meetings to be made more beneficial, for example, if agreed action points were identified and monitored; and, if representatives from each body involved in the process attended stakeholder meetings to explain their practices and policies. The Department told us that its meetings with stakeholders are fully documented and that agreed action points are followed up.

2.46 The President told us that his meetings with stakeholders were open to all representative groups and individuals who represent at tribunals, including public representatives and solicitors, Presenting Officers from departments and their agencies and the Decision Making Service of the Department. He also told us that the Appeals Service assists at these meetings to deal with any administrative issues that are raised, or judicial issues which impact on administration. However, he also told us that these meetings cannot have agreed action points as they deal purely with legislative or judicial issues.

2.47 We recommend the Department and the President continue to seek feedback from stakeholders and put in place relevant actions to improve the format, outcomes and effectiveness of stakeholder meetings.

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The long-term sickness absence of staff has impacted adversely on workload

- 2.48 The Agency's Disability Appeals Unit has a staff complement of 45 and annual staff costs of £870,000. In addition to DLA, this unit is responsible for Attendance Allowance and Carer's Allowance appeals. The Department told us that achieving the staff complement has not presented many difficulties for the Agency. However, the absence of a number of staff on long-term sickness absence has impacted adversely on workload (**Figures 6 and 7**).
- 2.49 The Agency has sought to minimise the impact of these difficulties. For example, staff shortages are identified as a business

risk and attempts are made to fill vacancies as soon as possible; interim measures to cover staff shortages include staff temporarily moving from other business units within the Disability and Carers Service (see paragraph 3.16), temporary promotions, deputising, overtime and reducing attendance of Presenting Officers at tribunal hearings if necessary to give more time to write appeal submissions. Our recent report on Social Security Benefit Fraud and Error also identified that, in other business areas, the Agency has redirected staff resources to meet a range of priorities. In addition, our report on Managing Sickness Absence in the Northern Ireland Civil Service has highlighted the impact of sickness absence in the delivery of public services¹⁵.

Figure 6: Appeals Unit Staffing Information

	2005-06	2006-07	2007-08
Staff Complement	44.73	45.50	45.00
Staff in post (average for the year)	44.42	43.41	45.66
Variance	-0.31	-2.09	0.66

Source: The Agency

Figure 7: Appeals Unit Sickness Absence Information

	2005-06	2006-07	2007-08
Staff Days Available	11,572.8	10,848.5	10,993.9
Staff Days Lost	594.4	830.8	1,011.0
Staff days lost as % of days available	5.1%	7.7%	9.2%
Total Agency days lost as a % of days available	7.9%	8.4%	7.7%

Source: The Agency

15 Social Security Benefit Fraud and Error, NIAO, 23 January 2008, NIA 73/07-08; Management of Sickness Absence in the Northern Ireland Civil Service, NIAO, 22 May 2008, NIA 132/07-08.

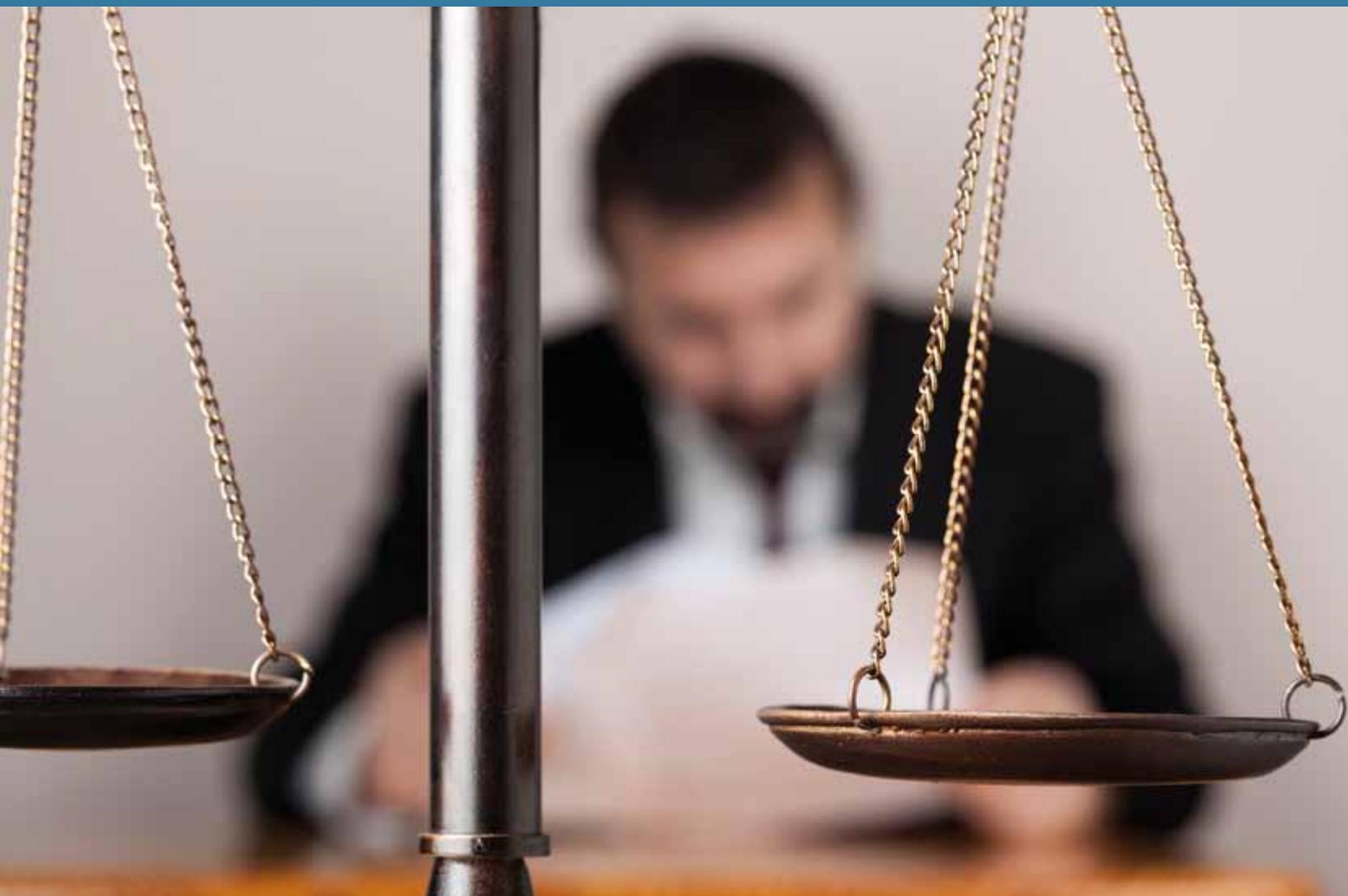
2.50 We recommend that the Agency continues to monitor staff recruitment and retention and absence for these posts to ensure that it is adequately resourced to fully deliver these important services.

There are sufficient tribunal panel members to meet current tribunal requirements

- 2.51 At October 2008, there were 1 67 tribunal members who were trained to hear DLA appeals (**Appendix 7**), and the Appeals Service has assessed that this is a sufficient number to meet anticipated demand.
- 2.52 The Lord Chancellor is responsible for the recruitment of tribunal members. Recruitment of members is undertaken by the Judicial Appointments Commission following consultation with the Department, through the President of Appeal Tribunals. Over the period 2005-06 to 2007-08 there has been only one recruitment drive, aimed at engaging General Practitioners for DLA and industrial injuries hearings. The recruitment and retention of GPs is the main area of difficulty in relation to panel membership and the President's Office monitor this issue closely.
- 2.53 The Appeals Service and President's Office are currently considering the potential impact on the tribunal process of the new Employment and Support Allowance¹⁶, introduced in autumn 2008. This includes the effect on overall availability of tribunal members, the necessity for a recruitment drive and the composition of tribunal panels.

16 From 27 October 2008, Employment Support Allowance (ESA) replaces Incapacity Benefit and Income Support paid on incapacity grounds for new customers. The principle of ESA is that everyone should have the opportunity to work and that people with an illness or disability should get the support they need to engage in appropriate work, if and when they are able.

Part Three:
Setting Targets, Monitoring and Reporting Performance



Part Three: Setting Targets, Monitoring and Reporting Performance

There is no end-to-end target for the DLA appeals process

- 3.1 Following publication of our previous report in 2005 (paragraph 1.13), the Agency liaised regularly at local and regional level to improve the efficiency and quality of the end-to-end appeals process and developed a Service Level Agreement with the Appeals Service (paragraph 2.1). It also considered the need to introduce the 'end-to-end' appeals target based on Average Actual Clearance Time.
- 3.2 The introduction of an end-to-end target for the DLA appeals process has been under consideration since October 2000 (**Appendix 8**). Over the period to 2006, the Department had been monitoring and reporting on an end-to-end target and was considering implementation of an IT system to improve this process. For example, the Agency's 2003-04 Business Plan included a target that 95 per cent of appeals would pass from initial stage to final decision within 51 weeks. This was aimed at improving performance in this area and minimising delays. However, no target was included in subsequent years; the Agency considered it was not appropriate to include an end-to-end target in its Business Plan as it was responsible only for the first part of the process to which the target related.
- 3.3 In 2006, the Department decided not to continue with an end-to-end target. This decision was taken in light of a review by the Department, following publication of our previous report on DLA and Decision Making in 2005, of progress on the introduction of the target and also the anticipated enhanced capabilities of its new computer system. The Department has indicated that performance for each separate stage of the end-to-end process continued to be measured.
- 3.4 The Department told us that it supports the concept of measuring end-to-end performance and that this would provide the appellant with an expected timeframe for the complete appeal process.
- 3.5 The President considers that an end-to-end target would bring greater transparency and provide a clear focus for the timely processing of appeals. However, in his view, the end-to-end target should only encompass the period up to the date of the first hearing, on the grounds that what happens after the first hearing is essentially an independent adjudication issue and to impose an end clearance target on the tribunal would interfere with its independence and the parties' right to a fair hearing. The President also states that the time taken to re-list an appeal will vary depending on the reasons and purpose of the postponement or adjournment. The parties must be given a reasonable time to obtain or prepare additional evidence. The President stated that targets cannot be set for the tribunal to finally dispose of adjourned cases as this would interfere with its judicial independence. The President noted that there are some elements of the process after the first hearing that could be subject to a target such as the typing and distribution of adjourned decisions, follow-up action with the parties to obtain the additional

information required, and arranging a new hearing when the case is ready to be relisted.

- 3.6 The Department told us that it has internal performance measures for all stages of the appeal process from registration to final determination, which include a four-week target for adjourned appeals from the date of adjournment to the date ready to list. The Department noted that arranging a new hearing when the case is ready to list is however subject to the President's direction regarding special appeals and the availability of panel members involved.
- 3.7 In our view, the target included in the Agency's 2003-04 Business Plan covered the appropriate period, from lodgement of the appeal with the Agency through to when the final decision is issued by the tribunal. The end point for this target also coincides with one of the current performance measures set by the Appeals Service, i.e. from the time when it receives an appeal submission until the decision is issued by the tribunal. In most cases, a decision will be issued at first hearing and for these cases this will mark the end of the appeal process. However, there are a significant number of cases which require second or further hearings before a decision is issued. For this reason, a measure of the average time to the date of first hearing will not fully reflect the end-to-end process for all cases.

The introduction of an end-to-end target would bring benefits for the appeal bodies and the appellant

- 3.8 The introduction of an end-to-end appeals process target for the Agency, the Appeals Service and the President would, in our view:
- facilitate the review of existing processes to identify improvements which could reduce the time taken to process appeals;
 - enable the publication of performance and evaluation of trends over time; and
 - contribute to joined-up working across the appeals process to deliver an improved service to appellants.
- 3.9 Its introduction would also bring benefits for appellants. For example:
- provision of information on how long it takes an appeal to be processed;
 - information on who is accountable and responsible for the delivery of the service;
 - improved transparency of the appeals process; and
 - reduction in the uncertainty, anxiety and stress caused by the length of time that elapses between an appeal being lodged and a tribunal hearing for, what are, some of the most vulnerable people.

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3.10 The Department told us that it continually reviews its processes with a view to improving customer service and considers that an end-to-end target would not contribute to this improvement as the Department would not have complete autonomy for its delivery because of the independence of appeal tribunals.

3.11 We acknowledge that in any aspect of joined-up government there is a need to address the issues of accountability and transparency in establishing, monitoring and reporting on targets where more than one department or body is involved. However, improving services can only be brought about where bodies work together for the benefit of service users. In this situation we recommend the Department and the President's Office should work together to establish an end-to-end target for the appeals process.

Progress in introducing an end-to-end appeals processing target in GB

3.12 In GB a partnership agreement between the Disability and Carers Service¹⁷ and the Tribunals Service, dated April 2006, includes a commitment to the future introduction of end-to-end clearance targets as the most meaningful measure from the appellant's perspective. In February 2007, the Disability and Carers Service Customer Relations Team stated that the issue of an end-to-end target for the appeals process as a whole is an aspirational aim at this stage and added that its achievement would be a significant step which will require major changes for both agencies

and involve the judiciary. It is anticipated that these discussions will begin as soon as all parties can commit the relevant resources required. However, there is no indication of when this process will begin.

3.13 In June 2008, the Pension, Disability and Carers Service (PDCS) in GB indicated that its targets had been set for 2008-09 but these do not include an end-to-end target. However, although PDCS has not moved towards the creation of an end-to-end target, there are some initiatives currently being taken forward which, if implemented, could improve the end-to-end appeals process.

Targets have been set for separate stages of the appeals process

3.14 Although there is no end-to-end target for the DLA appeals process, internal targets are set for each separate stage of the process (Appendix 2). Targets are set each year taking into consideration comparisons with GB counterparts, staff resources, what is achievable and realistic, strategic plan priorities, the volume of DLA decisions and historical data. The Agency told us that its targets reflect the speed at which cases can be processed while maintaining quality standards. In our opinion, given that there is parity between the benefit systems in Northern Ireland and GB, it is important to ensure that the range of targets in Northern Ireland should be no less comprehensive or challenging than those in GB.

3.15 Up to 2007-08 the Agency met its targets in respect of preparing and issuing DLA

¹⁷ The Disability and Carers Service merged with the Pensions Service, and on 1 April 2008 the new Agency, Pension, Disability and Carers Service came into being.

appeals submissions to the Appeals Service (**Figures 8 and 9**).

3.16 The Agency's target for the submission of appeals to the Appeals Service had been consistently achieved in the period to 2006-07. However, since September 2007, it has been experiencing difficulties

clearing DLA appeals within the agreed time limits. The Agency put in place a recovery plan which has brought performance back within target by September 2008.

3.17 In 2003-04, the Appeals Service was clearing appeals in 17 weeks¹⁸. We found

Figure 8: The Agency has broadly met its targets

	Actual Average Clearance Time for reconsidering a DLA decision		Actual Average Clearance Time for preparing and issuing the DLA appeals submission to the Appeals Service	
	Target	Performance	Target	Performance
2004-05	No target	-	40 days	38 days
2005-06	No target	-	40 days	27.9 days
2006-07	40 days	56.8 days	40 days	32.8 days
2007-08	40 days	26.0 days	40 days	50.5 days

Note: The Agency's targets are measured in working days, whereas the Appeals Service targets are measured in weeks. This makes it more difficult to calculate the time elapsed from the submission of the appeal to the date the decision is issued.

Source: NIAO from Agency data

Figure 9: The Appeals Service met its targets for the first time in 2007-08

	Actual Average Clearance Times (in calendar weeks)			
	Target for 1st hearing	Performance	Target for issue of tribunal decision	Performance
2004-05	11	11.6	21	20.5
2005-06	11	16.2	21	23.2
2006-07	10	12.6	18	19.0
2007-08	10	10.3	18	15.8

Note: The Agency's targets are measured in working days, whereas the Appeals Service targets are measured in weeks. This makes it more difficult to calculate the time elapsed from the submission of the appeal to the date the decision is issued.

Source: NIAO from Appeals Service data

Part Three: Setting Targets, Monitoring and Reporting Performance

that, in the period 2004-05 to 2007-08, it had generally not met its targets (Figure 9). However, performance has improved in 2007-08, with an average time from registration of an appeal to the date of first hearing of 10.3 weeks (target 10 weeks). The average time from registration of an appeal to the date a decision is issued by a tribunal is 15.8 weeks (target 18 weeks).

3.18 During our review for the 2005 Decision Making and Disability Living Allowance report the Department told us that, on average in 2002-03, it took 36 weeks from the lodgement of an appeal to the appeal being cleared. Over the period to 2005-06, this time fluctuated between 27 weeks and 31 weeks (**Figure 10**).

Monitoring of the average end-to-end time for appeals ended in 2005-06.

Figure 10: The end-to-end time for a DLA appeals case

	End-to-End time taken from receipt by the Agency to date decision issued by the Appeals Service (calendar weeks)
	Performance
2002-03	36
2003-04	31
2004-05	27
2005-06	31

Source: The Department

Published performance information is limited in scope

3.19 Although the Agency publishes information on the average time it takes to prepare appeal submissions, no other performance information is published on the appeal process. We found that there is a wide range in the actual time for appeals to progress through the system (**Figure 11**).

Figure 11: There are wide variances in the time taken to complete individual reconsiderations and appeals

	Shortest	Target	Longest
Reconsideration if requested	2 days	40 days	165 days
DLA appeals submission preparation	2 days	40 days	252 days
Appeals Service arranging first hearing	6.4 weeks	10 weeks	25.7 weeks
Issue of tribunal decision	6.4 weeks	18 weeks	85.9 weeks

Note: The number of cases examined covered the various stages of the appeal process but was not aimed at drawing statistical inferences on the total population of appeals.

Source: NIAO based on review of 75 cases processed in the period February 2005 to January 2008 (see **Appendix 3**)

Figure 12: Case Example**Short appeal submission writing time**

Appellant D submitted a letter of appeal to the Agency on 22 January 2007 appealing a DLA and subsequent reconsideration decision. The letter was received outside the 30 day limit for submission of appeals. The Agency decision maker allowed the late appeal and the appeal was accepted as valid on 25 February 2007.

The Agency submitted the appeal to the Appeals Service on 27 February 2007.

Time taken from date appeal accepted as valid to appeal submission: 2 days (target 40 days)

Figure 13: Case Example**Short time required to arrange, list and hear a first tribunal**

The Agency sent Appellant E's appeal to the Appeals Service on 21 March 2007. The submission was registered in the Appeals Service on 26 March 2007.

The tribunal was arranged and the appeal heard by the tribunal panel on the 9 May 2007. The decision was given to the appellant after the hearing.

Total time taken: 6.4 weeks (target 10 weeks)

Figure 14: Case Example**Time required to arrange, list and hear a first tribunal hearing exceeding target**

The Agency submitted Appellant F's DLA appeal to the Appeals Service on the 12 April 2006. The submission was registered on the same day.

The first hearing was arranged for 26 September 2006, some 168 days after receipt. There was no documented evidence of the reason for the delay.

Total time taken: 24 weeks (target 10 weeks)

3.20 The Agency told us that each case is assigned a clearance date based on the target of 40 days for reconsiderations and 40 days for submission of appeals to the Appeals Service. It also indicated that it has mechanisms in place to check progress and ensure there are no undue delays.

3.21 The Appeals Service told us that it is aware of the variances in time taken to process appeal cases and, since 2005-06, it has monitored the length of time that cases are in its workload and set targets to reduce the age of the caseload. For example, in 2007-08, it had a target of 67 per cent for the number of cases in the appeal caseload which were received within the previous three months. Actual performance against this target was 66.8 per cent. The Department also stated that there are contributing factors which are outside its control¹⁹.

3.22 The Office of the President of Appeal Tribunals is not legislatively required to produce business plans, annual reports or accounts. The Department may request that the President supply reports with respect to the carrying out of the functions of appeal tribunals. In April 2000, the Department approached the President of Appeal Tribunals regarding the introduction of an annual report on tribunal functions. Although the President of Appeal Tribunals stated that the Department could not request reports on judicial functions, he would report as fully as possible consistent with his judicial responsibilities. However, there has been no further correspondence between both parties on this matter.

¹⁹ For example, **stayed cases** (where a judicial decision is made to withhold processing an appeal until a decision on a linked case has been made by a court); **postponements** (judicial decision taken to postpone a hearing before it commences); **adjournments** (judicial decision is taken to adjourn where a tribunal is unable to reach a final determination); **specials** (where an appeal is adjourned and, at the request of the President of Appeal Tribunals, any subsequent hearings must be referred back to the original tribunal panel).

Part Three: Setting Targets, Monitoring and Reporting Performance

3.23 In 1999, the National Audit Office reported on the Lord Chancellor's Department, Crown Prosecution Service and Home Office²⁰. The report found that much of the performance information produced focuses on individual agencies, rather than the joint performance of participants or overall performance of the system. It recommended that there was scope for further joint performance management.

3.24 It is important that the Department and the President of Appeal Tribunals continue to monitor their caseloads to ensure that all cases are progressed effectively and on a timely basis and that performance measures are established to provide key management information on the length of time appeals have been in the caseload and the range of time to process appeals. We recommend that the Department should publish its key targets and performance for processing DLA appeal cases.

Benchmarking of procedures and performance against GB counterparts can help to identify areas for improvement

3.25 The appeals system in GB is broadly similar to that in Northern Ireland, although there are some differences in structures and practices (**Appendix 9**). Disability and Carers Allowances are administered by the Pensions Disability and Carers Service, an Executive Agency of the Department for Work and Pensions (DWP), which serves more than five million customers, excluding pension customers, and makes benefit

payments, excluding pensions, of more than £14.5 billion annually.

3.26 Benchmarking of performance against similar functions in GB can help in assessing and evaluating performance standards in Northern Ireland. For example, benchmarking would provide information to assist the identification of areas for improvement and areas of good practice.

3.27 The Agency, Appeals Service and the President's Office keep a watching brief on changes introduced in GB to assess if similar changes would be appropriate in Northern Ireland and regularly compare their targets and success rates against GB (**Appendix 10**).

3.28 We found that there were significant variances in performance between GB and Northern Ireland (**Figure 15**). For example:

- a target for the time taken to process reconsiderations in Northern Ireland has only been set for the past two financial years. In 2006-07 there was a significant difference in performance; the average time to complete a reconsideration was 25 days longer in Northern Ireland (56.8 days) than in GB (31.6 days). This has shown a marked improvement in 2007-08, with a reconsideration now taking, on average, five days less to complete in Northern Ireland (26 days) compared with GB (31 days);
- the average time taken by the Agency to complete and send an appeal

20 Lord Chancellor's Department, Crown Prosecution Service, Home Office, *Criminal Justice: Working Together*, HC 29 Session 1999-00

Figure 15: There are variances in performance in the appeals process between GB and Northern Ireland

DLA Appeals Stage	2004-05		2005-06		2006-07		2007-08	
	Target	Actual	Target	Actual	Target	Actual	Target	Actual
Reconsiderations								
GB	39 days	29.2 days	35 days	29.1 days	35 days	31.6 days	35 days	31.0 days
NI	No target		No Target		40 days	56.8 days	40 days	26 days
Decisions overturned on reconsideration								
GB	-	35%	-	37%	-	40%	-	44%
NI	-	25%	-	22%	-	18%	-	21%
Submission to Appeals Service								
GB	40 days	30.5 days	37 days	31.8 days	37 days	33.5 days	37 days	33.9 days
NI	40 days	38 days	40 days	27.9 days	40 days	32.8 days	40 days	50.5 days
Convening First Appeal								
GB	11 weeks	10.4 weeks	11 weeks	10.4 weeks	11 weeks	9.6 weeks	Note 1	Note 1
NI	11 weeks	11.6 weeks	11 weeks	16.2 weeks	10 weeks	12.6 weeks	10 weeks	10.3 weeks
DLA Decisions overturned on appeal								
GB	-	50.8%	-	49.9%	-	47.3%	-	45.8%
NI	-	28%	-	29%	-	34%	-	32%

Note 1: The Tribunals Service in GB revised various performance indicators for 2007-08. These changes include performance indicators for Social Security and Child Support appeals. The target in GB now relates to the percentage of appeals where the first hearing takes place within 14 weeks of the receipt of the appeal. In 2007-08 actual performance was 87 per cent against a target of 75 per cent.

Source: *The Department*

Part Three: Setting Targets, Monitoring and Reporting Performance

submission to the Appeals Service has increased from 27.9 days in 2005-06 to 50.5 days in 2007-08 (against a target of 40 days). In 2007-08, performance in Northern Ireland was, on average, 16 days longer than in GB; and

- in the period to 2006-07, the time taken to convene first appeal hearings has been consistently longer in Northern Ireland than in GB.

However, the rate of overturned decisions in DLA appeals in Northern Ireland has been consistently lower than that in GB.

3.29 The Agency and Appeals Service highlighted that the systems in GB and Northern Ireland were not directly comparable. For example, they indicated that appeals submissions in Northern Ireland are more detailed, better quality and of the standard required by the President. The President has expressed the view that the standard of submissions from the Agency is better than those in GB and that this results in fewer appeals being overturned at the tribunal hearing. The Appeals Service also told us there are a number of differences between the Northern Ireland and GB processes including the higher level of adjourned appeals and the need to give these priority over new appeals and that GP medical records are not routinely requested for each DLA case in GB. In its view, if GP records were not requested for every case in Northern Ireland, this would reduce the time taken to progress appeals.

3.30 GP records are requested at the time the date of first hearing is being set. The President told us that the date to first hearing is not influenced by the non-receipt of GP records. However, he noted that it does take longer to final hearing stage if an appeal is adjourned at first or subsequent hearing stages, because records are not available and the appellant wants the tribunal to see them.

3.31 Given the importance that the Department attaches to maintaining parity in social security matters with GB, we recommend that the Department and the President should continue to consider the service targets adopted by their GB counterparts and systematically benchmark against GB. This will allow them to review processes, identify deficiencies and make improvements.

There is a range of factors outside the Agency's control which impact on the reconsideration and appeals administrative process

3.32 The Agency told us that there are a number of factors, outside its control, which affect the timeliness of the reconsideration processing time. These mainly relate to the time taken to receive medical evidence and reports, for example:

- additional medical evidence from appellants in support of their appeal; and
- GP reports or additional evidence requested by the Agency to support

statements made in the appellant's application for benefit.

The variation in time taken to complete reconsiderations is illustrated in **Figures 16** and **17**.

3.33 The Department also monitors the causes of bottlenecks within its workflow. Main factors include:

- staff shortages, long term sickness, resignations, training and knowledge gaps;
- adjournment and rescheduling of hearings; and
- unexpected peaks in the numbers of appeals.

The Department told us it actively considers the impact of these factors on resources and work flow and takes action to manage them.

The Department has identified a number of areas for improvement in the administrative efficiency of the appeals process

3.34 The Department identifies areas where the administrative process could be improved and discusses these with the President of Appeal Tribunals and, where agreed, initiatives to make improvements are implemented.

Figure 16: Case Example

Long reconsideration time

Appellant A telephoned the Agency on 10 September 2007 to request reconsideration of a DLA decision. The appellant followed this up with a letter which was received on 17 September 2007.

The decision-maker requested medical advice from the Agency's Medical Officer on 27 September 2007. The medical advice, given on 24 October 2007, was to arrange a visit by the Agency's Examining Medical Practitioner (EMP). An EMP report was requested on 25 October 2007, and the medical examination was carried out on 25 January 2008. The case reconsideration was completed on 2 February 2008 and the decision issued to the appellant.

Reasons for delay: time for medical advice and EMP visit.

Total time taken: 146 days (target 40 days)

Figure 17: Case Example

Short reconsideration time

Appellant B contacted the Agency's telephone call centre on 5 February 2008 to request reconsideration of a DLA decision. The appellant did not indicate that additional evidence would be provided to support the case and therefore the reconsideration could be determined on the available evidence which was considered sufficient.

The review was completed on 6 February 2008 with the decision issued to the appellant on the same date.

Total time taken: 2 days (target 40 days)

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Medical records

- 3.35 The Appeals Service, as requested by the President of Appeal Tribunals, automatically requests consent from appellants for their medical records to be made available to the appeals tribunal in all DLA cases. This is not done in GB. In 2007-08, medical records were requested for 83 per cent of DLA tribunals in Northern Ireland, at a cost of £125,000.
- 3.36 The failure of GPs to submit medical records, submitting incomplete or computerised summary records leads to adjournments. In 2006-07, 37 per cent of adjourned DLA appeal cases were for these reasons, rising to 44 per cent in 2007-08. Where GP's records are not available, tribunal members are made aware at the commencement of a hearing, of efforts made to obtain the records.
- 3.37 The President explained that tribunals need the GP or other medical records to gather appropriate medical evidence and gain a better understanding of the medical condition and treatment. The tribunal hearing is a judicial review and must have all the relevant evidence available to ensure the appellant receives a full and fair hearing. Analysis of the DLA case sample selected for the President's Annual Report also indicated that, in 2005-06 and 2006-07, 20 per cent and 24 per cent of DLA decisions respectively, which were correctly made by Agency decision-makers on the basis of the evidence available to them, were changed by the tribunal due to the availability of GP medical records.
- 3.38 DLA is a self-assessment application and relevant medical evidence may not have been included by the claimant with their original application. The Agency has indicated that it will always ask for corroborating medical evidence before a decision is made on DLA entitlement. However, the Northern Ireland Assembly's Social Development Committee has commented that decision-making could be improved and the number of appeals minimised by improving the quality of evidence gathering at the initial claim stage. It has recommended that decision-makers seek and consider evidence from a wider variety of sources before reaching their decisions and make better use of medical records.
- 3.39 The Chairman of the Northern Ireland General Practitioners' Committee told us that it is extremely inconvenient for GP practices to send a patient's medical record for appeal hearings. He also commented that many of the records are computerised and not easily understood by lay people and GPs feel that the confidentiality of the personal information contained in the records cannot be guaranteed when sent to a third party. In his view, the DLA appeals process puts considerable administrative strain on GP practices that are already over-stretched and the time taken for this process means that other patient needs receive less attention from practice staff. The Department pointed out that there is no legislative requirement for GP records to be requested for a tribunal hearing.

Number of DLA appeals hearings allocated per session

- 3.40 In our 2005 report we noted that most tribunal panels in the Omagh region heard three DLA cases per session compared with two DLA cases in the Belfast region. Currently three DLA cases are heard per session in Omagh and Belfast. However, in GB four hearings are listed per session.
- 3.41 In October 2005 the President and the Appeals Service developed and agreed listing instructions to determine the number of DLA hearings to list per panel, considering the complex nature of the individual hearings. The Appeals Service told us that the difference in case loading between Northern Ireland and GB can be explained by the time taken in Northern Ireland to review GP medical records which are not requested in GB.
- 3.42 The President believes that the current practice of listing three DLA appeal hearings per session is necessary for the tribunal panel to carefully consider each case.

Availability of tribunal members

- 3.43 Members appointed to tribunals may on occasions cancel their availability after the hearing date has been set. In 2006-07, 37 per cent of postponed hearings were postponed for this reason, falling to 25 per cent in 2007-08. The Appeals Service monitors cancellation data and provides this information to the President of Appeal Tribunals for resolution.

Short sessions

- 3.44 The Appeals Service monitors the number of cases covered within hearing sessions and the length of sessions. Where sessions finish before the scheduled time – for example, due to adjournments or hearings being completed within the allocated time – time may be available for tribunal members to review paper cases which do not require attendance of the appellant.
- 3.45 The President told us that fee-paid members of tribunals are highly motivated and responsible members of the judiciary who carry out invaluable work which extends far beyond the time spent at tribunal hearings. For example, preparation time alone for listed appeals is about three hours for one half day session and in complicated appeals it can be much longer. The President also told us that:
- legal members also deal with postponements and other applications by telephone before the day of the hearing;
 - all members are requested to attend hearings in advance of the commencement time for the first hearing to deal with supervision of medical records and other preliminary listing and evidential matters;
 - after each hearing, the legal member is required to agree the summary decision and or adjournment details with other members of the panel and complete the

Part Three: Setting Targets, Monitoring and Reporting Performance

requisite decision and further directions as required;

- the legal member is required to provide a detailed record of the evidence considered and, or full reasons for the decision if requested by either of the parties to the appeal; and
- in concluded appeals, there are applications for setting aside decisions, leave to appeal and applications for corrections, which are dealt with for the most part by members in their own offices or homes.

3.46 Tribunal members do not have a contract of employment. However, terms and conditions of appointment for panel members include the required qualifications and experience, the tenure of appointment and the number of sessions panel members must commit to attend. For example, a legally qualified member is required to give a commitment to sit a minimum of 56 sessions per year. The Department is responsible for determining and paying the fees and allowances of panel members. Fees are paid on a sessional basis and include all work in connection with determining an appeal. Tribunal members' fee rates are set out in **Appendix 7**. The Senior Salaries Review Body has carried out a consultation on tribunal judiciary remuneration in England and Wales. The Review Body has not yet reported on the outcome of the consultation.

3.47 The Department told us that it has always advocated the need for a balance between preparing a statement of reasons,

which involves only the chairman, and progressing paper cases, which involves the whole panel.

Special Hearings

3.48 Where a tribunal panel interacts with an appellant or invests time in a case that is subsequently adjourned, the tribunal panel may classify it as a 'special' case, requiring the re-arranged tribunal to be heard by the same three panel members. With this classification, there can be considerable delay due to difficulties re-arranging a hearing with the same panel members.

3.49 Following discussions between the Appeals Service and the President, new guidance was developed and issued to staff in October 2006, accompanied by training. This has resulted in a reduction in the number of DLA adjourned hearings classified as 'special' from 50 per cent in 2006-07 to 20 per cent in 2007-08.

3.50 The Appeals Service monitors the impact of initiatives which have been introduced on the DLA appeals hearing process. This is discussed regularly with the President's Office.

3.51 We welcome the efforts made by the Appeals Service to improve the service to appellants and the continued discussions with the President. We recommend that the effectiveness of each of the initiatives is monitored and current practices are regularly reviewed to ensure the tribunal process delivers value for money.

Figure 18: Case Example**Hearing times exceeding targets**

The Agency sent Appellant C's submission to the Appeals Service on 23 May 2006. The submission was received and registered on 25 May 2006.

The case was arranged to be heard by a tribunal on 20 November 2006. The case was adjourned as the requested GP medical records had not been received. The case was re-listed for 22 March 2007 as a special hearing because the tribunal panel had invested time and spoken with the appellant.

The re-arranged hearing was postponed because a panel member could not attend. The case was re-scheduled for 4 July 2007 when it was again adjourned to enable the Appeals Service to make a final attempt to obtain GP medical records.

Due to the length of time taken for the case, the Appeals Service applied to the President to allow the case to be heard in front of a new panel but, on 20 July 2007, was informed that the case must remain as a special case.

The Appeals Service requested GP medical records again on 22 November 2007. In response to this request the GP Surgery phoned to say its policy was now to release the medical notes to the patient only, to ensure the notes did not get lost in the postal system.

The case was re-arranged for hearing on 6 December 2007 but was again postponed because a panel member was unable to attend.

The case was re-listed and heard on 15 January 2008.

Time to first hearing: 180 days (target 70 days)
Time to clearance: 601 days (target 126 days)

The cost of the end-to-end process is not measured

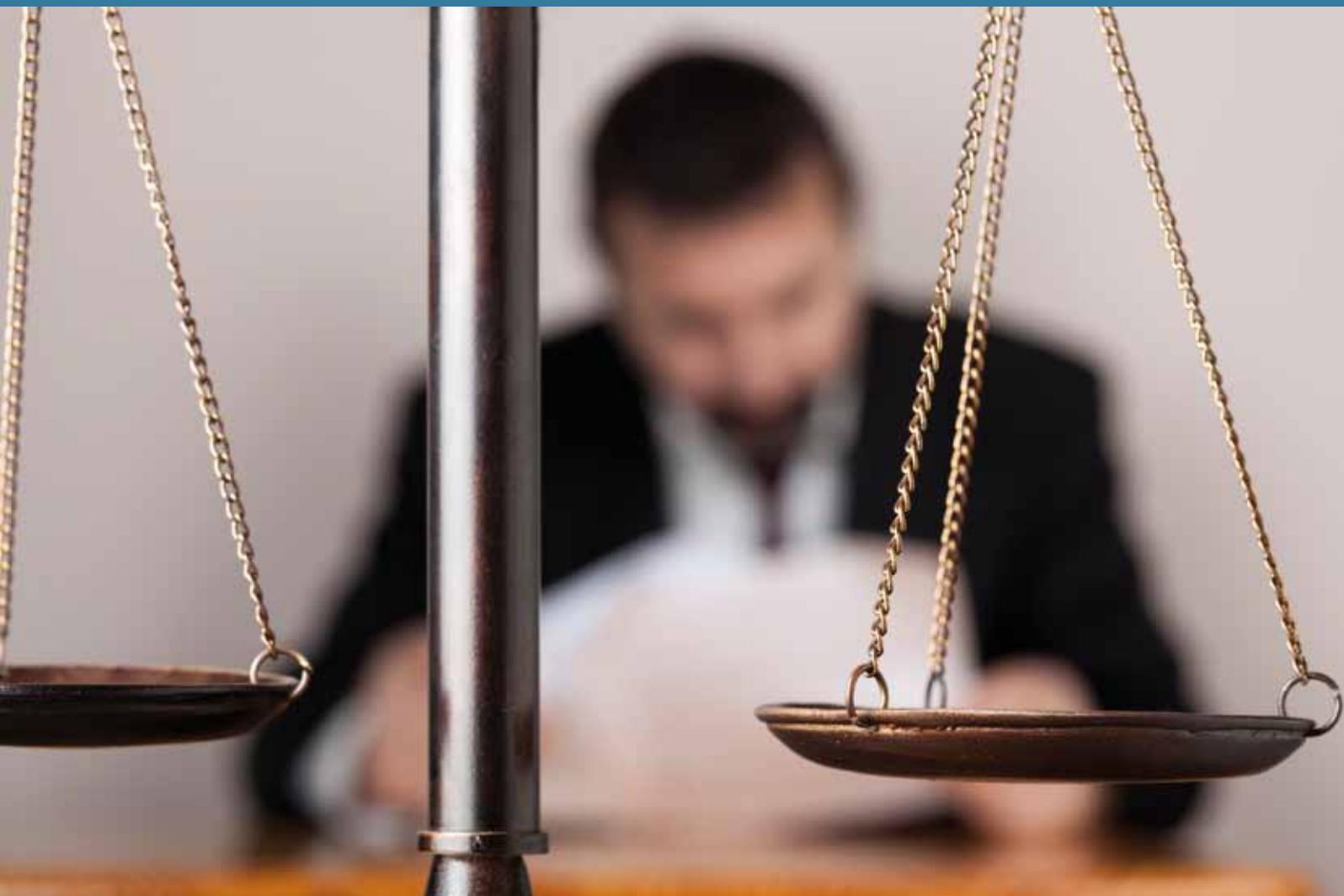
3.52 DLA decisions which are taken to appeal not only increase the length of time that claimants must wait for a final decision on their eligibility, they also add considerably to the administrative expense involved in delivering the DLA service. Both of these aspects need to be managed effectively to provide a quality service to the appellant.

3.53 The costs incurred for DLA appeals in 2007-08 were:

- £1.5 million for the Agency;
- £1.3 million for the Appeals Service; and
- £1.3 million for costs of tribunal panel members.

The costs of the President of Appeal Tribunals cannot be analysed to attribute specific costs of DLA appeals.

Annexes



Annex One:

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Fax Number: 028 9051 8543
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Mr John Dowdall CB
Comptroller & Auditor General
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20 February 2009

Dear Mr Dowdall,

The Administration and Management of the Disability Living Allowance Reconsideration and Appeals Process

Thank you for your letter of February 6th with enclosures.

I would make the following comments on the report. All the issues have been raised either in discussions, or in writing, with your officials.

In my view, there is a fundamental defect in the report as a whole with regard to Disability Living Allowance appeal procedures. It fails to address the issue of judicial independence as analysed in the Review of Tribunals by Sir Andrew Leggatt, *Tribunals for Users, One System, One Service* (HMSO) 2001. The recommendations of the report were incorporated into a White Paper published in 2004- *Transforming Public Services: Complaints, Redress and Tribunals 2004 Cm 6243*. Legislation was introduced in Great Britain in 2007.

Sir Andrew Leggatt noted that it was fundamentally unsatisfactory for an appeal tribunal to be administered by one of the parties to the appeal. I have explained in my earlier comments that such a legal framework leads to a conflict of interest. The Department for Social Development is a party to every appeal, but it is also responsible for tribunal administration.

Service Level Agreements

An illustration of how the report fails to address this issue is the key finding at paragraph 10 that there is a satisfactory Service Level Agreement between the Appeal Service and the Department. That agreement is not satisfactory as it preserves the Department's right to decide how long it will allow itself to provide a written submission to the Appeals Service. The Appeals Service has no input into how long that period is and, in any case, as it is not aware that an appeal has been made until the submission is received, it has no way of monitoring such delays. Furthermore, there is no consultation on the time taken by the Appeals Service to list an appeal. Thus, the Service Level Agreement simply preserves the current unsatisfactory arrangements whereby neither the Department nor the Appeals Service is accountable to the public or the Appeal Tribunal for the time taken to prepare and list appeals.

Advising the Appeal Tribunal When an Appeal is Made

I emphasised to your officials that it is imperative that the Appeal Tribunal is advised as soon as an appeal is made. Although this is mentioned in the report, it is not a key finding. The Committee for Social Development has accepted my recommendation that this should be done. It would enable the Appeal Tribunal and the Appeals Service to monitor the time taken by the Department to prepare appeal submissions.

Presenting Officers

It is essential that appellants and tribunals are assisted in appeals by Departmental officials. That is reflected in the need for written submissions of a high standard and the need for presenting officers to attend. It was accepted in an Audit Commission report in 2005 that such officers were essential. The Department did not comply with that recommendation and it has now been reduced to a recommendation that there should be an agreement with my office on how to optimise attendance. Attendance by such officers may make it possible to agree a benefit decision with many appellants who attend hearings without the need for a tribunal hearing. It will also give officers a better understanding of the appeal system. In most cases, for example, an officer making a decision will not have seen the appellant, or heard his account of his or her problems. The additional understanding of an appeal through doing so is invaluable.

End to End Targets

There was discussion at length about end to end targets for the appeal process and the need for "joined up government" as stated in the key finding at paragraph 19. The use of that expression underlines the failure of officials to understand the judicial nature of the appeal system. Tribunals are not part of government. On the contrary, it is a fundamental

Annex One:

point of principle that judicial bodies must be completely independent of government. It is for this reason that it is essential that it is the tribunal itself which should control the speed at which cases are disposed of when an appeal is made. This is in effect what happens in the civil courts where the Court Rules and the judges dictate the various time limits for the disposal of court business.

What a member of the public is entitled to expect is clear information about how long he, or she, must wait for the first hearing of the appeal. In most cases, that is when the appeal will be finalised. In cases which must be adjourned or postponed for any reason, the important factor is the date of the next hearing. The time taken to relist the appeal will of course vary depending on the reasons and purpose of the postponement or adjournment. The parties must be given a reasonable time to obtain or prepare additional evidence. Targets cannot be set for the tribunal to finally dispose of adjourned cases as this would interfere with its judicial independence. This difficulty was recognised by the Department in its initial comments on the draft report. The Department is, of course, in an equivocal position. It does have an interest, as a party, in the overall time within which appeals are normally cleared. On the other hand, as it is currently responsible for providing appeal papers and for the administration of appeals, it has control over a very significant part of the time taken to clear an appeal. I have alluded to this problem above.

There should be robust administrative targets for the typing and distribution of adjourned decisions, follow up action with the parties to obtain the additional information required, and arranging a new hearing when the case is ready to be relisted.

Dispute Resolution Pilot in Great Britain

This pilot is not yet concluded.

Transfer of Responsibility for the Administration of Appeals

Responsibility for the administration of tribunals will transfer to the Northern Court Service in the near future on an agency basis. Funding, however, will remain the responsibility of the Department for Social Development until tribunal reforms are introduced following the devolution of justice. It is reasonable, in my view, for the Department to take into account, in exercising its responsibilities, the principles of the reform programme. You will be aware of the parity obligation with regard to social security matters in section 86 of the Northern Ireland Act 1998.

Yours sincerely,

C G MACLYNN

Annex Two:

Department for Social Development: Inclusion of President's letter as an Annex in report – response to inaccuracies contained within the letter

Paragraph on Service Level Agreement.

The existing Service Level Agreement between The Appeals Service and the Agency sets out our clear roles and responsibilities and the introduction stipulates "This agreement sets out how the Social Security Agency and The Appeals Service will work together in the interests of the **customer** to improve the end-to-end appeals process." The Service Level Agreement is reviewed annually to ensure that it remains fit for purpose.

The assertion within the President of Appeal Tribunal's letter which states that "... *neither the Department nor the Appeals Service is accountable to the public or the Appeal Tribunal for the time taken to prepare and list appeals*" is therefore incorrect. The Audit Office have acknowledged at paragraph 3.19 of the report that the Agency publishes information on the average time taken to prepare appeal submissions. The accuracy of appeals and case clearance is reported in the 'Social Security Agency Annual Report on Decision Making and Case Accuracy', which following approval by Minister, is laid before the Assembly each year.

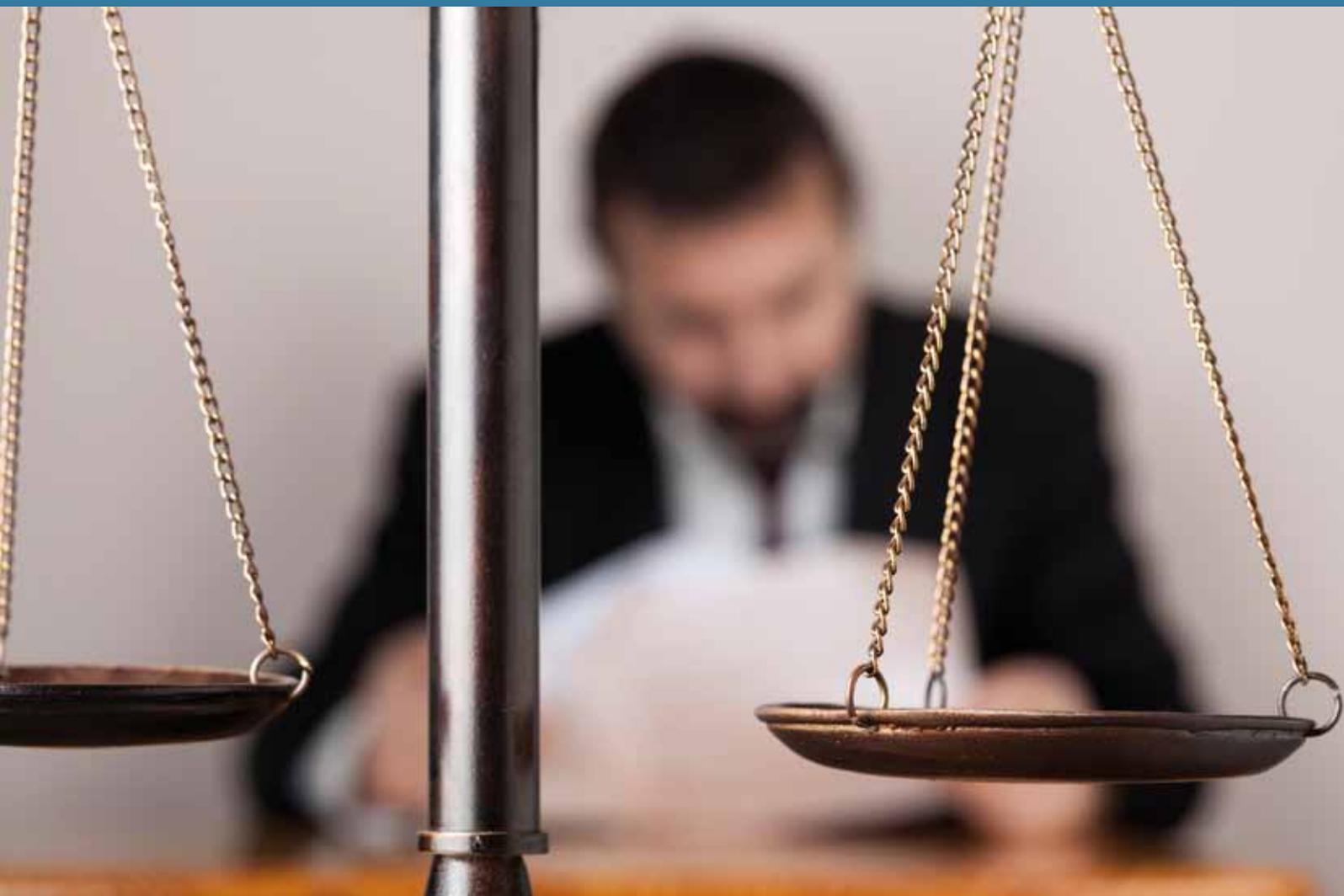
Paragraph on advising the Appeal Tribunal when an appeal is made.

This paragraph refers to "the Appeal Tribunal" and the need for this Tribunal to be informed as soon as an appeal is made. There is no single Appeal Tribunal, across the province there are approximately 115 independent Appeal Tribunals sitting in any given week and each appeal is allocated to one of these Tribunals at the point when the appeal is ready to be heard. The number of tribunals and the jurisdiction and location of each tribunal is determined on a monthly basis depending on the volume and type of appeals held and/or expected. It would therefore be impossible to inform the Appeal Tribunal at the point where an appeal is lodged as the Appeal Tribunal would not be established at that time.

Paragraph on Presenting Officers.

This paragraph also makes inaccurate reference to an "Audit Commission report in 2005". The Agency and the Audit Office understand that the report referred to is actually the NIAO 2005 report on Decision Making and Disability Living Allowance. While this report did examine issues about attendance levels it did not contain a specific recommendation about levels of attendance necessary at appeal tribunal hearings. It is erroneous to suggest that the Department has not complied with a recommendation in relation to this.

Appendices:



Appendix One: (paragraph 1.1)

Summary of the Main Features of Disability Living Allowance

Summary

Disability Living Allowance is a tax-free benefit paid to people who are under age 65 and need help with personal care, getting around, or both because of an illness or disability. The rate payable depends on the care and mobility requirements.

Who is entitled?

Claimants may be entitled if:

- because of illness or disability, they have developed care and/or mobility needs before the age of 65 and claim before then; or
- they have needed help with personal care or getting around for the last three months and the need is expected to exist for at least a further six months. A claim may be expressly made because of terminal illness and where a person is unlikely to live longer than six months. This rule applies to all customers, including babies under 3 months old; or
- they use a kidney machine at home or in a self-care unit two or more times per week.

How long is it paid for?

For as long as the qualifying conditions are satisfied. Awards may be for a limited period or for an indefinite period.

Rates of Disability Living Allowance

Rate (£)	2006-2007	2007-2008	2008-2009
Care component - high rate	62.25	64.50	67.00
Care component - middle rate	41.65	43.15	44.85
Care component - low rate	16.50	17.10	17.75
Mobility component - high rate	43.45	45.00	46.75
Mobility component - low rate	16.50	17.10	17.75

Disability Living Allowance has two components to help with the extra costs which arise as a result of illness or disability and the help that is needed. The rate payable depends on how much care is needed (care component) and the amount of difficulty in getting around (mobility component).

The care component is awarded if help is needed with personal care. There are three rates depending on the amount of care needed.

To qualify for the highest rate of care component the customer must be so severely disabled physically or mentally that they require, throughout the day, frequent attention from another person in connection with their bodily functions, or need continual supervision from another person to prevent substantial danger to themselves or others, **and** at night they need prolonged or repeated attention from another person in connection with their bodily functions, **or** they need another person to be awake for a prolonged period or at frequent intervals to watch over them in order to avoid substantial danger to themselves.

To qualify for middle rate care component the person must have these needs by day only or night only.

To qualify for the lowest rate care component the customer must be so severely disabled physically or mentally that they require attention from another person for a significant portion of the day in connection with their bodily functions, or be unable to prepare a cooked meal for themselves, even if they have ingredients (this only applies to people over the age of 16).

People can qualify for the care component if they use a kidney machine at home or in a self-care unit two or more times per week.

Special rules apply for those who are terminally ill (i.e. you have a life expectancy of less than six months). In this situation they will qualify for the highest rate of the care component straight away without the need to serve a qualifying period and regardless of any care needs.

The higher rate mobility component is payable if the person:

- cannot walk at all; or
- is virtually unable to walk; or
- has had both legs amputated at or above the ankle, or was born without legs or feet; or
- is both deaf and blind and needs someone with them when outdoors; or
- is severely mentally impaired with severe behavioural problems and is receiving the highest rate of care component.

The lower rate is payable if the person can walk but is unable to do so out of doors unless someone is with them.

Other information

Claims for Disability Living Allowance include a section for the claimant's assessment of how their illness or disability affects them. A minority of customers who complete the self assessment questionnaire will be asked to undergo a medical examination.

Appendix Two: (paragraphs 1.6 and 3.14)

DLA reconsiderations and appeals process

Reconsideration by the Agency of the DLA decision

Claimants may request a reconsideration of DLA decision made by the Agency. The decision is reviewed by a different decision-maker who will consider any additional evidence supplied by the claimant or requested by the Department. The determination of the decision is issued to the claimant. The Agency has a target to complete reconsiderations within 40 days.

APPEAL

Preparation of the Appeals Submission by the Agency

On receipt of a valid appeal from the claimant, an appeals submission is written outlining the evidence used, including case law and case studies, in reaching the DLA decision. At this time the appeal writer will review/reconsider the decision being appealed against. If he feels it is incorrect he will change the decision and if that is in the appellant's favour, the appeal will be treated as lapsed. The submission, including copies of all relevant documentation, is passed to The Appeals Service. The Agency has a target to forward the appeal submission to the Appeals Service within 40 days of receipt of the appeal.

APPEAL

Arrangement of Tribunal by the Appeals Service

The Appeals Service arranges the tribunal hearing, requests General Practitioner (GP) records at the request of the President of Appeal Tribunals, provides administrative support for the hearing, where necessary arranges to have a record of proceedings and a statement of reasons for the tribunal decision completed by the tribunal chairman and issues the decision to the parties involved. Appeal hearings are arranged at 18 centres in Northern Ireland. The Appeals Service has a target to arrange the first hearing within 10 weeks of receipt of the submission from the Agency.

APPEAL

Tribunal Hearing

The decision making function of the appeal tribunal is independent of the Department and the Agency. An appeal tribunal is an independent judicial body. It is bound to provide a fair hearing as required by Article 6 of the Human Rights Act and obligated to provide reasoned decisions.

For DLA appeals, the tribunal comprises a legally qualified member, a medically qualified member and a health care professional or other member who has experience of dealing with the needs of disabled people or who themselves is disabled.



APPEAL

The Social Security Commissioners and Child Support Commissioners

The Social Security Commissioners are the specialised members of the judiciary appointed to hear and determine appeals on points of law from Appeal Tribunals under the Social Security and Child Support legislation. The Commissioners are independent of the Department, the Agency and the Appeal Tribunals who hear the initial appeals by claimants. In 2007-08 the Commissioners dealt with 225 applications, of which 111 related to DLA.

Appendix Three: (paragraphs 1.17 and 3.19)

NIAO Sample Analysis

To gain an understanding of the administration and management of the appeals processes and provide case examples to illustrate the processing of appeals, we reviewed a selection of individual reconsideration and appeal cases. The number of cases examined covered the range of stages of the appeal process but was not aimed at drawing statistical inferences on the total population of appeals. The review aimed to identify the period of time taken to process reconsiderations and appeals in the cases selected and analysis of the data also provided information on the range of times taken to process these cases.

The cases were selected from the Agency's and the Appeal Service's databases to include the various stages of the process - reconsiderations; preparation of appeal submissions; from submission of appeal to the Appeal Service to the arrangement of first hearing; from submission of appeal to the Appeal Service to clearance. We also examined a number of appeals that were withdrawn prior to tribunal hearing.

A sample of 75 cases was selected from data provided by the Agency and the Appeals Service as follows:

- Reconsiderations: 11 cases
- Appeals submitted to the Appeals Service: 25 cases
- Appeal hearings arranged: 26 cases
- Withdrawn appeals: 13 cases

The results of the review of processing times is summarised as follows:

	Shortest	Target	Sample Average	Longest
Reconsideration	2 days	40 days	52.35 days	165 days
Submission to The Appeals Service	6 days	40 days	38.79 days	252 days
Time to 1st hearing	6.4 weeks	10 weeks	11.98 weeks	25.7 weeks
Time to clearance	6.4 weeks	18 weeks	25.04 weeks	85.9 weeks

Appendix Four: (paragraphs 1.17 and 2.5)

Northern Ireland Assembly Committee for Social Development Report on Administration of Disability Living Allowance (2 October 2008, 11/08/09R)

Recommendations

1. The Committee recommends that the Department implements a robust, efficient and cost effective system to collect data on disallowances/unsuccessful applicants who enter into the disputes process.
 2. The Committee recommends that the Department consults widely with its customers; advice bodies; general practitioners; health visitors; Decision-Makers etc. to ascertain their views on how the current Disability Living Allowance claim form could be improved.
 3. The Committee recommends that the Department implements a robust, efficient and cost effective system to collect data on all further evidence sought by Decision-Makers, to allow proper monitoring and analysis.
 4. The Committee recommends that the clearance time targets for those cases that require particular types of evidence, or further evidence, should be redefined to ensure that decisions are **both** timely and correct.
 5. The Committee recommends that the Department, in consultation with general practitioners, the advice sector and other relevant stakeholders, considers the issue of general practitioner reports, including standards of completion; relevance of questions; the amount of reliance placed on the reports by Decision-Makers; and the fee paid for completion.
 6. The Committee recommends that the Department carries out a survey of all Disability Living Allowance claimants who have undergone a medical assessment, to seek their views and establish a level of satisfaction.
 7. The Committee recommends that claimants are notified of the identity of the Examining Medical Practitioner in their appointment letter.
 8. The Committee recommends that the Department examines whether claimants in similar circumstances or with similar needs are treated equitably in terms of periods of awards.
 9. The Committee recommends that the Department appoints a senior official, with adjudication expertise, to oversee all Departmental decision-making.
 10. The Committee recommends that in reconsideration cases, the Department revises its procedures to allow a second request for an appeal to be processed within the same timeframe as the first appeal, had the decision not been reconsidered.
 11. The Committee recommends that Decision-Makers seek and consider evidence from a wider variety of sources before reaching their decisions, and make better use of medical records.
 12. The Committee recommends that Presenting Officers are present at every appeal tribunal hearing.
 13. The Committee recommends that the Department supplies the President of Appeal Tribunals Northern Ireland, with all relevant information to allow him to have independent oversight of the entire appeal process. In particular, the President should be supplied with timely information on appeals made.
-

Appendix Five: (paragraph 2.15)

Measures implemented by the Agency to improve the decision-making process

- **Presenting Officer's Feedback (Tidies)**

Database – developed in April 2007 listing overturned DLA decisions and documents the Presenting Officer's opinion regarding reasons why they feel the tribunal overturned the decision.

- **Quality Council** – DLA Quality Council headed by the senior manager in Disability and Carers Service and including key stakeholders from other areas, e.g. Standards Assurance Unit and Medical Services. Its function is to analyse information on quality and to continually develop and implement initiatives locally to improve decision making standards.

- **Dedicated Contact Points** – established in the Appeals Writing Decision Making Branch for use by the appellants' representatives.

- **Quarterly Forum with the Representatives** – Disability and Carers Service also have formal engagement arrangements in place with the Voluntary Sector in the form of a forum, which meets quarterly, to enable concerns regarding the administration of DLA, including appeals, to be discussed. Membership of this forum consists of representatives of Citizens Advice Bureaux, Advice NI, The Law Centre and Disability Action.

- **Education Seminars** – Disability Education Awareness seminars are presented by Senior Medical Officers on topics that cause difficulty for decision makers such as Traumatic Brain Injury and Fibromyalgia.

- **Feedback Database** – When the Appeals

Writer or reconsideration decision maker disagrees with determination of the decision maker he refers it to the Senior Adjudication Officer for a second opinion and referred back to the Decision Maker's Line Manager for review. These returns are closely monitored to identify common problems or trends and can lead to specific training seminars.

- **Standard Assurance Unit** – issues monthly reports. Upon receipt all errors are analysed and feedback provided to the individual Decision Maker and their manager. If common trends or errors are identified the appropriate remedial action is taken in the form of bulletins or additional training if deemed appropriate.
- **Weekly Team Time** – lasts for 1 hour and this provides an opportunity for staff and managers to discuss quality issues on a regular basis.
- **Monitoring of Complaints** – all complaints are monitored and lessons learned discussed at weekly team-time meetings.
- **Standards Committee Annual Meeting** – the Chairman of the Standards Committee meets with representative staff and direct feedback is provided to them regarding decision making standards.

Appendix Six: (paragraph 2.30, Figure 5)

Delays in the President's Annual Report

The President told us that the delay in the reports is largely governed by the delay in the final clearance of appeals, and improvement in clearance times will lead to quicker analysis of the tribunal decisions on which the report is based. Cases are selected for monitoring at appeal registration stage and are tracked through to final hearing where a monitoring form is completed by the part-time legal member of the tribunal.

He added that the position in GB is different as there are 69 full-time members of the Appeal Tribunal and due to the volume of appeals, there are over 300,000, it is possible to do statistically valid one day surveys of decision making standards using reports of full-time legal members.

Accordingly this is not an option in Northern Ireland where there is one full time member and the number of appeals is considerably fewer. He told us that it is not possible to examine statistically accurate numbers of appeals in one day.

Appendix Seven: (paragraphs 2.51 and 3.46)

Tribunal Members, Fees and Hearing Locations

Tribunal Members

There are currently:

- 45 legal members of whom 42 are trained for DLA hearings;
- 75 General Practitioners of whom 69 are trained for DLA hearings;
- 25 Consultants of whom 2 are trained for DLA hearings; and
- 54 third panel members aware of the needs of people with disabilities.

The Appeals Service has worked with panel members and developed processes for gaining additional availability to cover cancellations and unexpected peaks in tribunal workload.

FEES (£) (effective from 1 April 2008)

Panel Member	per day	per session (up to 3 ¹ / ₂ hours)	excess hourly rate	interlocutory work (3 ¹ / ₂ hours)	per appraisal
Legal	401.00	200.50	57.30	200.50	
Medical					
no medical examination required	298.00	149.00	42.50		
medical examination might be required	366.00	183.00	52.30		
Financial	298.00	149.00	42.60		
Disability/Care	189.00	94.50	27.00		
Medical Appraiser					221.50

Where a tribunal/session overruns by more than half an hour, a fee for lengthy attendance will be payable at the excess hourly rate for each additional hour or part thereof from the end of the standard session. No payment is made for overruns of half an hour or less.

Northern Ireland Tribunal Centres

The Appeals Service organises hearings across 18 different locations with two permanent centres, Belfast and Omagh, and 16 meeting periodically as required. In 2007-08 there were 2,813 tribunal sessions arranged and of those, over 56 per cent were held in locations other than Belfast and Omagh.

Armagh	Downpatrick
Banbridge	Enniskillen
Belfast	Londonderry
Ballymena	Limavady
Ballymoney	Magherafelt
Cookstown	Newtownards
Craigavon	Newry
Coleraine	Omagh
Dungannon	Strabane

Great Britain Tribunal Areas, within which there are 130 centres

Birmingham	Newcastle
Cardiff	North West
Glasgow	Nottingham
Leeds	Sutton

Appendix Eight: (paragraph 3.2)

Summary of the progress of the introduction of the 'end-to-end' target for the DLA Appeals Process

27 October 2000	The President of Appeal Tribunals suggests an overall target for appeals listings.
2001	President of Appeal Tribunals produces paper entitled 'Review of Administrative Support Arrangements' including a recommendation to publish an overall target for the clearance of appeals.
5 September 2001	Department for Social Development Permanent Secretary accepts there is merit in considering further the concept of published end-to-end targets for the full appeals process.
January 2002	SSA Chief Executive stresses the need to move positively towards end-to-end targets and paper presented to Agency Management Board reporting that work was ongoing in the Appeals Service to establish an end-to-end target.
January 2003	Paper presented to Agency Management Board on the package of targets and reported that a new end-to-end target was being developed for appeals and the process would be in place by the end of March 2003. The target was to be published in the Agency's Scorecard.
March 2003	Review of the end-to-end appeals process report recommended that an internal end-to-end target be introduced based on the current work processes and the statistical data provided by the Departmental statistician. The preferred target for DLA/Attendance Allowance is 95% of appeals completed in 73 weeks. It was recommended that a common IT system be considered and designed to manage the 'end-to-end' process and relevant targets.
2003-04	Agency Corporate Score reflects the agreed 'end-to-end' target.
2003	A project group was set up to take forward the development of a computerised system to monitor the clearance of appeals for 'end-to-end' proposed.
December 2003	Agency Management Board agrees that targets should be subsumed within operational scorecards.
January 2004	A study into the provision of end-to-end appeals performance monitoring report considers there is a strong business case for the creation of an 'end-to-end' appeals target project.
March 2005	The end-to-end appeals project reported to be progressing well.
October 2005	Stakeholders re-confirm the need for the end-to-end appeals reporting system.
23 December 2005	The implementation of BASIS IT system for the Pensions and District Appeals Offices stage 2, business case and costs. Overall recommendation, complete the project to provide a stable, easily maintained system to increase confidence in the accuracy and consistency of the resulting end-to-end appeals statistics.

9 February 2006	The Appeals Service indicated that it would no longer be supplying 'end-to-end' information.
13 April 2006	Brief position paper notes that the Agency Management Board believed a Ministerial (Public Service Agreement) target was going to be introduced in relation to end-to-end appeals and had initiated the project to introduce an electronic register for monitoring end-to-end appeals.
11 May 2006	The Department decides not to progress with the end-to-end targets.

Source: The Department

Appendix Nine: (paragraph 3.25)

The Appeals Process in GB

In GB, an appeal against a DLA decision is forwarded by the Department for Work and Pensions (DWP) to the Tribunals Service, an Agency of the Ministry of Justice. The Tribunals Service comprises two distinct bodies:

- An independent appeal tribunal function to hear appeals, for example on benefit and other decisions made by DWP. The tribunal function is wholly independent of DWP and is headed by the President of Appeal Tribunals; and
 - An Executive Agency, headed by a Chief Executive, which manages and provides support to the appeal tribunals.
-

Appendix Ten: (paragraph 3.27)

Liaison between Northern Ireland and GB on Appeals Processes

The Agency – A senior manager sits on the Business Improvement and Corporate Change Project Board and attends the monthly GB Customer Case Management Checkpoint meetings. The Agency is often asked to participate in GB pilots or is copied into the documentation to maintain a watching brief. The GB pilots are scrutinised and evaluated for suitability in Northern Ireland. This has resulted in the Agency introducing on-line medical guidance for the decision-makers and adopting a new methodology for reviewing their Special rules stock cases. In GB, DWP is currently running a pilot scheme on appeal submissions, with the format of submissions similar to those used in Northern Ireland.

The Appeals Service (NI) – The Appeals Service currently has mechanisms in place, i.e. full access to the procedural guidance within Appeals Service (GB) and regularly reviews procedures against this guidance. Any amendment to the GB guidance is forwarded to the Appeals Service for consideration. Great Britain targets and performance are used in the decision making process for setting targets within Northern Ireland each year and monitored throughout the year. Consideration was given to the GB computer system including site visits during the early stages of the Appeals Service computer project and training material used for staff within Great Britain is considered during the development of training material in Northern Ireland.

The President of Appeal Tribunals – The President of Appeal Tribunals is a member of the Presidents' Steering Group to consider procedures and pilots which affect judicial decisions and panels in GB. He is monitoring the GB pilot for alternative dispute resolutions for DLA and Attendance Allowance cases and awaiting its evaluation to determine if it is suitable for introduction in Northern Ireland.

NIAO Reports 2008 - 2009

Title	HC/NIA No.	Date Published
2008		
Social Security Benefit Fraud and Error	NIA 73/07-08	23 January 2008
Absenteeism in Northern Ireland Councils 2006-07	–	30 January 2008
Electronic Service Delivery within NI Government Departments	NIA 97/07-08	5 March 2008
Northern Ireland Tourist Board – Contract to Manage the Trading Activities of Rural Cottage Holidays Limited	NIA 113/07-08	28 March 2008
Hospitality Association of Northern Ireland: A Case Study in Financial Management and the Public Appointment Process	NIA 117/07-08	15 April 2008
Transforming Emergency Care in Northern Ireland	NIA 126/07-08	23 April 2008
Management of Sickness Absence in the Northern Ireland Civil Service	NIA 132/07-08	22 May 2008
The Exercise by Local Government Auditors of their Functions	–	12 June 2008
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2009

Obesity and Type 2 Diabetes in Northern Ireland	NIA 73/08-09	14 January 2009
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