TACKLING TRIBUNALS

A STUDY OF

ACCESS TO SOCIAL SECURITY TRIBUNALS

IN SCOTLAND

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<thead>
<tr>
<th>Abbreviation</th>
<th>Full Form</th>
</tr>
</thead>
<tbody>
<tr>
<td>DHSS</td>
<td>Department of Health and Social Security</td>
</tr>
<tr>
<td>MAT</td>
<td>Medical Appeal Tribunal</td>
</tr>
<tr>
<td>NILT</td>
<td>National Insurance Local Tribunal</td>
</tr>
<tr>
<td>SBAT</td>
<td>Supplementary Benefit Appeal Tribunal</td>
</tr>
</tbody>
</table>
CHAIRMAN'S PREFACE

Access to justice is equally as important as the quality of justice, and justice can often be made accessible by simple changes in attitude and approach which cost little. Two years ago the Scottish Consumer Council surveyed the facilities in the Sheriff Courts in Scotland. We assessed how well these courts are organised to meet the needs of ordinary members of the public, the lay users who attend as litigants, witnesses, jurors, accused or accompanying friends, and we made recommendations as to how their needs might be met. The results of that survey and our recommendations are published in our report Waiting for Justice. This report repeats the exercise for three kinds of tribunal.

The courts provide a public service, and it is therefore important that ordinary citizens understand how they work and have confidence when using them. But courts are not the only places where citizens seek justice. Over the years governments have set up various administrative tribunals to provide a means of settling disputes in areas where ordinary courts were thought to be inappropriate. Tribunals were intended to be preferable to the ordinary courts on the grounds of speed, cost, accessibility, informality and expertise. This report raises questions as to how successful tribunals have been in achieving such aims.

One of the most important groups of tribunals is concerned with the social security system. Supplementary Benefit Appeal Tribunals (SBATs), National Insurance Local Tribunals (NILTs) and Medical Appeal Tribunals (MATs) deal with questions
concerning the whole system of contributory and non-contributory benefits. The system presently handles 25 million claims for 24 million beneficiaries. Everyone of us is likely to be in receipt of a social security benefit at some time and therefore, potentially at least, to have cause to seek the decision of one of these tribunals.

The Department of Social Administration and Social Work at the University of Glasgow has, on our behalf, conducted a survey of the accommodation used by social security tribunals in Scotland. We also asked the researchers to explore the views of tribunal users. We were interested in their views about the facilities provided and how easy or difficult they had found it to approach the tribunals to put their case.

We thank our researchers for this excellent report and they would like to join us in thanking both the volunteers who undertook the visits to the tribunal premises. We are also grateful to the the Scottish Women's Rural Institute and the Scottish Association of Citizen's Advice Bureaux who put us in contact with the volunteers. (We hope that the volunteers had fewer problems in finding the premises than the appellants interviewed, over a quarter of whom experienced difficulty in finding the tribunal!) We are also grateful to the Department of Health and Social Security who have given us all the necessary co-operation and assistance.

This report is timely. In March 1984 the National Insurance Local Tribunals and the Supplementary Benefit Appeal Tribunals are to be merged into Social Security Appeal Tribunals. We hope that in the reorganisation attendant on this merger
our report will be widely read and the needs of the appellants as well as those of the administration will be taken into account. Our recommendations highlight many ways of improving tribunals so that they are better organised to meet the needs of all the users. There is the question of physical facilities. We recommend ways of making tribunal premises less threatening and more welcoming. In an ideal world all tribunal premises would have proper reception facilities, private interview rooms, pleasant waiting rooms, refreshment provision and so on. However, we recognise that limits on public resources may mean that this is impractical, particularly for premises which are used infrequently and by few people. But there are certain standards which should be met irrespective of budget considerations. Social security tribunals, like all other public services, ought to be fully accessible to disabled people and we believe the best way of ensuring this is to consult disabled people themselves through their organisations.

As far as other facilities are concerned, we realise that a balance may have to be struck between providing premises with all possible facilities and providing an adequate distribution of tribunals throughout the country, particularly in sparsely populated areas. Nevertheless, we urge that when decisions are taken about the location of the new amalgamated Social Security Appeal Tribunals, consideration be given to the need for a certain level of basic facilities. This is particularly important in the busier centres. It may be that the sharing of premises with other tribunals, such as rent tribunals or children's hearings, would be a means of maintaining standards within a limited budget. We believe that this possibility should be fully explored.
The most important want uncovered by our research is in respect of information and advice for appellants. Appellants must be given clear instructions about how to get to the hearing and they should be given a clear idea beforehand of what is going to happen at the hearing so that they can prepare adequately in advance. They should also be given a clear explanation of the points at issue in their case and, where this involves reference to perhaps complex legislation and regulations, it should be accompanied with explanation in plain language. All appellants should also be told, at an early stage, where to obtain advice and help and about the provisions of the Legal Advice and Assistance Scheme. Justice cannot be done if appellants do not understand what is happening and if they are confused and frightened by the appeal process.

We see the work done for this report as part of the investigation by the National Consumer Council, the Northern Ireland Consumer Council, the Welsh Consumer Council and ourselves into the operation of the social security system. Forty years after the Beveridge Report, the system is ripe for review. When measures have been taken to improve provision, we hope there will be fewer appeals and less use made of the tribunals. In the meantime, this is a contribution towards making the present system more responsive.

Esme Walker

January 1984

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FIGURE 1  Location of Social Security Tribunals in Scotland 1983

KEY

* SBAT, NILT and MAT

Δ SBAT and NILT

○ SBAT only

■ NILT only

▲ LERWICK

▲ KIRKWALL

▲ STORNOWAY

▲ ABERDEEN

▲ ELGIN

▲ INNERNESS

▲ WICK

▲ DUNDEE

▲ DUNDEE

▲ STIRLING

▲ FALKIRK

▲ GLASGOW

▲ CUMBERNAULD

▲ GRANGEMOUTH

▲ PHOENIX

▲ MOTHERWELL

▲ HAMILTON

▲ KILMARNOCK

▲ AYR

▲ CAMPBELTOWN

▲ STRANRAER

▲ DUMFRIES

▲ GALASHIELS
INTRODUCTION

Social security tribunals have evolved as part of the machinery of the welfare state to settle disputes concerning entitlement to social security benefits. With the growing number of people who are drawing some form of benefit, these are the type of tribunal with which the ordinary citizen is most likely to come into contact.

Tribunals have generally been favoured in place of courts as a way of settling disputes on account of their "cheapness, accessibility, freedom from technicality, expedition and expert knowledge of their subject".¹ This study examines the facilities and accessibility of social security tribunals in the light of the personal experiences of claimants. In this study "access" is defined as encompassing both physical and social dimensions. In physical terms, the location of the tribunal, and its convenience for public transport and the catchment area served are all important. However, easy physical access is of little use if, having arrived at the tribunal, claimants are unable effectively to exercise their right to appeal owing to ignorance or incomprehension of appeal procedures. Likewise, an initial openness of the appeal system — whereby a

claimant has to do little more than write a letter expressing a desire to appeal - may be of little use if the appellant is later left floundering as the complexities of the appeal process unfold. The question of access, therefore, is closely linked to such wider issues as appellants' comprehension of the tribunal papers, and of the rules and regulations governing the substance of the appeal.
1. **THE TRIBUNAL SYSTEM**

**Types of Tribunal**
At present social security appeals are heard by three different tribunals: Supplementary Benefit Appeal Tribunals (SBATs), National Insurance Local Tribunals (NILTs) and Medical Appeal Tribunals (MATs). One of the themes of this report is to compare and contrast these three tribunals.

SBATs hear appeals against the decisions of local benefit officers with respect to supplementary benefit and family income supplement. From the nineteen thirties, SBATs and their predecessors exercised a large degree of discretion in deciding appeals, but since changes to the supplementary benefit scheme in 1980 they have been much more subject to legislation and regulations.

NILTs hear appeals against the decisions of local insurance officers concerning contributory national insurance benefits (the most important of which are retirement pensions, sickness benefit, invalidity benefit, unemployment benefit and widows' benefits); a range of non-contributory (non-means-tested) benefits which include child benefit, non-contributory invalidity pension, non-contributory retirement pension and invalid care allowance; and non-medical questions relating to industrial disablement benefits. NILTs have always been closely bound by legislation and regulations, and have little scope for discretion.
In March 1984, under the provisions of the Health and Social Services and Social Security Adjudications Act 1983, benefit officers, insurance officers, SBATs and NILTs will be abolished. Their functions will be taken over by adjudication officers and unified Social Security Appeal Tribunals.

MATs hear appeals against the decisions of medical boards on medical questions arising from the industrial injuries scheme and mobility allowance.

The forthcoming reorganisation of the tribunal system means that now is the appropriate time to examine current practice in order to highlight problems of access which it may be possible to avoid or diminish in the new arrangements.

As shown on the map (Figure 1), Scotland is served by a total of 26 SBATs, 24 NILTs and two MATs. Whilst SBATs and NILTs are scattered throughout Scotland (although they are heavily concentrated in the central lowlands), the MATs in Glasgow and Edinburgh serve the whole of Scotland. The catchment area served by each tribunal thus varies from a ten to 60 mile radius in the case of SBATs and NILTs to over 200 miles in the case of MATs.
Participants

The three kinds of tribunals are each composed of three people: a chairman, who - with the exception of SBATs - must be legally qualified, and two other members. In both SBATs and NILTs these other members are lay people. One SBAT member is appointed "from a panel of persons appearing to the Secretary of State to represent work-people" (in practice they are drawn from a panel nominated by the Scottish Trades Union Congress), and the other member is appointed from a panel of people with a "knowledge of local conditions and of the problems of people living on low incomes". NILT members are chosen from a panel representative of employed earners and a panel representative of employers. MAT members, in contrast, are medical consultants selected from a panel nominated by the Royal Colleges of Physicians and Surgeons and university medical departments.

The administration of social security tribunals is in the hands of a tribunal clerk. The clerk is responsible for sending out the tribunal papers to appellants and tribunal members before the hearing, scheduling tribunal sessions, and contacting panel members. He also sits in on tribunal hearings and records their decisions. SBAT administration at the

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1. All chairmen of the new Social Security Appeal Tribunals will have to be legally qualified.
time of research was centralized in the DHSS Edinburgh office. SBAT tribunal clerks were seconded from the DHSS for a period of two to three years and worked a weekly circuit of tribunals covering the whole of Scotland. NILT administration, on the other hand, was organized locally, clerks in local offices taking on tribunal work for a varying length of time. Administration of both SBATs and NILTs is now organized locally.

Hearings are oral, informal and, generally, brief. The tribunal gathers evidence from the two parties to the dispute: on the one hand the presenting officer (SBATs), the insurance officer (NILTs) or the Secretary of State's representative (MATs); and, on the other, the appellant or the appellant's representative. In MATs the appellant also undergoes a medical examination by the medical members of the tribunal. Once the tribunal is satisfied that it has established the facts, the parties withdraw leaving the members alone to deliberate and reach a decision. This is communicated to the appellant by post a few days or sometimes weeks later. It is the practice of some NILTs, however, to inform the appellant of their decision immediately after the hearing.

**Case Loads**

During 1981 SBATs in Scotland heard 6,797 cases, NILTs 4,969 cases and MATs 2,027 cases, a total of 13,520 and a marked increase on previous years: (Table 1).
TABLE 1

<table>
<thead>
<tr>
<th></th>
<th>1979</th>
<th>1980</th>
<th>1981</th>
</tr>
</thead>
<tbody>
<tr>
<td>Supplementary Benefit Appeal Tribunals</td>
<td>4,335</td>
<td>5,033</td>
<td>6,797</td>
</tr>
<tr>
<td>National Insurance Local Tribunals</td>
<td>4,518</td>
<td>4,840</td>
<td>4,696</td>
</tr>
<tr>
<td>Medical Appeal Tribunals</td>
<td>1,452</td>
<td>1,559</td>
<td>1,474</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td>10,305</td>
<td>11,432</td>
<td>13,520</td>
</tr>
</tbody>
</table>


This case load, however, is distributed very unevenly between tribunals. A breakdown of supplementary benefit appeals during the six months from January to June 1983 shows the wide variation in case loads (see Table 2).

The Glasgow SBAT clearly stands out as by far and away the busiest, a fact which needs to be borne in mind when assessing facilities. The NILT case load is likewise heavily weighted towards tribunals in the main population centres. The precise distribution of NILT appeals, however, is more difficult to determine as this information is held by over twenty local clerks, unlike SBAT appeals about which at the time of the research information was centralized in Edinburgh. MATs are also extremely busy as only two tribunals hear 2,000 appeals a year; sessions averaged three per week in Glasgow and two per week in Edinburgh in 1981.
<table>
<thead>
<tr>
<th>Tribunal Location</th>
<th>Approximate No. of Appeals Heard</th>
<th>Number of Sessions</th>
<th>Average No. of Sessions per week</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glasgow</td>
<td>1,705</td>
<td>341</td>
<td>13</td>
</tr>
<tr>
<td>Edinburgh</td>
<td>620</td>
<td>124</td>
<td>5</td>
</tr>
<tr>
<td>Dundee</td>
<td>365</td>
<td>73</td>
<td>3</td>
</tr>
<tr>
<td>Motherwell</td>
<td>355</td>
<td>71</td>
<td>3</td>
</tr>
<tr>
<td>Hamilton</td>
<td>270</td>
<td>54</td>
<td>2</td>
</tr>
<tr>
<td>Kilmarnock</td>
<td>185</td>
<td>37</td>
<td>1</td>
</tr>
<tr>
<td>Ayr</td>
<td>180</td>
<td>36</td>
<td>1</td>
</tr>
<tr>
<td>Aberdeen</td>
<td>160</td>
<td>32</td>
<td>1</td>
</tr>
<tr>
<td>Stirling</td>
<td>140</td>
<td>28</td>
<td>1</td>
</tr>
<tr>
<td>Dunfermline</td>
<td>105</td>
<td>21</td>
<td>1</td>
</tr>
<tr>
<td>Kirkcaldy</td>
<td>100</td>
<td>20</td>
<td>1</td>
</tr>
<tr>
<td>Falkirk</td>
<td>90</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>Inverness</td>
<td>90</td>
<td>18</td>
<td>1</td>
</tr>
<tr>
<td>Dumfries</td>
<td>65</td>
<td>13</td>
<td>1</td>
</tr>
<tr>
<td>Galashiels</td>
<td>55</td>
<td>11</td>
<td>1</td>
</tr>
<tr>
<td>Wick</td>
<td>50</td>
<td>10</td>
<td>0.4</td>
</tr>
<tr>
<td>Stornoway</td>
<td>40</td>
<td>17</td>
<td>0.3</td>
</tr>
<tr>
<td>Elgin</td>
<td>25</td>
<td>5</td>
<td>0.2</td>
</tr>
<tr>
<td>Campbeltown</td>
<td>25</td>
<td>5</td>
<td>0.2</td>
</tr>
<tr>
<td>Glenrothes³</td>
<td>20</td>
<td>4</td>
<td>0.2</td>
</tr>
<tr>
<td>Oban</td>
<td>15</td>
<td>3</td>
<td>0.1</td>
</tr>
<tr>
<td>Kirkwall</td>
<td>15</td>
<td>3</td>
<td>0.1</td>
</tr>
<tr>
<td>Stranraer</td>
<td>15</td>
<td>3</td>
<td>0.1</td>
</tr>
<tr>
<td>Lerwick</td>
<td>10</td>
<td>2</td>
<td>0.08</td>
</tr>
</tbody>
</table>

Paisley⁴ no data available

Greenock⁴ no data available

Source: Information from DHSS Central Office for Scotland.

1. Each session normally hears from four to six appeals. The number of appeals has been estimated by multiplying the number of sessions by five.

2. A session is a morning or afternoon sitting, generally of two to three hours' duration.

3. Glenrothes only started functioning at the end of March 1983 so the figures are for a three month period.

4. As the first stage in the decentralization of SBATs, administration of supplementary benefit appeals in Renfrewshire (which includes Paisley and Greenock) had been transferred from the Central Office in Edinburgh to local offices.
2. THE SURVEYS AND SAMPLE OF APPELLANTS

Fieldwork
The fieldwork for this study was carried out during January and February 1983 and consisted of two parts. First, there was a survey of tribunal premises to find out about ease of access and to assess the provision of facilities, which in most cases was undertaken by volunteers from Citizen's Advice Bureaux and the Scottish Women's Rural Institutes. Second, short interviews were conducted by Diana Kay and John English with appellants at selected tribunals immediately after the hearing.¹ In total 40 supplementary benefit appellants, 40 national insurance appellants and 30 medical appeal appellants were interviewed (see Table 3).

| TABLE 3 |

Interview Locations and Numbers Interviewed by Type of Tribunal

<table>
<thead>
<tr>
<th></th>
<th>SBATs</th>
<th>NILTs</th>
<th>MATs</th>
</tr>
</thead>
<tbody>
<tr>
<td>Glasgow</td>
<td>13</td>
<td>4</td>
<td>17</td>
</tr>
<tr>
<td>Edinburgh</td>
<td>10</td>
<td>4</td>
<td>13</td>
</tr>
<tr>
<td>Aberdeen</td>
<td>2</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Ayr</td>
<td>5</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Coatbridge</td>
<td>3</td>
<td>4</td>
<td></td>
</tr>
<tr>
<td>Dundee</td>
<td>3</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Dunfermline</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Elgin</td>
<td>1</td>
<td>6</td>
<td></td>
</tr>
<tr>
<td>Falkirk</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Greenock</td>
<td>1</td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>Inverness</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Kirkcaldy</td>
<td>1</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Motherwell</td>
<td>3</td>
<td>5</td>
<td></td>
</tr>
<tr>
<td>Paisley</td>
<td>2</td>
<td></td>
<td>3</td>
</tr>
<tr>
<td>Stirling</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

TOTAL 40 40 30

1. Copies of the questionnaire can be obtained from the Department of Social Administration and Social Work, University of Glasgow.
Interviews took place at nine SBATs (35% of the total), 12 NILTs (50% of total) and at both MATs. Appellants were asked to retrace the steps of their appeal, from finding out about the right to appeal to their attendance at the hearing, and to relate their experiences of the appeal process. Through these personal case histories, we aimed to identify what obstacles and/or encouragement appellants had encountered.

In selecting interview locations, an attempt was made as far as possible to obtain a geographical spread between rural and urban areas. However, whilst it was comparatively easy to pick up interviews in the central belt of Scotland, the infrequency of hearings in more outlying areas combined with the journey involved in our getting to the tribunal, mean that rural tribunals are under-represented in the study. A second difficulty related to the low attendance rate at SBATs and NILTs - only about 50% of appellants turned up for the hearing. This made for a great deal of wasted time on our part waiting for appellants who did not materialise. Medical appeals, by contrast, are well attended.

Whilst the interview sample is restricted to those appellants who attended the hearing, non-attenders raise important questions about access to tribunals which will be touched upon in this study.
Appellants

The users of social security tribunals are predominantly male, nearly three-quarters of our sample being men. This reflects the way in which the social security system has evolved around the notion of a male head of household, who has been generally the only person entitled to make a claim on behalf of the family as a whole.¹ (All women of course must claim personal benefits, such as mobility allowance, themselves.) Moreover, women's lower overall - and more sporadic - involvement in the paid labour force makes them ineligible for many national insurance benefits owing to lack of contributions. The 31 women appellants in our sample were predominantly single parents and were concentrated in SBATs; women accounted for 42% of supplementary benefit appellants interviewed compared to 25% of national insurance and 13% of medical appeal appellants. A quarter of all appellants in our sample were under 30 years of age, 63% were aged between 30 and 60 and 12% were 60 years and over. When age is analysed by type of tribunal, NILT and MAT appellants were appreciably older than their SBAT counterparts, 50% being over 50 as compared to only 15% of SBAT appellants. The vast majority (75%) of appellants in our sample did not have jobs and were dependent upon some form of social security benefit. Those in paid employment

¹. From November 1983 in certain circumstances married women can claim supplementary benefit and family income supplement. Married women who pay national insurance contributions have always been able to claim contributory benefits for themselves.
were concentrated in medical appeals, making up over half the MAT appellants interviewed as compared with a fifth of NILT appellants and a tenth of those at SBATs. With the exception of two students, all the unemployed appellants were manual workers, the largest single occupational category being a group of nine miners. The sample did include six white-collar workers (a headmaster, two salesmen, a midwife and a police officer) but these did not have jobs at the time of interview, having taken early retirement, been made redundant or being engaged in child-rearing.

Within each tribunal, appeals were heavily concentrated in one category (see Table 4). Over half the supplementary benefit appeals studied were about claims for single payments (lump sums for needs such as clothing); half the national insurance appeals were about unemployment benefit; and 70% of medical appeals involved industrial injuries.
<table>
<thead>
<tr>
<th>SBATs</th>
<th>%</th>
<th>NILTs</th>
<th>%</th>
<th>MATs</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>Single Payments</td>
<td>57</td>
<td>Unemployment Benefit</td>
<td>52</td>
<td>Industrial Injuries</td>
<td>77</td>
</tr>
<tr>
<td>Entitlement to Supplementary Benefit</td>
<td>20</td>
<td>Industrial Injuries Benefits</td>
<td>20</td>
<td>Mobility Allowance</td>
<td>23</td>
</tr>
<tr>
<td>Repayment of Supplementary Benefit</td>
<td>13</td>
<td>Non-Contributory Invalidation Pension</td>
<td>13</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Amount of Supplementary Benefit</td>
<td>10</td>
<td>Invalidation Benefit</td>
<td>8</td>
<td>Sickness Benefit</td>
<td>5</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Child Benefit</td>
<td>2</td>
</tr>
</tbody>
</table>
3. PREMISES

Numbers

Where there are both a SBAT and a NILT in one town, they generally share the same premises. Twenty-one out of the 26 SBATs and 24 NILTs share premises in this way, leaving five separate SBAT and three separate NILT premises. Including the two MATs in Glasgow and Edinburgh, there is a total of 31 tribunal premises in Scotland. However, four of these were not covered by our survey of premises owing to the unavailability of local volunteers, making a working total of 29. (The premises omitted were the separate NILT and SBAT premises in Stornoway.)

Setting

There are no purpose-built tribunal premises. Instead, all social security tribunals are housed in part of a larger building, whose predominant character often lends the tribunal a distinctive stamp (see Table 5).

TABLE 5
Principal Function of Buildings Housing Tribunals

<table>
<thead>
<tr>
<th>Function</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Government Office</td>
<td>13</td>
</tr>
<tr>
<td>Community Centre</td>
<td>6</td>
</tr>
<tr>
<td>Town Hall/Local Authority Office</td>
<td>4</td>
</tr>
<tr>
<td>Church Hall</td>
<td>3</td>
</tr>
<tr>
<td>District Court</td>
<td>1</td>
</tr>
<tr>
<td>Private Office Block</td>
<td>1</td>
</tr>
<tr>
<td>Trade Union Office</td>
<td>1</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>29</strong></td>
</tr>
</tbody>
</table>

14.
Settings include the somewhat faded Victorian grandeur of the reception suite of Paisley Town Hall, the artistic surroundings of Greenock Arts Guild (where the tribunal room is decorated with oil paintings), the grimness of the jury room at Monklands District Court, and the impersonality of many modern government offices. These settings also vary in the extent to which they represent unfamiliar or forbidding territory to appellants.

The choice of premises has often been regarded as having an influence on the proper hearing of appeals. The initial choice of premises was often a matter of taking what accommodation was available locally. Many of those concerned with the tribunal system are the first to admit that the premises used are not always the most suitable; they point out, for example, the irony of holding a tribunal - with its emphasis on informality - within the formal setting of a district court, as in Coatbridge. Much criticism has been voiced in the past about tribunals using the same premises as the DHSS. This has been seen as encouraging an image of dependence on the department and thereby diminishing the tribunal's appearance of impartiality. As a result there has been a policy of avoiding DHSS premises where possible. Indeed, whilst many social security tribunals are housed in government buildings, none in our survey shared accommodation with the DHSS. Two tribunals are located in former Unemployment Benefit offices which are still popularly referred to as such, and another two are located in the same complex as the DHSS although in separate buildings. Government offices which provide accommodation for social security tribunals include the Inland Revenue, the Department of Agriculture, the Department of Transport and the Passport Office.

15.
However, the independence of tribunal premises from DHSS offices was not viewed as a major issue by many appellants in our sample (see Table 6).

**TABLE 6**

**Apellants' Views on the Use of DHSS Premises for Tribunal Hearings**

<table>
<thead>
<tr>
<th></th>
<th>Supplementary Benefit Appellants</th>
<th>National Insurance Appellants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>INDIFFERENT</strong></td>
<td>50</td>
<td>74</td>
</tr>
<tr>
<td><strong>AGAINST</strong></td>
<td>29</td>
<td>20</td>
</tr>
<tr>
<td>negative experience</td>
<td></td>
<td></td>
</tr>
<tr>
<td>of DHSS</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>threatens privacy</td>
<td>3</td>
<td>3</td>
</tr>
<tr>
<td>threatens independence</td>
<td>10</td>
<td>7</td>
</tr>
<tr>
<td>other</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td><strong>PREFER</strong></td>
<td>21</td>
<td>6</td>
</tr>
<tr>
<td>more convenient</td>
<td>16</td>
<td>3</td>
</tr>
<tr>
<td>more familiar with</td>
<td></td>
<td></td>
</tr>
<tr>
<td>case</td>
<td>5</td>
<td>0</td>
</tr>
<tr>
<td>more appropriate</td>
<td></td>
<td></td>
</tr>
<tr>
<td>setting</td>
<td>0</td>
<td>3</td>
</tr>
</tbody>
</table>

Half the supplementary benefit appellants and nearly three-quarters of the national insurance appellants were indifferent about where their appeal was heard ("one room is the same as any other"). A few had expected their appeal to be heard in the social security office and were surprised by the separate venue. The remainder, however, had definite views
for or against. Those appellants who were against (29% of supplementary benefit and 20% of national insurance appellants) thought that having their appeal heard in the social security office would negatively affect the outcome. This view was based on unfavourable experiences at their local offices or on the fact that there was usually little love lost between claimants and the DHSS. In the case of those in favour of using the social security office (21% of SBAT and 6% of NILT appellants), the preference was expressed either in terms of convenience or that the social security office provided a more familiar and appropriate setting for the hearing of appeals than, say, a church hall.

Most tribunal accommodation comprises a minimum of three rooms: the appellants' waiting room, a separate room for the presenting officer, insurance officer or Secretary of State's representative (also used by the tribunal clerk), and the tribunal room itself. In addition, both MATs have a separate medical examination room. In eleven premises the tribunal has exclusive use of these rooms, whilst in the remaining 18 tribunals use is restricted to the day of the hearing. Exclusive use of accommodation generally corresponds to the busier tribunals where it is justified by the number of sessions.

Standards of accommodation vary considerably from the rather plush to the extremely spartan. There were few severe criticisms from volunteers who carried out the inspections on the overall condition of the premises used. What criticisms there were concerned a handful of tribunals - generally those using shared accommodation - and involved the overall drabness and
dinginess of the surroundings. Eleven tribunals are housed in buildings which date back to the 19th century or earlier and a further nine are in pre-1945 accommodation. Some of these older buildings, however, have been recently modernised. Eight tribunals are located in comparatively modern buildings (post-1960), including two new premises at Stirling and Aberdeen.

Most social security tribunals are centrally located within the town. Nineteen were deemed by the volunteers to be very central and only two were classified as out of the way. Nevertheless, 28% of appellants interviewed experienced some difficulty in finding the tribunal. Problems were confined to a small number of tribunals. Five cases concerned the shared NILT and SBAT premises in Aberdeen, where the newness of both the building and the road on which it is situated created problems even for those who had lived in Aberdeen all their lives. Another five cases involved the tribunal at Ayr. Here the Auld Kirk Halls are tucked away by the river and, contrary to what their name may suggest, are in fact a modern building.

Six complaints concerned the MAT premises in Bothwell Street, Glasgow (also used for supplementary benefit appeals on occasion), which are housed in a large, imposing office block with no external signposting; and four concerned the SBAT and NILT premises in Empire House, West Nile Street, Glasgow which, whilst well-located, have a concealed entrance. Several appellants had gone to the trouble of checking the location of the building beforehand in order to relieve anxiety on the day of the hearing. These
problems show the importance of clear instructions on how to find the premises and of prominent signposting. As tribunals share accommodation with other users, the sign outside the building does not always mention the tribunal. In many cases the tribunal is only marked in the foyer. By contrast, the tribunal in Stirling sends appellants a map whilst well-placed arrows on exterior fences guide the appellant to the tribunal entrance.

RECOMMENDATION 1

SOCIAL SECURITY TRIBUNALS SHOULD BE CLEARLY IDENTIFIED ON THE OUTSIDE AND INSIDE OF BUILDINGS.

Access and the Disabled

With respect to access for elderly and disabled appellants¹, 15 out of the 29 premises inspected were judged by our (able-bodied) volunteers to present few problems for the disabled. Sixteen tribunal premises are located on the ground floor, including the two MATs where many appellants have injuries or disabilities which substantially restrict their mobility. Nine out of the 16 ground floor

¹. Of appellants interviewed 12% were over 60 years of age, while 44% of appeals studied concerned sickness benefit, invalidity benefit, industrial injury benefit and mobility allowance.
premises have no steps into the building. The remaining seven ground floor premises, however, have between one and twelve steps and in most cases there is no ramp or alternative entry. Thirteen premises are located above ground floor level and in eight of these there is no lift to the upper storey (generally the first or second floor). These are the shared NILT and SBAT premises at Dunfermline, Elgin, Galashiels, Hamilton, Kilmarnock and Paisley; the SBAT at Oban; and the NILT premises at Motherwell. In these cases *ad hoc* arrangements would have to be made for those appellants who could not climb the stairs. One SBAT chairman told us of having to conduct a hearing in the back of a taxi as the appellant could not reach the tribunal room.

Of the two busiest tribunals, Glasgow compares unfavourably with Edinburgh in this respect. Whilst the Edinburgh tribunal is located on the ground floor, the Glasgow SBAT and NILT are located on the fourth floor, with steps up to the main entrance, a set of heavy glass doors, a narrow lift and two further sets of swing doors to be negotiated.

**RECOMMENDATION 2**

ALL SOCIAL SECURITY TRIBUNALS SHOULD BE IN PREMISES WHICH ARE FULLY ACCESSIBLE FOR THE DISABLED. WHEN CHOOSING PREMISES FOR THE NEWLY-MERGED TRIBUNALS THE DHSS SHOULD CONSULT WITH ORGANISATIONS REPRESENTING THE DISABLED ABOUT THEIR NEEDS AND REQUIREMENTS.
The Waiting Room

On arrival appellants have to make their way to the tribunal waiting room. Clear signposting to the waiting room is critical when it is borne in mind that there are no reception facilities. Four premises fell short in this respect.

The tribunal clerk, who is responsible for making contact with appellants on arrival, is engaged in the tribunal room for much of the time and can, therefore, only keep a sporadic watch on the waiting room. In some tribunal waiting rooms there is a printed notice advising appellants to take a seat until the clerk can attend to them. With or without such a notice, however, most appellants were disconcerted by the fact that their arrival went unregistered. As we carried out our interviews in the waiting room, we were able to witness at first-hand the disorientation experienced by appellants on arrival and, incidentally, reassure them that they were in the right place at the right time.

RECOMMENDATION 3

THERE SHOULD BE CLEAR SIGNPOSTING WITHIN TRIBUNAL PREMISES. IN ADDITION ALL TRIBUNALS SHOULD HAVE FACILITIES TO NOTE THE ARRIVAL OF APPELLANTS AND GIVE THEM DIRECTIONS.
Generally, tribunal waiting rooms are bare, bleak places. Most consist of a few stacking chairs, a table and an ashtray, though a few provide a less austere setting with carpeting, easy chairs, and hat and coat stands. In Paisley and Dumfries there is no proper waiting room but only a waiting area in an open corridor. In another three instances (the shared NILT and SBAT premises at Dumfries and Galashiels and the SBAT premises at Oban), the appellants' waiting room is also used by the presenting/insurance officer, there being no separate room available. In these cases - as one volunteer who inspected the premises commented - "The insurance officers were looking through their files and taking notes. For a claimant who was not confident, this could be off-putting".

RECOMMENDATION 4

ALL TRIBUNALS SHOULD HAVE WAITING ROOMS FOR APPELLANTS AND FRIENDS WITH ADEQUATE AND COMFORTABLE SEATING.

In some respects, whatever their other shortcomings, the community centres fare better in terms of the overall provision of facilities than most other tribunal accommodation. Designed to serve the public, most have coffee bars, pay phones and public toilets. Refreshments are provided by no other tribunal premises and in most other cases appellants had to use staff toilets on request. Whilst some premises have a phone in the clerk's room, appellants' access to this is clearly restricted. As one appellant at Glasgow put it: "You feel shut off from the outside world once you get inside here".
RECOMMENDATION 5.

ALL TRIBUNALS SHOULD HAVE TOILET FACILITIES FOR APPELLANTS AND FRIENDS. AT LEAST ONE PUBLIC TELEPHONE SHOULD BE AVAILABLE AND POSITIONED TO ENSURE REASONABLE PRIVACY. SOME LIGHT REFRESHMENT FACILITIES MIGHT ALSO BE MADE AVAILABLE IN THE BUSIER CENTRES.

With the exception of some community halls, there was rarely anything on the walls or any literature to read. What little literature provided was most commonly the People's Friend, Good Housekeeping and out of date Sunday Times or Observer colour magazines. In particular, there was never any welfare rights literature or information about benefits and the appeal procedure. In short, the surroundings manifest few reassuring signals that they are in a place where appellants will be assisted to exercise their rights. Indeed, the physical context of the appeal can be regarded as part of the invisible barrier to appealing which, together with the social context of the appeal discussed later, is picked up by appellants and reflected in such remarks as "you feel like a criminal coming here" and "I've never been in trouble before". It is also transmitted by tribunal clerks, one of whom asked a young woman appellant, "What's a nice girl like you doing in a place like this?"

Unlike the sheriff courts where the public can expect a long wait, social security tribunals operate an appointments system so that waiting is usually minimal. Appointments are generally made at 15 minute intervals. In order to minimise the waste of
the tribunal's time through non-attendance, some tribunals call two appellants at a time; others call all appellants at once. Appellants are given about ten minutes after the scheduled time of the hearing to make an appearance, after which the appeal is heard in their absence or postponed. Just under 30% of appellants waited less than half an hour. SBAT appellants had the shortest waits and MAT appellants the longest, half of the latter waiting between 30 and 60 minutes and a fifth for an hour or more. Hearings are generally short (on average 15 minutes). However, occasionally in more complex cases - especially those involving representatives and/or witnesses - the hearing can be lengthy, creating a backlog in the waiting room.

The appointments system, together with the low attendance rate at SBATs and NILTs, mean that waiting rooms are rarely congested. At the time of inspection, four waiting rooms were not in use, three were empty, 17 were almost empty, three were half full and two were full. One of the waiting rooms which was full was at the shared SBAT and NILT premises at Empire House, Glasgow. Unlike other shared premises, where the tribunals occupy the accommodation on separate days, in Glasgow the two tribunals run concurrently, and the one small waiting room is used by both sets of appellants. When these are accompanied by relatives, friends or representatives, the waiting room (with only some ten chairs) can become overcrowded, and it is clearly inadequate. Furthermore, the possibility of having any private conversation with a representative before the hearing is virtually nil, a fact which clearly bothered some appellants as well as their representatives. In seven premises (not including
a separate room is available for consultation with representatives, but in practice is rarely used for this purpose. In the less busy tribunals, appellants were often alone in the waiting room so that lack of privacy was not a problem.

RECOMMENDATION 6

ACCOMMODATION SHOULD BE MADE AVAILABLE IN ALL TRIBUNAL PREMISES FOR PRIVATE INTERVIEWS.

In spite of these shortcomings, appellants had little to say about the waiting room. Indeed, three-quarters replied that they found it reasonable. However, this may be an indication of their low expectations. "It's just like any other government establishment - drab" was a typical comment. Furthermore, tribunal standards may be somewhat higher than those of local social security offices, a possible yardstick of comparison. Many appellants did not focus very closely on their physical surroundings, either because they were only in the waiting room a short time or because they were concentrating on the substance of their appeal. In this respect, the appearance of the waiting room was the least of their worries. "What a funny question" replied one SBAT appellant when asked for his opinion. What few criticisms there were related to temperature, seating, decor and lack of privacy. Three appellants complained of over-heating, four of cold; four of drabness and three of lack of privacy.
while two MAT appellants with back and leg injuries found the seating uncomfortable. The provision of a variety of alternative seating (including some upright chairs with arms) would seem to be desirable, especially in MATs which deal with industrial injury and mobility allowance appeals.

**RECOMMENDATION 7**

**MEDICAL APPEAL TRIBUNALS SHOULD PROVIDE A VARIETY OF ALTERNATIVE SEATING INCLUDING SOME UPRIGHT CHAIRS WITH ARMS.**

**The Tribunal Room**

In all three types of tribunal, participants are seated around a large table, or - in some shared accommodation - an assortment of smaller tables pushed together. Usually six or seven people are involved: the three tribunal members, the presenting officer or insurance officer or Secretary of State's representative, the tribunal clerk, the appellant, and (sometimes) the appellant's representative or friend.

SBAT hearings are held in private whilst both NILT and MAT hearings are open to the public, one or two seats being provided for this purpose at the back of the room. In practice, however, members of the public are extremely rare, and a chairman may exclude the public in certain circumstances if the appellant requests this. Occasionally, those engaged in research or training observe tribunals (including, with special permission, SBATs). The wording on the form sent out to MAT and NILT appellants mentioning that hearings are held in public created considerable
anxiety as it conjured up the image of a public gallery, thereby increasing their ordeal. In this respect the intimacy and informality of tribunal proceedings often came as a pleasant surprise.

Together with the physical separation of tribunal premises from DHSS offices, the lay-out of the tribunal room has been identified as having an important influence on the perception of an impartial hearing.¹ The DHSS lays down two clear guidelines for arranging the tribunal room:

The tribunal should occupy a central position, separate and apart from all other persons including the Clerk. The place occupied by the claimant and his representative should reflect equal status with the Presenting Officer.²

Our survey of tribunal premises showed that there are in fact four different lay-outs in operation (see Figure 2).

Whilst Model 1, where both the above conditions are met, clearly predominates, the other three models, found at two SBATs and five NILTs, either do not clearly separate the tribunal and/or do not place the appellant and the presenting/insurance officer on an equal footing. These three models, by failing to make clear the distinction between tribunal members and the parties to the appeal, led to much

Figure 2
Variations in the Lay-Out of the Tribunal Room

Model 1, which meets the two conditions—that the tribunal should be separate and that DHSS representative and the appellant have equal status—was followed by 13 NILTs, 16 SBATs and both MATs.

Model 2, followed by three NILTs (at Elgin, Falkirk and Paisley) and the SBAT at Kirkcaldy, separates the tribunal but does not put appellant and DHSS representative on an equal footing.

Model 3, found at SBAT in Wick fails clearly to separate tribunal from the parties to the dispute.

Model 4, found at NILT in Aberdeen, neither separates tribunal from other participants, nor places appellant and DHSS representative on an equal footing.

*In many NILTs, the clerk sits at a separate side table.
misunderstanding amongst appellants, some of whom came out of their hearing saying "There were five of them on the tribunal". Furthermore, from our own observation of NILT hearings, the chairman's introduction, by reeling off a string of names rather than concentrating on identifying the different parties, did little to clarify this confusion. Given the fact that many social security appellants are uncertain about both tribunal procedure and composition, the importance of a clear physical lay-out, underlining the respective roles of the different parties, cannot be overstressed.

RECOMMENDATION 8

ALL TRIBUNALS SHOULD ADOPT THE LAYOUT RECOMMENDED BY THE DHSS AND ILLUSTRATED IN MODEL 1 (SEE FIGURE 2).
4. TRAVEL: GETTING TO THE TRIBUNAL

As mentioned earlier, an important consideration in assessing the accessibility of tribunals is their proximity to appellants’ homes. How far appellants have to travel to hearings depends partly upon the tribunal to which they are appealing and partly upon where in Scotland they live. The heavy concentration of SBATs and NILTs in the central lowlands means that each serves a relatively small catchment area (generally no more than a ten mile radius), compared to the more outlying areas where appellants may come from up to 60 miles away.

Length of Journey.

Overall, the distance travelled by our sample to hearings ranged up to 50 miles. Half the 110 appellants interviewed had travelled less than five miles and 67% under ten miles. However, when these figures are broken down by type of tribunal, some significant differences emerge – as would be expected – between the localized SBATs and NILTs and the centralized MATs. Most journeys to SBATs and NILTs were relatively short (under five miles) and quick (under 30 minutes), with NILT appellants faring rather better than SBAT appellants in both respects. Longer journeys were nevertheless necessary for appellants travelling to some tribunals, for example in Aberdeen, Elgin, Ayr (see Table 7).
TABLE 7
Distance Travelled by Appellants to Social Security Tribunals

<table>
<thead>
<tr>
<th>SBAT Appellants</th>
<th>NILT Appellants</th>
<th>MAT Appellants</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Under 5 miles</td>
<td>63</td>
<td>63</td>
</tr>
<tr>
<td>5-under 10 mls</td>
<td>12</td>
<td>33</td>
</tr>
<tr>
<td>10-under 30 mls</td>
<td>25</td>
<td>2</td>
</tr>
<tr>
<td>30-under 50 mls</td>
<td>0</td>
<td>2</td>
</tr>
</tbody>
</table>

MAT appellants, on the other hand, travelled considerably further to get to their hearings (43% having journeys of between 30 and 50 miles) and consequently took longer to reach the tribunal. As the two MATs in Glasgow and Edinburgh cover the whole of Scotland, even 50 miles represents only a fraction of the potential distance travelled by MAT appellants. Indeed, attending a MAT could involve the appellant in an overnight stay away from home. We were told of one MAT appellant who travelled from Lerwick and had to spend two nights in an hotel in Edinburgh as it was impossible to fly back the same day.

The overwhelming majority of appellants started their journey from home, with a handful setting out from their workplace. Given the predominance of short journeys and the fact that SBAT and NILT hearings commence at 10a.m. and MATs at 11a.m., few appellants had to make an early morning start. Overall, 61% used bus or train, 31% came by car or taxi and 6% lived close enough to walk. Once again, however, there was considerable variation by type of tribunal (see Table 8).
### TABLE 8
Means of Transport Used by Appellants to Attend Tribunals

<table>
<thead>
<tr>
<th>SBAT Appellants</th>
<th>NILT Appellants</th>
<th>MAT Appellants</th>
</tr>
</thead>
<tbody>
<tr>
<td>%</td>
<td>%</td>
<td>%</td>
</tr>
<tr>
<td>Bus 65</td>
<td>Car 46</td>
<td>Train 40</td>
</tr>
<tr>
<td>Car 10</td>
<td>Bus 44</td>
<td>Car 27</td>
</tr>
<tr>
<td>Foot 10</td>
<td>Foot 8</td>
<td>Bus 27</td>
</tr>
<tr>
<td>Train 7</td>
<td>Taxi 7</td>
<td></td>
</tr>
<tr>
<td>Taxi 2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Other 5</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Whilst bus was by far the most important single form of transport for SBAT appellants, car and bus were almost equally important for NILT appellants, and train stood out for MAT appellants. These differences in the means of transport used reflected the varying distances travelled to each tribunal, the differential access of appellants to cars, and the greater use of rail warrants by MATs which is discussed below.

### Travel Expenses
Appellants' travel expenses (fares or mileage allowance) are reimbursed by all three tribunals. Appellants are advised of this right on the tribunal papers which are sent out prior to the hearing. Where an appellant is unfit to travel alone, the fares of a travelling companion are paid. Appellants are also entitled to a subsistence allowance if they are away from home for more than two and a half hours. Expenses are paid at the hearing in the case of SBATs and NILTs. MAT appellants, however, are sent
a giro cheque through the post a few days after the hearing, a fact which disgruntled some. SBAT appellants are informed that advance fares (in the form of a travel warrant) will be paid where the single fare exceeds £1; SBAT and NILT appellants that advance fares will be paid upon request. In practice, however, travel warrants are also sent out at the discretion of the tribunal clerk. Rail warrants are most extensively used in MATs (38% of MAT appellants in our sample had been sent warrants) where appellants have further to travel and where expenses are not reimbursed on the spot.

Appellants in our sample were generally well-informed about their right to claim travel expenses; over three-quarters were aware prior to the hearing that these would be reimbursed. The majority had found this out from the tribunal papers, and a smaller number from their representative or through prior knowledge of appeal procedure. One MAT appellant, in her seventies, was unclear whether the fares of a travelling companion would be paid and had, therefore, come to the tribunal alone. Tribunal clerks at all three tribunals routinely offered to pay expenses so that those appellants who were not aware of their entitlement beforehand found out about it at the hearing. Actual expenses incurred by appellants in our sample are set out in Table 9.
<table>
<thead>
<tr>
<th></th>
<th>SBAT Appellants</th>
<th>NILT Appellants</th>
<th>MAT Appellants</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Return Fares</strong></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>None</td>
<td>15</td>
<td>8</td>
<td>3</td>
</tr>
<tr>
<td>Under £1</td>
<td>25</td>
<td>31</td>
<td>7</td>
</tr>
<tr>
<td>£1 - under £2</td>
<td>30</td>
<td>11</td>
<td>10</td>
</tr>
<tr>
<td>£2 - under £5</td>
<td>13</td>
<td>3</td>
<td>14</td>
</tr>
<tr>
<td>£5 and over</td>
<td>0</td>
<td>0</td>
<td>11</td>
</tr>
<tr>
<td>Travel Warrant</td>
<td>10</td>
<td>0</td>
<td>38</td>
</tr>
<tr>
<td><strong>Mileage Allowance</strong></td>
<td>7</td>
<td>47</td>
<td>17</td>
</tr>
</tbody>
</table>

Appellants' attitudes to the payment of expenses varied. Whilst for some long-term claimants appealing to an SBAT the prompt payment of fares was vital, some NILT appellants saw the payment of expenses as unimportant given the small amounts involved and/or the wider issues at stake in the appeal. Four NILT appellants did not bother to claim travel expenses, as compared with one MAT appellant and no SBAT appellant.

In sum, most journeys, especially to SBATs and NILTs, were apparently simple and straightforward. When asked directly the vast majority (92%) of appellants in our sample mentioned no specific problems relating to travel. Furthermore, previous studies also suggest that travel to the tribunal is not a major obstacle to attendance at appeals.¹

However, a question exploring appellants' attitudes towards holding tribunals in local social security offices - intended to probe issues of independence and neutrality of tribunal premises - also threw some light on the question of physical access. As shown in Table 6, 16% of SBAT and 3% of NILT appellants would have preferred their appeal to be heard in their local office on the grounds of convenience. Furthermore, 45% of MAT appellants disagreed with the policy of centralizing appeals in Glasgow and Edinburgh. The reasons given by appellants for this preference can be roughly grouped into three: job commitments, problems of childcare or other dependants, and problems of personal health.

Job Commitments

Taking time off work to attend the tribunal has been regarded as a contributory factor in the non-attendance of many appellants. It was a matter of potential concern to the 25% of the appellants in our sample who had jobs. MAT appellants were most affected in this respect as over half were in paid employment. The amount of time lost from the job through attending a tribunal

1. K. Bell ("National Insurance Local Tribunals", p.6) found that 31% of non-attenders at NILTs mentioned difficulties connected with work. J. Fulbrook (The Appellant and His Case, p.6) also mentions that SBAT appellants who had found work in the meantime did not want to jeopardize their new jobs by attending a tribunal. Similarly, two appellants in our sample mentioned that they would not have attended the hearing if they had found work.
varied. Over a quarter of those with jobs did not lose any time, either because the tribunal was held outwith working hours or because they had arranged to take a day's holiday. The remainder lost from under two hours to a whole shift.

However, with one exception, no employed appellant experienced any serious problem in taking time off work to attend the tribunal. Where the appeal originates from an accident at the workplace, as in the industrial injury appeals, taking time off work to attend a tribunal is often a well-established right. The group of nine miners in our sample reported that the National Coal Board raised no objection to absenteeism for this reason. In the other cases, appellants were more dependent upon the whims of their boss. Whilst some mentioned that the boss had been "very good", one MAT appellant related how he had "fallen out with the boss to come", and had lost earnings. Yet others, particularly in cases involving repayment of benefit, kept the appeal a private matter by arranging to take a day's holiday entitlement or going "sick".

Appellants are compensated for the number of hours unavoidably lost from work by attending a tribunal. Claims have to be supported by an employer's certificate and there is a ceiling of £21 a day. Half the employed appellants in our sample lost earnings through attending the tribunal but all knew they would be compensated. However, three MAT appellants mentioned that they would still be left out of pocket as the ceiling on earnings did not cover actual earnings lost when bonuses were taken into account.
Domestic Arrangements

Overall, 19% of the appellants in our sample had to make some arrangements at home for dependants in order to attend the hearing. SBAT appellants, half of whom were women, were most affected in this respect with 20% having to arrange for the care of young children in their absence. They generally made informal, unpaid arrangements with relatives or neighbours to mind young children or meet them from school. Two women brought their children and went into the tribunal room with them. A smaller number of appellants had to make arrangements for the care of elderly or sick relatives. Child-minding expenses are not mentioned on official forms. When one SBAT appellant asked for these, she had first to furnish proof that a baby-sitter had in fact been paid.

RECOMMENDATION 9

ALL TRIBUNALS SHOULD PAY THE EXPENSES OF LOOKING AFTER DEPENDENT RELATIVES OF APPELLANTS WHO ATTEND HEARINGS. ALL APPELLANTS SHOULD BE CLEARLY INFORMED OF THEIR RIGHT TO CLAIM SUCH EXPENSES.

Travel and Health

As mentioned earlier, the sample included a sizeable number of elderly or disabled appellants for whom getting to the tribunal presented specific problems. For some, any travel - even a short bus ride - could be a contributory factor in the stress of appealing. These difficulties were concentrated on the MATs, not surprisingly given their centralization and the nature of the benefits in question (industrial
injuries benefits and mobility allowance). Ten out of the 30 MAT appellants interviewed had some grievances about travelling. "It's awkward for a bloke like me coming this distance", said a mobility allowance appellant who had travelled 40 miles. "I don't see why you should have to travel. You've got to suffer with the journey", said another. Many, especially mobility allowance appellants, had to be accompanied to the hearing. The fact that Medical Boards (against whose decisions appeal to an MAT arise) are held locally, had led many appellants to expect medical appeals to be local as well. Travel was regarded as an avoidable nuisance by many (awkward for the appellant and costly for the government). Yet others accepted it in a resigned fashion: "You've just got to accept it"; "They've got to have a centre somewhere"; "You can't have them all over the place, the doctors' time is valuable".

It has to be said that MATs are very flexible in the travel arrangements permitted. The fact that they have the highest attendance record of all three tribunals, despite the longer journeys involved and the physical handicaps of many appellants, bears witness to the efforts they make in encouraging appellants to attend.\(^1\) One old lady of 70, who had written to say she would not be able to get to her hearing, had been sent a letter advising her to come by taxi - a distance of 40 miles. As well as the liberal use of taxis, MATs also pay air fares from the islands. In extreme circumstances the tribunal can be held in the appellant's home.

\(^1\) The high attendance rate at MATs is also no doubt partly explained by the fact that many appellants correctly anticipate having to undergo a medical examination, thereby making their presence essential.
Without a more detailed breakdown of where most appellants come from, it is uncertain how much the setting up of a third MAT, say at Aberdeen or Inverness, would help; a large proportion clearly do live in central Scotland. But given the difficulties experienced by mobility allowance appellants with even fairly short journeys, alternative arrangements for the hearing of these appeals should be investigated.

RECOMMENDATION 10

CONSIDERATION SHOULD BE GIVEN TO ARRANGING SITTINGS OF MEDICAL APPEAL TRIBUNALS IN PARTS OF THE COUNTRY OTHER THAN GLASGOW AND EDINBURGH. CONSIDERATION SHOULD ALSO BE GIVEN TO THE POSSIBILITY OF ARRANGING DOMICILIARY VISITS OR PERIPATETIC SITTINGS FOR ALL TRIBUNALS IN REMOTE AREAS.
5. **COMPREHENSION OF TRIBUNAL PAPERS**

Social security appellants come to the tribunal with widely differing degrees of understanding of the appeal process. However, while it is admitted by many within the tribunal system that appellants are often bewildered and confused by the appeal, some seem to regard it as also undesirable if appellants are too well-informed or familiar with the rules and regulations. Indeed, popular stereotypes, repeated to us by many clerks, presenting officers and insurance officers as well as by appellants themselves, divide appellants into the "genuine" or "deserving" cases on the one hand, and the "professionals" or "wide boys" on the other, who are regarded as making a career out of manipulating the system to their advantage.

Our survey of appellants showed that the vast majority (81%) were first time appellants with no prior experience of appealing. Most appellants (71%) had found out about their right to appeal from the DHSS letter which they received informing them that their claim had been disallowed. This includes a paragraph informing claimants of their right to appeal. At this point the decision to appeal involves the appellant in little more than completing a simple printed form or writing a short letter expressing a desire to appeal.

Having lodged an appeal, the appellant generally has to wait at least three to four weeks before receiving a copy of the tribunal papers by post. By any standards the appeal documents are a formidable batch of papers, particularly the statement of the reasons.
for the decision (see Appendix for examples). As they play an important role in the hearing - the clerk usually asking the appellant to have them handy before going into the hearing - it is important that they are readily understood.

Overall, 87% of appellants had read their papers through completely - some several times - though this is not to say that they fully understood the contents. Of the remainder, some had reading difficulties or gave up in despair; others thought it unnecessary to persevere either because they had placed the matter in the hands of a representative or because they considered much of the content irrelevant. As one NILT appellant said "I only read the bits that concerned me. I didn't read the insurance officer's comments as they've got nothing to do with me". Of those who had persevered, 62% experienced some kind of difficulty. The absence of expressed difficulty does not, however, indicate that the contents were necessarily fully or correctly understood. Some appellants may have been reluctant to admit difficulties to the interviewer. One SBAT appellant replied defensively "We are educated you know". Problems centred on the language used, the frequent references to legislation and regulations, and the presence of factual errors.

"Gobbledygook"

A major source of appellants' incomprehension concerned the tortured and unfamiliar language employed. Indeed, the use of official, bureaucratic and specialist terminology was a major obstacle to appellants' understanding their appeal. As one supplementary benefit appellant commented, referring
to the term "assessment unit", "It was only when the papers mentioned my son John by name that I realised they were talking about my family". Many appellants expressed feelings of frustration and anger at a language which excluded them: "I felt like writing back to ask them to put it in plain English"; "They should write out what they mean"; "The language should be more basic so that everyone can understand".

This language barrier extended beyond the written to the spoken word. From our own observations of NILT hearings, it often seemed that two different languages were being spoken around the tribunal table: the official, technical vocabulary of tribunal members, presenting officers and insurance officers, and representatives on the one hand; and the popular, everyday vocabulary used by appellants on the other. In order to avoid the discussion going on completely over appellants' heads, many chairmen frequently checked that appellants understood what was being said and rephrased the issues where they did not. Depending upon manner and context, this could be experienced as helpful and reassuring - "the Chairman kept asking me if I understood and the way he explained things I could" - or as humiliating and patronising - "he made me feel small and stupid".

RECOMMENDATION 11

ALL TRIBUNAL FORMS AND PAPERS THAT NEED TO BE USED OR UNDERSTOOD BY APPELLANTS SHOULD BE IN PLAIN LANGUAGE.
RECOMMENDATION 12
TRIBUNAL MEMBERS, PARTICULARLY CHAIRMEN, SHOULD RECEIVE TRAINING IN COMMUNICATION SKILLS.

The "Yellow Book" and "Brown Book"

A second major group of difficulties, expressed most forcefully by SBAT appellants, concerned the frequent references to numbered sections and paragraphs of the relevant social security regulations. The tribunal papers were frequently declared by appellants to be "Philadelphia lawyers' standards" and requiring "a degree in law to understand them”.

Part of the problem arises from the double function served by the tribunal papers. On the one hand, they are an important source of information for appellants, hence the need for clarity and accessibility. On the other hand, they set out the legal background to the appeal and this does not easily lend itself to simplification. Perhaps this dilemma could be solved if the detailed references to the legislation and regulations were accompanied by a separate explanation in everyday language so that at least the essence of the case could be followed by the appellants themselves.

The regulations cited can be looked up in the notorious "Yellow Book" or "Brown Book", copies of which are kept in local social security offices. These books, popularly known by the colour of their covers, are respectively The Law relating to Supplementary Benefit and Family Income Supplement and The Law relating to Social Security and Child Benefit. They are large, expensive, loose-leafed
volumes which demand considerable expertise to use effectively. Few appellants either knew where to look up the regulations or bothered to do so if they did. Some trusted that the presenting or insurance officer "must know what they are doing"; others - perhaps realistically given the complexity of these books - did not expect them to be very illuminating. Three appellants who did go to the trouble of looking up the regulations in their local social security office mentioned how this had involved a long wait (one and a half hours) and yielded little satisfaction: "You can see the book at the counter under pressure for about five minutes when you really need to study it at home".

If the publications were available in public libraries appellants would be able to study them in their own time and in more pleasant surroundings.

RECOMMENDATION 13
THE DHSS SHOULD CONSIDER WAYS OF SIMPLIFYING THE LEGISLATION AND REGULATIONS CONCERNING SOCIAL SECURITY AND WAYS OF ALLOWING APPELLANTS EASY ACCESS TO THE LEGISLATION WITH APPROPRIATE EXPLANATION.

Errors

A third common cause for complaint concerned the existence of a number of obvious factual errors in some of the tribunal papers - a younger son confused with an elder, the right eye mistaken for the left, a mix up over dates. It was very important to appellants that those details where they knew themselves to be on firm ground were reported accurately.
In sum, it is no exaggeration to say that a substantial part of the tribunal papers are meaningless to many appellants (and in this there was no large variation by type of tribunal). The tribunal papers induced feelings of powerlessness and inadequacy amongst many appellants who now saw the appeal as slipping out of their control. Kathleen Bell's analysis of non-attenders found that a third had abandoned hope after seeing the tribunal papers. She adds:

Most of them took this decision without any advice whatsoever and, although some were able to infer correctly from the papers that they had no chance, others may have jumped to this conclusion when the case was by no means so clear cut.¹

Some appellants in our sample thought that the wording and format of the papers were deliberately designed to deter appeals. Others interpreted their difficulties as part of a wider class barrier between the world of the "educated" and the practical, everyday world inhabited by the majority of social security claimants. As one supplementary benefit appellant put it: "We're not educated people, at least not university educated, let's put it that way. We're not accustomed to taking notes, organising ideas. It's not our world. Now if you were to ask me about electricity, wiring, practical jobs, I could tell you all about that".

Many appellants felt themselves to be caught up in a process whose rules they did not fully understand and where the dice were loaded against them. While

¹ K. Bell, "National Insurance Local Tribunals", p. 6.
appellants were left floundering for much of the time, the DHSS was regarded by many as having plenty of time, experience and resources to prepare its case. Indeed, many had been surprised at the work which had gone into the presenting or insurance officer's submission.

Several appellants mentioned how their attendance had been in the balance after reading the tribunal papers. Yet others were determined to persevere despite the odds. Many did not expect to win - "you can't beat the system" - but it was dignified and human to have a try: "you can't lie down and die". Even if many had low expectations of reversing the decision, they felt that someone, somewhere had to take a stand, otherwise the system would go completely unchecked. In the case of contributory benefits, the appeal was often fanned by a strong sense of injustice. Many felt that after years of paying in, the system had failed them in their hour of need. Yet other appellants, particularly single parents at SBATs appealed in a more personalized and emotional frame of mind. In these cases, the denial or granting of benefit could make a significant difference to the quality of their lives and those of their children.
6. ACCESS TO ADVICE AND REPRESENTATION

The growing complexity and volume of welfare legislation, particularly in the area of supplementary benefits, and the widespread feelings of confusion amongst social security appellants underline the importance of pre-hearing advice and/or representation at the tribunal hearing to redress the imbalance of power noted in the last section. As Lord Scarman wrote about the Social Security (No.2) Act 1980:

A high price has to be paid for converting discretion into legal rules: it is the price of complexity. No claimant can hope, unaided, to understand the Regulations.¹

Furthermore, statistics show that not only do appellants have a greater chance of succeeding when they attend their hearing but, more particularly, when they are represented.² This raises the question of the availability and accessibility of advice agencies. The extent to which appellants sought expert advice or not is an important factor differentiating the experience of those appealing to a tribunal.

The Advised

Overall, 47% of appellants in our sample received some form of advice with their appeal and 31% were represented at the hearing. MAT appellants fared considerably better, especially with respect to representation, than either their NILT or SBAT counterparts (see Table 10).

**TABLE 10**

Appellants' Access to Advice and Representation by Type of Tribunal

<table>
<thead>
<tr>
<th></th>
<th>SBAT Appellants</th>
<th>NILT Appellants</th>
<th>MAT Appellants</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-Hearing Advice</td>
<td>37</td>
<td>46</td>
<td>60</td>
</tr>
<tr>
<td>At Hearing:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Representative</td>
<td>22</td>
<td>17</td>
<td>60</td>
</tr>
<tr>
<td>Moral Supporter¹</td>
<td>10</td>
<td>15</td>
<td>7</td>
</tr>
<tr>
<td>Witness</td>
<td>0</td>
<td>2</td>
<td>0</td>
</tr>
<tr>
<td>Unaccompanied</td>
<td>68</td>
<td>65</td>
<td>33</td>
</tr>
</tbody>
</table>

The numbers of appellants in our sample receiving advice and representation constitute a considerable expansion from Kathleen Bell's 1975 findings, when only 15% of supplementary benefit appellants and 25%

¹. This was usually a relative or friend who played a minimal role in tribunal proceedings.
of national insurance appellants received advice with their appeals,\(^1\) although it should be borne in mind that Professor Bell was not concerned with Scotland. However, still fewer than half of SBAT and NILT appellants receive advice. Many voluntary bodies, such as Citizen's Advice Bureaux, have expanded their services for tribunal advice and representation; local government welfare rights officers have been appointed; and the Child Poverty Action Group runs campaigns raising awareness of entitlement to benefits. There have also been a number of local initiatives attempting to organise and advise the unemployed who have lost - or never established - contact with the more traditional sources of advice, such as the trade unions. Table 11 shows the wide range of advice agencies consulted by our sample. Sources of advice vary by type of tribunal, with the trade unions monopolising the industrial injury side of medical appeals and Citizen's Advice Bureaux the supplementary benefit appeals. In the case of national insurance appeals, CABs, trade unions and solicitors are almost equally important.

<table>
<thead>
<tr>
<th></th>
<th>SBAT Appellants</th>
<th>NILT Appellants</th>
<th>MAT Appellants</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>No. (%)</td>
<td>No. (%)</td>
<td>No. (%)</td>
</tr>
<tr>
<td>Citizen's Advice</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Bureau</td>
<td>5 (33)</td>
<td>5 (28)</td>
<td>0</td>
</tr>
<tr>
<td>Trade Union</td>
<td>2 (13)</td>
<td>4 (22)</td>
<td>15 (83)</td>
</tr>
<tr>
<td>Solicitor</td>
<td>1 (7)</td>
<td>4 (22)</td>
<td>1 (6)</td>
</tr>
<tr>
<td>Welfare Rights</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Officer</td>
<td>2 (13)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Child Poverty Action Group</td>
<td>1 (7)</td>
<td>2 (11)</td>
<td>1 (6)</td>
</tr>
<tr>
<td>Citizens Rights</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Office</td>
<td>1 (7)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Social Worker</td>
<td>0</td>
<td>0</td>
<td>1 (6)</td>
</tr>
<tr>
<td>Claimants' Union</td>
<td>1 (7)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Job Action Centre</td>
<td>1 (7)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>Unemployed Workers' Resource Centre</td>
<td>0</td>
<td>1</td>
<td>0 (6)</td>
</tr>
<tr>
<td>Disablement Income</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Group</td>
<td>0</td>
<td>1 (6)</td>
<td>0</td>
</tr>
<tr>
<td>Deaf Society</td>
<td>1 (7)</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td>MP</td>
<td>0</td>
<td>1 (6)</td>
<td>0</td>
</tr>
</tbody>
</table>

Most advised appellants in our sample (60%) had sought advice shortly after being notified that their claim had been disallowed. Many were angry and confused by this decision and failed to understand how it had been reached. Going back to the local social security office for clarification, however, was rarely seen as a worthwhile course of action. The local office was commonly seen as a place where
"you get little joy" and where "they think you're the enemy once you start asking questions". Some saw this in wider economic and political terms: it was believed by some that the present government had instructed social security staff to clamp down on claimants. Those who did ask for an explanation (34%) had seldom met with any satisfaction: "You only get the same sections and paragraphs repeated back at you"; "They couldn't give me an explanation, they just refused. I got no satisfaction. My claim was turned down and I just couldn't understand it".

In seeking advice most simply wanted to talk over the situation with someone sympathetic and in the know. They wanted to find out what, if anything, could be done to reverse the decision, whether it was worth appealing and, if so, what this involved. A smaller number (21%) had consulted an advice agency after receiving the tribunal papers, sometimes about specific points of law or the regulations. The advice obtained thus varied from a single phone call or visit to a local Citizen's Advice Bureau to several lengthy meetings with an adviser who went on to represent the appellant at the hearing.

The three main advice agencies consulted (trade unions, CABx and solicitors) vary in the degree to which their assistance extends to representation at hearings. Whilst this nearly always occurred where the trade unions were involved (18 out of the 21 appellants advised also being represented by them), only one out of ten who consulted a Citizen's Advice Bureau and one out of six who consulted a solicitor were represented by them.¹

¹. The Citizen's Advice Bureaux have been extending their facilities for assistance at tribunals by creating a number of Tribunal Representation Advisory Units. The first such unit in Scotland has recently been set up in Glasgow.
The figures relating to solicitors are explained by the fact that whilst a certain amount of legal advice and assistance is available at the pre-hearing stage, this does not extend to representation at tribunals, making representation by a solicitor a costly option. However, the legal advice and assistance available would cover a letter written by a solicitor explaining an appellant's case. This does not appear to be widely used.

Given the positive influence of representation on appeal outcome, it is important to find out which groups of appellants were not represented and why. A breakdown of represented appellants shows employment and type of appeal to be the two key factors. Employed appellants made up 25% of the total yet accounted for 44% of the represented. Furthermore, 47% of those represented at tribunals were involved in industrial injury appeals where the trade unions are particularly active. On the other hand, young unemployed appellants without contact with the trade unions - the employed appellants' "natural" representative - were particularly deprived. The under-thirties made up 25% of the total but only 6% of the represented. Men were only slightly over-represented as compared to women - forming 72% of the total and 76% of the represented. However, whilst men were more likely to be represented by trade unions (68%), women appellants were more likely to be represented by voluntary bodies and welfare

1. Appellants in receipt of supplementary benefit or family income supplement can qualify for £40 worth (or possibly more) of free legal advice and assistance; others may be eligible after a means test.
rights organisations (75%). The numbers interviewed at each tribunal were too small to permit any clear geographical patterns to be detected. However, given that there are fewer advice centres in more rural areas, it is likely that appellants in these parts of Scotland are disadvantaged in this respect.

RECOMMENDATION 14

THE ROYAL COMMISSION ON LEGAL SERVICES IN SCOTLAND RECOMMENDED THAT ENCOURAGEMENT SHOULD BE GIVEN TO DEVELOPING THE PROVISION OF LAY ADVICE AND REPRESENTATION BEFORE TRIBUNALS IN WHICH LAY PARTICIPATION IS APPROPRIATE. THE COMMISSION ALSO STATED THAT RESPONSIBILITY FOR THIS DEVELOPMENT AND FOR ENSURING THAT ADEQUATE FINANCIAL RESOURCES ARE MADE AVAILABLE SHOULD REST WITH A LEGAL SERVICES COMMISSION. FAILING THE SETTING UP OF A LEGAL SERVICES COMMISSION, WE RECOMMEND THAT THE GOVERNMENT PROVIDE FINANCIAL RESOURCES TO DEVELOP LAY ADVICE AND REPRESENTATION FOR SOCIAL SECURITY TRIBUNALS.

A large proportion of appellants who had received advice (83%) expressed themselves content. Indeed, many were extremely grateful for the help they had received with their appeal. Representation was particularly important in 24% of cases where appellants would not otherwise have attended. Obtaining advice and, more particularly, being represented at the hearing was a major factor alleviating the stress which many appellants experienced in appealing. A minority (15%), however,
were dissatisfied with the advice they had received, either because this had been cast in negative terms (dissuading the appellant from pursuing the appeal when in one case the appellant had gone on to win) or because their representative had been less active, involved and knowledgeable than they had anticipated. A few felt they could have done as well themselves.

The Unadvised

Overall, 53% of appellants in our sample received no expert advice with their appeal and 69% were unrepresented at the hearing. Just under half the unadvised felt they needed some advice and 39% of the unrepresented would have liked to have had a representative present their case for them. Amongst this number, a small group (16%) had tried to obtain advice and failed. In these cases the adviser who had been approached was either ill, uninterested or too busy to take up the appeal. Another smaller group (7%) only came to appreciate the need for advice with hindsight, after realizing what the hearing involved and evaluating how they had fared. However, this still leaves a substantial pool of perceived need for advice unmet (24% of SBAT, 20% of NILT and 30% of MAT appellants).

Lack of knowledge of where to go for advice forms only part of the explanation. When asked, 61% of the unadvised were able to name a source of advice. SBAT appellants named most frequently a solicitor followed by a social worker; NILT and MAT appellants named a trade union followed by a solicitor. Likewise, an
overwhelming majority of all three types of appellants knew of their right to be represented at the hearing.

The desire for advice was not expressed with equal keenness by all appellants, and some may not have felt the need sufficiently strongly to seek it out. A few appellants were deterred by the belief that advice would affect their pocket, especially in the case of legal advice which most commonly sprang to mind.

Some appellants expressed feelings of social inferiority - that they were not important enough people with important enough problems to be paid attention to. "Who could I consult?" asked one, and "Who would represent me?" another. The act of seeking out advice is an assertive one and some appellants were unaccustomed to, or hesitant about, making demands on professional groups or advice agencies. It had taken one elderly woman a year to pluck up the courage to approach a local advice centre with her problem. Many expressed a desire not to "bother people" or "waste another person's time". In this respect it was far easier to take along a friend or relative for moral support (as did 10% of SBAT, 15% of NILT and 7% of MAT appellants), although probably less helpful in forwarding the substance of the appeal.

The most common qualities desired of a representative were "someone who knew how to speak" and "someone with knowledge of the rules and regulations". Many appellants only came to desire representation with hindsight, after being intimidated and overawed at

55.
facing the tribunal alone. They described themselves as having become "tongue-tied", "forgetting everything they had meant to say" or "going to pieces". For many, having a representative was a way of combating the feelings of powerlessness and incompetence they experienced in this kind of situation. "It's the only way to impress these people, to be taken notice of", said one supplementary benefit appellant.

However, an equally vocal and larger group amongst the unrepresented (61%) expressed a clear preference for presenting the case themselves. Some regarded the substance of their appeal as relatively simple and straightforward, making representation unnecessary.

Others experienced representation as an intrusion into their private affairs: "It's just something to do with me and nobody else". With a representative some appellants felt that they ran the risk of losing control of the appeal as well as a certain loss of familiarity with the details of the case. As one NILT appellant put it: "I prefer to present my own case in my own way. If I had a solicitor, he'd probably speak a strange language which I couldn't identify with. If I had a trade union representative, he wouldn't know anything about my home life."1

1. The Scottish Office Central Research Unit's report on small claims also mentions people's fears of lawyers becoming involved in their case, in terms of over-dependence on a lawyer or that the lawyer might not be sufficiently interested or committed. Central Research Unit, A Research-Based Evaluation of the Dundee Small Claims Experiment, Scottish Office, 1983, p.64.
Whilst having a representative was regarded by some as a way of redressing the balance of power in the appellant's favour, others saw it as weakening their appeal. In consciously dismissing representation, some appellants were pursuing an alternative approach which they perceived to be more beneficial to their cause. They defined the appeal as a "personal plea" which depended for its very force upon engaging the tribunal's sympathies. In this way of seeing things, feeling was all-important, outweighing such considerations as a detailed knowledge of the regulations. As one medical appeal appellant put it: "It's a waste of time having someone speak for you. The feeling isn't there, although they may be educated, know the terms." Having a representative reduced the emotional impact of the appellant telling his or her own story.

Related to this way of viewing the appeal was the idea that it was sufficient to tell the truth, and the truth, as everyone knows, has to come from the horse's mouth: "I can tell the truth myself"; "If you tell the truth, you don't need anyone else there". According to this moral code the truth spoke for itself and the act of telling the truth would be rewarded. Many appellants went on to differentiate themselves from the "fiddlers" and "dodgers" who made life difficult for the "genuine" claimant.

The regulations were largely peripheral to this strategy. Where they were acknowledged, it was in terms of stretching them, making an exception or appealing beyond them to common sense notions of
justice and fair play. This strategy, however, is unlikely to be very effective given the legal framework within which the tribunal system operates. It led to much frustration and bitterness when telling the truth did not pay off - "If I'd told a pack of lies at the beginning, I'd never have these problems now. Unfortunately I told the truth" - or when the tribunal was seen to be bound by the same legislation and regulations as the DHSS: "They just repeated the same rules and regulations as the social security people. Well, I thought the tribunal was independent from the DHSS".

**Satisfaction with the Tribunal Process**

As our interviews were carried out immediately after the hearing, it was their experiences in the tribunal room which appellants most - and often exclusively - wanted to talk to us about. Emotions aroused by the hearing varied from extreme anger to pleasant surprise. In all three tribunals opinion was almost equally split between positive and negative responses.

Positive responses were given by 34% of SBAT, 39% of NILT and 37% of MAT appellants. Many had been favourably impressed by the informality of the tribunal proceedings, having come with images of wigs on heads: "It's not like being in court with a judge; they're just ordinary sort of people sitting there." They had expected the hearing to be a grander, more intimidating occasion than it turned out. At least one appellant thought that this
informal aspect should be emphasised more beforehand, so that others should not be deterred by false ideas of a courtroom scenario.

Another quality which was highly valued by this group was the tribunal's willingness to listen, a reflection perhaps of the extent to which many had been brushed aside in the past: "I was allowed to speak and they didn't interrupt me when I was talking"; "They sit and listen to you"; "They let me talk". Many appellants welcomed and seized upon this opportunity to put forward their side of the story, especially if they judged the audience to be sympathetic. The tribunal was variously described by this group - even by some who were pessimistic about the final outcome of their appeal - as "friendly and understanding", "nice people", "fair and helpful".

Negative responses were given by 37% of SBAT, 34% of NILT and 33% of MAT appellants. Many of these felt that the tribunal had pre-judged the appeal, making their own presence at the proceedings superfluous: "I thought they would reconsider my case, give me a chance, otherwise it's pointless coming here". Others regarded the outcome as having been arrived at largely over their heads: "They talk amongst themselves; they know what they are talking about, you only catch phrases". Some were disappointed with the speed with which their appeal was heard and the lack of empathy or knowledge shown by the tribunal with their personal circumstances: "They only see you for five minutes"; "They don't know the ins and outs of the work I do"; "They don't know the pain I suffer". Yet others experienced the tribunal as not only uncaring but also judgemental. The
tribunal's investigative role was experienced by some as signalling guilt or putting them on the spot: "You feel like you're on trial"; "You've got to prove your case; if you can't prove it you've had it with the social security officer sitting there". For many of this group the whole experience was declared to be a "waste of time", "an exercise" or "bureaucratic nonsense".

Speaking immediately after the hearing, over half the sample said they would take their present case further if the appeal were disallowed, 37% said they would accept the tribunal's decision and 12% said any future action would depend upon the outcome. When asked about the effect the present experience of appealing would have on making any new appeal, 60% of appellants said that they would appeal again should they have cause to do so (many adding that they would come better prepared next time), and 6% would appeal again only on a what seemed to them a significant issue. But 12% had been sufficiently put off by their experiences as to refrain from appealing again in the future: "It's not worth it"; "It's too nerve-wracking".
7. **CONCLUSIONS**

This study has examined the social security tribunal system from the perspective of the appellant. The value of any appeals system depends upon the extent to which it enables appellants to exercise their right to appeal effectively. The findings show that many appellants experience a number of important barriers in the appeal process. Whilst a small proportion, particularly in medical appeals, have difficulties getting to the tribunal, a much larger number have problems understanding the tribunal documents and following appeal procedure. For many appellants the tribunal represents an alien world where they feel ill at ease and socially incompetent. An appeals system, whose workings remain a mystery to many of its users or whose decisions can only be understood in terms of a "lucky dip", runs the risk of leading to a loss of faith in the judicial process and an erosion of the legitimacy of the welfare state.

Appellants' difficulties in fully comprehending the tribunal system are partly a reflection of the growing complexity of welfare legislation. A clear understanding of the legislation and regulations is increasingly important for appeals to succeed, yet it is here that appellants' greatest handicap lies. The findings have pointed to an important imbalance of power in this respect between the unaided appellant and the more experienced and rehearsed presenting or insurance officer. In order to reduce this power differential, we have put emphasis on the
importance of obtaining pre-hearing advice and extending representation at tribunals. Not only would this help to prevent much disillusionment felt by appellants at having the same incomprehensible regulations repeated back at them by the tribunal, but it would also encourage the demoralized who give up - perhaps unjustifiably - on the way.

Involving intermediaries in the form of advisers and representatives runs the risk of creating dependency relationships and of maintaining the appellant in a largely passive role. Some appellants clearly did not want representation for this reason, experiencing it as cutting into their sphere of action. However, if appellants do choose to go it alone, they should do so in the full knowledge of what is involved rather than finding out too late that this was a mistake. Kathleen Bell's "participation model", whereby advocacy is defined as a joint enterprise between adviser and appellant, would suit some appellants in our sample. Yet others clearly wanted to leave the matter in the hands of an expert, recognizing the complexity of the regulations and their own incompetence in this area.

With respect to the availability of advice with appeals, the situation has not remained static. Our findings show appellants to be better informed and to have more access to advice and representation than when Kathleen Bell wrote (albeit about a different area) in 1975. But much remains to be done to improve the dissemination of information about appeals and tribunal procedure. The communication of information by the written word, however, has its

1. K.Bell, Research Study on Supplementary Benefit Appeal Tribunals, p.16.
drawbacks. There is a limit to which complex material can be simplified. Furthermore, many appellants operate in a predominantly oral culture, whereby information is gleaned and transmitted by word of mouth. What is needed, in our view, is more people and not more paper.

The local social security office is the initial point of contact for claimants but it is here, as has been seen, that many appellants come across the first of a number of barriers. In order to improve access to information at social security offices, an advisory desk should be set up to act as an initial channel of communication. This is no more than was proposed by Sir William Beveridge over 40 years ago:

There should be in every local security office an Advice Bureau to which every person in doubt or difficulty can be referred and which will be able to tell him not only about the official provisions for social security, but about all the other organisations - official, semi-official and voluntary, central or local - which may be able to help him in his difficulty.1

A more personalized information and advice service would involve a greater commitment of resources, but the DHSS computerization programme will release staff, some of whom could be used for this purpose. The trend towards a greater use of computerized information points is also welcome: some claimants may welcome such developments as providing a more anonymous and possibly less stigmatizing service than face to face contact.

RECOMMENDATION 15

IN ORDER TO IMPROVE ACCESS TO INFORMATION AT SOCIAL SECURITY OFFICES, ADVISORY DESKS SHOULD BE SET UP AS RECOMMENDED IN THE BEVERIDGE REPORT OF 1942.

At present appellants have to hunt around for information and advice (unless they have privileged access to assistance, as do industrial injury appellants through the trade unions). Furthermore, knowing where to go for help in the abstract is not the same as feeling confident to approach an advice centre directly. Many appellants felt that they should have automatic access to advice with their appeal and a few had expected the tribunal to provide this. The growth of welfare rights shops has done something to provide accessible advice. Likewise, campaigns in the local press by pressure groups - as occurred in the Motherwell area during the course of the fieldwork - bring advice centres to the attention of those who might have given up or gone it alone.

Much of the present advice available to appellants, especially in the area of supplementary benefits, depends upon the efforts of hard pressed volunteers (some of whom are drawing benefit themselves). Poorly funded, many cannot provide the kind of service they would like to. Moreover, information about advice services is at present dispersed and needs to be systematically gathered together into a local register. Names, addresses and telephone numbers of advice agencies offering help with appeals in the vicinity could then be displayed in the local
social security office and/or be included with the tribunal papers sent to appellants. There have been some improvements in this respect. Form LT6, which all NILT appellants receive, informs them of the legal advice and assistance scheme and directs them to the Citizen’s Advice Bureaux or to the Law Society’s Legal Aid Offices for help with their appeal. The supplementary benefit pamphlet, You can appeal if you think a decision is wrong, directs appellants to Citizen’s Advice Bureaux, to staff at the social security office or to local libraries for information about advice centres. However, in our view, even more specific indications about help need to be given.

RECOMMENDATION 16

THE DHSS SHOULD GIVE APPELLANTS FULL AND CLEAR INFORMATION ABOUT THE APPEAL. THIS SHOULD INCLUDE:

(i) INFORMATION ABOUT THE HEARING - WHERE IT WILL BE HELD (ALL APPELLANTS SHOULD RECEIVE A MAP); HOW TO GET THERE; ITS LIKELY LENGTH; WHETHER IT IS IN PUBLIC OR PRIVATE; AND THE INFORMALITY OF THE PROCEDURE.

(ii) INFORMATION ABOUT WHERE TO GET HELP AND ADVICE - LOCAL SOCIAL SECURITY OFFICES SHOULD PROMINENTLY DISPLAY LISTS OF NAMES, ADDRESSES AND TELEPHONE NUMBERS OF LOCAL ADVICE AGENCIES OFFERING HELP WITH APPEALS (AND ALSO OF WHERE TO OBTAIN LEGAL ADVICE AND ASSISTANCE). THESE LISTS SHOULD ALSO BE SENT TO APPELLANTS WITH THEIR APPEAL PAPERS.

65.
(iii) INFORMATION ABOUT THEIR OWN APPEAL -
APPEAL PAPERS SHOULD GIVE CLEAR AND SIMPLE EXPLANATIONS OF THE POINTS WHICH THE TRIBUNAL WILL BE CONSIDERING AS WELL AS THE FULL REFERENCES TO THE REGULATIONS.

It is unclear at present what effect the forthcoming merger of SBATs and NILTs will have on these problems of access. The stated aims of the merger are "to improve the quality of adjudication and decisions and to demonstrate more clearly the independence of the arrangements for deciding benefit claims from the Department".¹ Little, if anything, has been said officially about improving facilities for advice and representation. Nor is it clear what effect amalgamation will have on the question of physical access. The number of tribunal locations is clearly an important consideration in determining ease of access. Our findings show that MAT appellants, and some NILT and SBAT appellants in rural areas, experience difficulties in getting to the tribunal. The number of social security tribunals has already been reduced in Scotland, in 1979, through problems

of "under use". However, the number of supplementary benefit appeals in particular has been increasing steadily over the past few years (see Table 1). One problem is the uneven distribution of cases which overloads some tribunals whilst leaving others underused. Tribunal clerks generally wait until they have gathered together four or five appeals before convening a tribunal. Whilst this is quickly done in Glasgow and Edinburgh, it is a much slower process in rural areas. Making tribunals more local, therefore, has to be set against a possible increase in waiting time for the appeal to be heard or, alternatively, convening a tribunal for a few appellants at greater expense.

Tribunals themselves exercise varying degrees of control over the physical environment within which appeals are heard, depending upon whether the accommodation is used exclusively by them or shared with other users. Many tribunal premises are adequate and pleasant though few do not leave scope for at least a measure of improvement. Some premises, however, have serious deficiencies and seem to negate the spirit of the tribunal system, whilst others (such as church halls) are felt by a few appellants to be inappropriate settings. Furthermore, several fall short with respect to access for the disabled and infirm. Where possible, improvements should be made in the overall surroundings so as to provide a more encouraging atmosphere and to break down the apprehension which many appellants experience in appealing. A major shortfall of the present arrangements, and one which should be remedied as soon as possible, is the absence of reception facilities. More often than not, the appellant's arrival is not registered, and
our observations show this to be a significant factor increasing their anxieties. In the busier tribunals, where the waiting room is in fairly constant use, arrangements should be made for appellants to consult with their representatives before the hearing in reasonable privacy. Finally, the physical lay-out of the tribunal room should clearly separate the tribunal members from the parties to the dispute. As far as the latter are concerned, the seating arrangements should reflect the equal status of the appellant on the one hand and of the presenting or insurance officer on the other.

In summary, it is essential, if justice is to be achieved, that appellants should be able to understand what their appeal is about and how the tribunal system works. They should be given full and clear information about their appeal and about where to get help and advice. Improvements to tribunal premises are also needed. Changes in both these areas will have to compete with other desirable improvements in services at a time of severe restraint on public expenditure; nevertheless, significant progress could be made at modest cost, and the opportunity of doing so should be taken when the new system of unified Social Security Appeal Tribunals is established in 1984.
LIST OF RECOMMENDATIONS

RECOMMENDATION 1

SOCIAL SECURITY TRIBUNALS SHOULD BE CLEARLY IDENTIFIED ON THE OUTSIDE AND INSIDE OF BUILDINGS.

RECOMMENDATION 2

ALL SOCIAL SECURITY TRIBUNALS SHOULD BE IN PREMISES WHICH ARE FULLY ACCESSIBLE FOR THE DISABLED. WHEN CHOOSING PREMISES FOR THE NEWLY-MERGED TRIBUNALS THE DHSS SHOULD CONSULT WITH ORGANISATIONS REPRESENTING THE DISABLED ABOUT THEIR NEEDS AND REQUIREMENTS.

RECOMMENDATION 3

THERE SHOULD BE CLEAR SIGNPOSTING WITHIN TRIBUNAL PREMISES. IN ADDITION ALL TRIBUNALS SHOULD HAVE FACILITIES TO NOTE THE ARRIVAL OF APPELLANTS AND GIVE THEM DIRECTIONS.

RECOMMENDATION 4

ALL TRIBUNALS SHOULD HAVE WAITING ROOMS FOR APPELLANTS AND FRIENDS WITH ADEQUATE AND COMFORTABLE SEATING.

RECOMMENDATION 5

ALL TRIBUNALS SHOULD HAVE TOILET FACILITIES FOR APPELLANTS AND FRIENDS. AT LEAST ONE PUBLIC TELEPHONE SHOULD BE AVAILABLE AND POSITIONED TO ENSURE REASONABLE PRIVACY. SOME LIGHT REFRESHMENT FACILITIES MIGHT ALSO BE MADE AVAILABLE IN THE BUSIER CENTRES.
RECOMMENDATION 6

ACCOMMODATION SHOULD BE MADE AVAILABLE IN ALL TRIBUNAL PREMISES FOR PRIVATE INTERVIEWS.

RECOMMENDATION 7

MEDICAL APPEAL TRIBUNALS SHOULD PROVIDE A VARIETY OF ALTERNATIVE SEATING INCLUDING SOME UPRIGHT CHAIRS WITH ARMS.

RECOMMENDATION 8

ALL TRIBUNALS SHOULD ADOPT THE LAYOUT RECOMMENDED BY THE DHSS AND ILLUSTRATED IN MODEL 1 (SEE FIGURE 2).

RECOMMENDATION 9

ALL TRIBUNALS SHOULD PAY THE EXPENSES OF LOOKING AFTER DEPENDENT RELATIVES OF APPELLANTS WHO ATTEND HEARINGS. ALL APPELLANTS SHOULD BE CLEARLY INFORMED OF THEIR RIGHT TO CLAIM SUCH EXPENSES.

RECOMMENDATION 10

CONSIDERATION SHOULD BE GIVEN TO ARRANGING SITTINGS OF MEDICAL APPEAL TRIBUNALS IN PARTS OF THE COUNTRY OTHER THAN GLASGOW AND EDINBURGH. CONSIDERATION SHOULD ALSO BE GIVEN TO THE POSSIBILITY OF ARRANGING DOMICILIARY VISITS OR PERIPATETIC SITTINGS FOR ALL TRIBUNALS IN REMOTE AREAS.
RECOMMENDATION 11

ALL TRIBUNAL FORMS AND PAPERS THAT NEED TO BE USED OR UNDERSTOOD BY APPELLANTS SHOULD BE IN PLAIN LANGUAGE.

RECOMMENDATION 12

TRIBUNAL MEMBERS, PARTICULARLY CHAIRMEN, SHOULD RECEIVE TRAINING IN COMMUNICATION SKILLS.

RECOMMENDATION 13

THE DHSS SHOULD CONSIDER WAYS OF SIMPLIFYING THE LEGISLATION AND REGULATIONS CONCERNING SOCIAL SECURITY AND WAYS OF ALLOWING APPELLANTS EASY ACCESS TO THE LEGISLATION WITH APPROPRIATE EXPLANATION.

RECOMMENDATION 14

THE ROYAL COMMISSION ON LEGAL SERVICES IN SCOTLAND RECOMMENDED THAT ENCOURAGEMENT SHOULD BE GIVEN TO DEVELOPING THE PROVISION OF LAY ADVICE AND REPRESENTATION BEFORE TRIBUNALS IN WHICH LAY PARTICIPATION IS APPROPRIATE. THE COMMISSION ALSO STATED THAT RESPONSIBILITY FOR THIS DEVELOPMENT AND FOR ENSURING THAT ADEQUATE FINANCIAL RESOURCES ARE MADE AVAILABLE SHOULD REST WITH A LEGAL SERVICES COMMISSION. FAILING THE SETTING UP OF A LEGAL SERVICES COMMISSION, WE RECOMMEND THAT THE GOVERNMENT PROVIDE FINANCIAL RESOURCES TO DEVELOP LAY ADVICE AND REPRESENTATION FOR SOCIAL SECURITY TRIBUNALS.
RECOMMENDATION 15

IN ORDER TO IMPROVE ACCESS TO INFORMATION AT SOCIAL SECURITY OFFICES, ADVISORY DESKS SHOULDN'T BE SET UP AS RECOMMENDED IN THE BEVERIDGE REPORT OF 1942.

RECOMMENDATION 16

THE DHSS SHOULD GIVE APPELLANTS FULL AND CLEAR INFORMATION ABOUT THE APPEAL. THIS SHOULD INCLUDE:

(i) INFORMATION ABOUT THE HEARING - WHERE IT WILL BE HELD (ALL APPELLANTS SHOULD RECEIVE A MAP); HOW TO GET THERE; ITS LIKELY LENGTH; WHETHER IT IS IN PUBLIC OR PRIVATE; AND THE INFORMALITY OF THE PROCEDURE.

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(iii) INFORMATION ABOUT THEIR OWN APPEAL - APPEAL PAPERS SHOULD GIVE CLEAR AND SIMPLE EXPLANATIONS OF THE POINTS WHICH THE TRIBUNAL WILL BE CONSIDERING AS WELL AS THE FULL REFERENCES TO THE REGULATIONS.

72.
APPENDIX

EXAMPLES OF APPEAL PAPERS RELATING TO NITA, SBATs and MATA

Reproduced with permission from Social Security Appeals, NACAB, 1980

and I Want to Appeal, NACAB, 1982.
UNEMPLOYMENT BENEFIT - Misconduct or leaving voluntarily

Tribunal: LEEDS

FULL NAME OF CLAIMANT

<table>
<thead>
<tr>
<th>Surname</th>
<th>Other names</th>
</tr>
</thead>
<tbody>
<tr>
<td>McDonald</td>
<td>Ian Keelan</td>
</tr>
</tbody>
</table>

National Insurance Number

| TN | 26 | 40 | 11 | C |

LO Leeds

Marital status: Single
Male/Wife/Widower: 27
Registered occupation: Fitter
Last occupation (if known): Fitter

*Reference dated
for decision whether, and if so for what period, the claimant is disqualified for receiving unemployment benefit, and in particular whether he/she-

*Appeal by claimant from the following decision of the
Insolvency Officers dated...18.11.78
The claimant is disqualified for receiving unemployment
benefit from...29.9.78...to...9.11.78
(bOTH dAtES included) because he/she-

*(i) lost his/her employment through misconduct (Social Security Act 1975 section 20(4)(a))
*(ii) voluntarily left his/her employment without just cause (Social Security Act 1975 section 20(1)(a))

2. Particulars of the Claim:

(a) First day of claim for benefit following employment in question...3.10.78
(b) Benefit unpaid from and including...29.9.78...to...9.11.78
(i) whether benefit paid on the claim...No
(ii) Any days (except waiting days) between (a) and first date in (b) not paid for...

(c) Has the claim been disallowed on any other ground?
If so,
period of disallowance from...
to...
Grounds of disallowance

(d) Explanation of any gap between termination of employment in question and date shown at (a) unemployment did not register

(e) Is claimant a disabled person?: Yes/No

3. Particulars of employment concerned:

(a) Name and address of employer
Gates Engineering
Hall Road, Leeds 6
(b) Nature of employment
Fitter
(c) Employed from...14.8.78...to...28.9.78...Wages paid up to and including...28.9.78

4. Relevant provisions in Acts and Regulations
(Social Security Act 1975 section 20(1)(a))
(Brown Book page...27)

5. Relevant reported decisions of the Commissioner
R(U)17/54. R(U)20/64. R(U)14/52. R(U)17/64. R(U)9/59. R(U)8/74.

6. Employers notified of hearing
Yes/No
(to be completed by Clerk)

*Delete as necessary
*Age at date of decision or reference

Form LT 1A

74
CLAIMANT'S GROUNDS OF APPEAL

See page 27.

INSURANCE OFFICER'S SUBMISSION

1. Under section 20(1)(a) of the Social Security Act 1975 a person may be disqualified from receiving unemployment benefit for a period not exceeding 6 weeks if he left his employment voluntarily without just cause.

2. I submit that the claimant left his employment voluntarily on 28/9/78 and that in order to avoid disqualification as in the paragraph above, he is required to show that he had just cause for leaving his employment. Commissioner's decision R(U)17/54 refers. I submit that just cause is not shown.

3. In decision R(U)20/64, the Commissioner states: "The basic purpose of unemployment benefit is to provide against the misfortune of unemployment happening against a person's will. Section 13(2)(a) (now section 20(1)(a) of the 1975 Act) however clearly recognises that it may be payable in certain cases where the claimant leaves voluntarily if he does not do so without just cause. It is not sufficient for him to prove that he acted reasonably in the sense of acting reasonably in his own interest. The interests of the National Insurance Fund and other contributors have to be taken into account as well. The notice of just cause involves a compromise between the rights of the individual and the interests of the rest of the community. So long as he does not break contract with his employer, the individual is free to leave his employment when he likes. But if he wishes to claim unemployment benefit he must not leave his employment without due regard to the interests of the rest of the community." I submit that such regard is not shown and the claimant has not, in the evidence, shown that circumstances were so pressing as to compel him to terminate his employment as and when he did.

4. It is not practicable to lay down any hard and fast rule to guide the statutory authority as to the precise circumstances in which just cause or no just cause for leaving is shown. Each case must depend upon its own particular circumstances.

5. Generally speaking, a person should be assured of having suitable alternative employment to go to before he leaves that which he already had; or at least ought to have very good reason for supposing that his chances of securing alternative employment in the immediate future are such that he will not be relying upon unemployment benefit to reimburse him whilst he is seeking fresh employment R(U)14/52. I submit that no such evidence is shown.

6. In the case before the tribunal the employer states the claimant terminated his employment and gave the reason for this action that he was "going to work in his father's garage as a partner". The claimant states that he had given notice to his employer to terminate his employment on the Friday as he had obtained other work, unfortunately the new employment did not materialise.

7. On Monday 26th September the claimant was given repair work to carry out. He refused to undertake the work, saying he was not employed to do this task. The claimant states he should have received training on some aspects of his work which he never received. The claimant was spoken to by the employer and informed he could not be paid a wage of £62.50 and not carry out work. The employer considered the claimant's attitude was upsetting the rest of the workforce. The claimant was therefore informed it would be better if he "clocked out".

8. The Insurance Officer has taken the view that the claimant voluntarily left his employment without just cause. The circumstances are such however that it could equally be held that the employment was lost because of misconduct under the same section of the Act.

9. In decision R(U)17/64, it was held that "loss of employment" is a more comprehensive phrase than "leaving voluntarily" because loss of employment may result either from voluntary leaving or dismissal. In considering whether employment has been lost through misconduct therefore, it is not always necessary to determine categorically whether the claimant left voluntarily or was dismissed. In decision R(U)9/59, the Commissioner held that: "I accept that in certain circumstances a claimant may properly be held to have left his employment voluntarily, notwithstanding that in form, the
employment has been terminated by the employer. There are various ways in which an employee may invite dismissal, and if it appears that he has, in accordance with his own desires, brought about the termination of his employment, he may properly be held to have left voluntarily." An earlier decision (R(U)16/52) phrases the principle as follows: "It is an established principle of unemployment insurance law that if a person deliberately and knowingly acts in a way which makes it necessary for the employer to dismiss him, he may be regarded as leaving his employment voluntarily."

10. I submit, therefore, on the evidence before the tribunal, the claimant left his employment without just cause.

11. It follows, I submit, that he should be disqualified from receiving unemployment benefit for a period not exceeding 6 weeks. In decision R(U)6/74 a Tribunal of Commissioners considered the principles by which the statutory authorities should determine the period of disqualification. They explained that section 22(2) of the National Insurance Act 1965 (which was in almost identical terms to section 20(1) of the Social Security Act 1975) gives the statutory authorities a completely unfettered discretion in that determination subject to the requirement that it must be exercised judicially. A sensible discretion should be exercised, they said, in such manner as the justice of the case requires.

12. I submit that in the circumstances of this case the appropriate period is that of six weeks starting on 29.9.78.
Please answer all relevant questions.

1. (a) Is the period of employment stated by the claimant from 14.6.78 to 26.9.78 correct? If not, please give correct period.
   (b) Did the claimant ordinarily work from Monday to Saturday inclusive each week?
   (c) On which day(s) did the claimant NOT ordinarily work?

2. (a) Did you discharge the claimant; if so, on what date?
   (b) If so, was the discharge because of unsatisfactory conduct of any kind?
   (c) If so, please give full details of the incident(s) which led to the discharge.
   (d) If you discharged the claimant because of redundancy, was alternative employment offered?
      (a) If so, please give full details of the alternative employment offered.

3. If the claimant left your employment voluntarily what reason was given?

4. If the claimant was discharged because of unsatisfactory conduct or left your employment voluntarily:
   (a) Would the employment otherwise have lasted for at least another six weeks?
   (b) If not, until what date would it probably have lasted?

5. (a) Have any payments been made to the claimant, or are any to be made, in respect of the termination of the employment?
      If so, please give details of each such payment, including approximate amounts.
      (In answering this question, wages up to the date the employment ended, holiday pay, sums representing the return of Pension Scheme or BUPA contributions and payments made under the REDUNDANCY PAYMENTS Act need not be mentioned, but any payment in kind should be described.)
      (b) How much notice was the claimant entitled to?
      (This is the notice period under the claimant’s Contract of Service, or under the Contracts of Employment Act 1972, or any redundancy agreement affecting the notice period, whichever is longer.)
      (c) Was notice given and, if so, when?
      (d) Was the claimant employed under a “service agreement” or a fixed term contract?

Date 6th Oct. ’78
Employer’s stamp:
UB 85 (Reverse)

(a) ___YES___ (Yes or No)
   From 15.6.78 to 28.9.78 (last day actually worked)

(b) ___YES___ (Yes or No)
   (If the answer is "NO", please answer question (c))

(c) ____________________________

(a) ___NO___ (Yes or No). Formally discharged on ________
   (b) ________ (Yes or No).
   (c) HE REFUSED TO COMPLETE REPAIR WORK, so we were told we cannot be paying £2.50 PER 10 hours FOR NOTHING AND HE MAY AS WELL STAY AT HOME AND DO NOTHING, as he was collecting the rest of the shop.
   (d) ________ (Yes or No).

GOT TO WORK IN HIS FATHER’S GARAGE AS A PARTNER

(a) ____________________________ (Yes or No).
   (b) Until ______________________ (date)

(a) ___NO___ (Yes or No).

(b) __________________ weeks, or ____________ months

(c) ____________________________ (Yes or No)
   on ____________________________ (date)

(d) ___NO___ (Yes or No). If YES, please state details separately and forward a copy of the agreement/contract and any receipt given by the claimant in final settlement.

Signature: ________________________
Position in firm: ____________________
Telephone No.: 73421

77.
1. Would you please give details of the new employment you had obtained, the name of the employer and the person who offered the employment.

   ① Hawker Siddley Aviation, Denbury. In reply to the set down remarks of me going to work with my father, it was said that I may do, but not til sometime next year.

   ② I did work there a few years ago and when I left they said I could go back anytime.

2. How firm an offer was it?

   ⑤ I applied thinking I would get the job within a week or two, so I gave notice to my employer but the job didn't materialise.

3. Why did the employment fail to materialise?

   ⑥ I never got any training. When I first started I was put on a job with a man to learn the work but he didn't know anything himself and after a month he left and no-one else helped to teach me. I complained on several occasions.

P.S. In the time I was there, over 25 people were sacked or left.

Signature: F. K. McDonald

Date: 1/11/78

Continue on another sheet if necessary.
SUPPLEMENTARY BENEFITS ACT 1976

APPEAL TO APPEAL TRIBUNAL

Name of appellant
(Mr. Martin)

SURNAMES
MARTIN

OTHER NAMES
RICHARD ALEXANDER

Address
14, TOWERS ROAD, LEEDS 7.

Office
DHSS
Hume House,
Tower House St.,
Leeds 2.

Appeal lodged on 28.1.82.

Against the following decision of the Supplementary Benefit Officer

issued on 18.1.82.

The appellant is not entitled to a single payment for shoes, jumper, coat,
derpants, socks and braces.

APPELLANT"S STATEMENT

I wish to appeal to the Supplementary Benefit Appeal Tribunal because of the
decision taken not to allow me a lump sum payment for shoes, underpants, socks,
jumper, braces and coat.

In the leaflet SB16 reasons for giving lump sum payments for clothing are
listed as: rapid weight loss or gain, and heavy wear and tear because of
physical or mental illness, handicap or disablement.

In April 1974 I was attacked by a thief. I disturbed in the process of robbing
my house. This brought on an acute state of anxiety which caused my metabolism
to alter drastically causing me to gain a large amount of weight. The attack
also caused an injury in my lumbar region. In October 1979, I was put on a very
strict diet by my doctor and have gone down from 23stones 11\frac{1}{2}lbs to 15stones
12\frac{1}{2}lbs. This means that I have very few clothes that actually fit me.

I am registered as disabled because of my obesity and my lumbar injury. This
injury causes me to walk in such a way that considerable wear and tear is
placed on my shoes causing the heel of the right one and the inside edge of
the left one to wear out very rapidly.

If you wish to check this, my registration number is 61274.

I wish to be represented at the hearing by Mr. Anita Khan, Willow Road Advice
Centre, Leeds 6. Please send her copies of the papers.

STATEMENT BY THE SUPPLEMENTARY BENEFIT OFFICER

See separate sheet.
**PARTICULARS OF ASSESSMENT UNDER THE COMPLEMENTARY BENEFITS ACT 1987**

(A) **LIVING EXPENSES** *(the Requirements Regulations 1980 Part II)*

<table>
<thead>
<tr>
<th>Description</th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>For the claimant* and his wife</td>
<td>29.60</td>
</tr>
<tr>
<td>For the claimant's children</td>
<td></td>
</tr>
<tr>
<td><strong>AGED</strong> 49</td>
<td></td>
</tr>
<tr>
<td><strong>AGED</strong></td>
<td></td>
</tr>
<tr>
<td><strong>TOTAL LIVING EXPENSES</strong></td>
<td>29.60</td>
</tr>
</tbody>
</table>

(B) **ADDITIONAL REQUIREMENTS** *(the Requirements Regulations 1980 Part III)*

- **Central heating**
- **Diet £3.05**

*Because the claimant receives the long-term rate of benefit deduct

<table>
<thead>
<tr>
<th>Description</th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>1.65</td>
</tr>
<tr>
<td></td>
<td>2.55</td>
</tr>
<tr>
<td><strong>TOTAL ADDITIONAL REQUIREMENTS</strong></td>
<td><strong>4.20</strong></td>
</tr>
</tbody>
</table>

(C) **HOUSING COSTS** *(the Requirements Regulations 1980 Part IV)*

<table>
<thead>
<tr>
<th>Rent paid for 52 weeks</th>
<th>Amount paid (£)</th>
<th>Weekly equivalent (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>15.56</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Amounts to be deducted:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>For items included in the rent</td>
<td>15 56</td>
</tr>
<tr>
<td>For subletting</td>
<td>15 56</td>
</tr>
</tbody>
</table>

- **Mortgage interest**
- **Rates (general)**
- **Rates (water)**
- **Rates (sewerage)**
- **Ground rent or feu duty**
- **Allowance for repairs and insurance**

<table>
<thead>
<tr>
<th>Total weekly equivalent</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>15 56</td>
<td></td>
</tr>
</tbody>
</table>

**RESOURCES**

(D) **INCOME** *(the Resources Regulations 1980)*

<table>
<thead>
<tr>
<th>Type of Income</th>
<th>Amount received per week (£)</th>
<th>Amount disregarded (£)</th>
<th>Amount taken into account (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invalidity Benefit</td>
<td>32.55</td>
<td>NIL</td>
<td>32.55</td>
</tr>
</tbody>
</table>

**TOTAL OF INCOME TAKEN INTO ACCOUNT**

|                        | 32 55                        |

**CALCULATION OF BENEFIT**

<table>
<thead>
<tr>
<th>Total requirements (Boxes A, B and C)</th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>49 36</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Less total resources (Box D)</th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>32 35</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Adjustments for</th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>The claimant is entitled to</th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 01</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Other adjustments</th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th><strong>AMOUNT OF SUPPLEMENTARY BENEFIT PAID</strong></th>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 01</td>
<td></td>
</tr>
</tbody>
</table>

**Supplementary Pension Allowance where paid separately**

<table>
<thead>
<tr>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 01</td>
</tr>
</tbody>
</table>

**TOTAL PAID TO CLAIMANT EACH WEEK FROM 21/11/83**

<table>
<thead>
<tr>
<th>Weekly amount (£)</th>
</tr>
</thead>
<tbody>
<tr>
<td>17 01</td>
</tr>
</tbody>
</table>

Form LT 301

*Orders as appropriate*
STATEMENT BY THE SUPPLEMENTARY BENEFIT OFFICER

Facts of the Case

The applicant is a single man aged 49 years. He is sick and has been in receipt of supplementary benefit since October 1979. On 5.12.81 he requested help to purchase clothing and footwear.

Provisions of the Act and Regulations

The Single Payments Regulations (a) lay down the conditions under which, and the specific items and expenses for which, single payments will be made for clothing and footwear. In particular a payment for specified items of clothing or footwear shall be made where a person needs new or replacement clothing (b) and that need has arisen otherwise than by normal wear and tear....but not where that need has arisen in the normal course of events (eg where an item of clothing or footwear is outworn).

The Single Payments Regulations (c) also provide that a single payment shall be made towards the cost of an item to which normal requirements relate (and this includes clothing) if either the claimant has for a past period, not received benefit to which he was entitled (or would have been entitled had he claimed it) or has spent money set aside for the item on another item for which a single payment could have been made under the Regulations.

Regulation 30 also provides that a single payment shall be made where a claim is made by a recipient of a supplementary pension or allowance for an exceptional need for which no provision is made in the Regulations or for which provision is made but the claimant does not satisfy the qualifying conditions, and in in opinion of the Supplementary Benefit Officer such payment is the only means of preventing serious damage or serious risk to the health or safety of the claimant or his family. (d).

Reasons for the Supplementary Benefit Officer's Decision

The Supplementary Benefit Officer decided that the applicant was not entitled to a single payment for shoes, a jumper and a coat because he already possess these and therefore there is no need for these items.

The Supplementary Benefit Officer also decided that the applicant was not entitled to a single payment for underpants, socks and braces because the conditions laid down in the Regulations are not satisfied in that the request for a single payment arises from the need to replace clothing due to normal wear and tear. The Supplementary Benefit Officer is satisfied that the applicant has been paid benefit in full to which he was entitled and there is no indication that he has spent money set aside for underpants, socks and braces on another item for which a single payment would have been made.

The Benefit Officer further decided that no serious damage or serious risk to the health or safety of the applicant would arise if a single payment were not made and therefore the question of other means of providing them did not arise.

(a) Regulation 27 (1)(a) of the Supplementary Benefit (Single Payments) Regulations 1981. Yellow Book page number 1933.

(b) Regulation 3 (2)(a) of the Supplementary Benefit (Single Payments) Regulations 1981. Yellow Book page number 1904.

(c) Regulation 28 (1) of the Supplementary Benefit (Single Payments) Regulations 1981. Yellow Book page number 1934.

(d) Regulations 30 of the Supplementary Benefit (Single Payments) Regulations 1981. Yellow Book page number 1935.
SECRETARY OF STATE'S OBSERVATIONS

This is a reference* on appeal by the claimant, at the instance of the Secretary of State, of the decision of a Medical Board at Leeds on 22.4.79 that the extent of disablement is assessed at 1% from 21.11.78 to 20.8.79 Final.

2. On 22.10.78 the claimant, a roof felter, now aged 19, slipped whilst putting a bucket onto a hook and his left arm went into a bucket of hot bitumen. He was incapable of work from 23.10.78 to 20.11.78 because of "burns left forearm".

3. The Medical Board on 22.4.79 noted on examination that the claimant was left handed. There was no muscular asymmetry of the left upper limb and all joints moved fully. On the ulnar border of the lower half of the left forearm and extending onto the wrist on its dorsal and ulnar aspect there was a soundly healed, non-tender but slightly bluish in colour, burn scar, measuring 5" by 2". Grip was good. The Board accepted "burns of left forearm" as fully relevant to the accident, credited a temporary disfiguring scar of the forearm and assessed disablement finally at 1% from 21.11.78 to 20.8.79.

4. The claimant has appealed against this decision and a copy of his letter dated 12.5.79 is attached.

5. It is the right and duty of the tribunal to reach their own conclusion on the whole of the case referred to them. They have power to confirm the decision of the Medical Board if they are satisfied that it is correct or they may set aside that decision or any part of it and replace it with whatever decision they are satisfied is correct in the light of the evidence and their own expert medical judgement (Social Security Act 1975 section 109). Accordingly it is for the tribunal to decide afresh (a) whether from 21.11.78 the claimant has any loss of faculty resulting from the accident on 22.10.78 and, if so, (b) to what extent and for what period any resulting disablement should be assessed.

6. If the Tribunal agree with the Medical Board (a) that there is a loss of faculty resulting from the relevant accident; and (b) as to the disabilities which are to be taken into account in the assessment, then the Secretary of State asks the Tribunal to consider whether the Board's assessment is reasonable.**  

*Delete as appropriate
SOCI AL SECURITY ACT (INDUSTRIAL INJURIES PROVISIONS)

DISABLEMENT BENEFIT: INITIAL MEDICAL BOARD REPORT

PART I

PARTICULARS OF CLAIMANT

Surname:       Mr                  Initials: S. P.

Date of birth: 23. 1. 37

Date of accident/prescribed disease: 23. 10. 78

(Block Capitals)

National Insurance Number: 20 41 77 81 A

(as shown in Box B(1) of form BI 8)

PART II

CLAIMANT'S STATEMENT TO THE MEDICAL BOARD

(This statement should be as nearly as possible in claimant's own words and should be read to him for agreement and signature below)

23.10.78 burnt my left forearm with bitumen. went straight to Leeds General Infirmary, where the burns were dressed, and then treated by my own doctor for about 6 weeks and then returned to work.

I am self-conscious of the burns on the left forearm. They do not hurt me and I can move the arm usually.

I agree that the above is a correct record of my statement.

Signature:  Steven Foxton

Date: 23. 4. 79

Form BI 118
PART III FINDINGS OF MEDICAL BOARD

1. Are you satisfied that the person before you is the person referred to at Part I overleaf? \( \checkmark \)

2. Weight 69 kg Height 1.76 m

3. Describe the claimant's general state of health, recording exact nature of any physical or mental abnormality whether resulting from the accident/prescribed disease or not.

   (1) If nothing abnormal is detected in any of the following systems, enter NAD.

<table>
<thead>
<tr>
<th>Respiratory</th>
<th>Alimentary</th>
<th>Circulatory</th>
<th>Nervous</th>
</tr>
</thead>
<tbody>
<tr>
<td>NAD</td>
<td>NAD</td>
<td>NAD</td>
<td>nervous</td>
</tr>
</tbody>
</table>

   (2) Blood pressure 120/80 (3) Urine (a) Albumen – (b) sugar –

   (4) Detailed clinical findings

   G.C. good

   Upper limb (L) bandage on

   On skin border of lower 1/3 of forearm and extending on to the wrist there is a 5 x 2 cm scar on dorsal aspect, which is rounded, healed and non-tender but slightly bluish in colour.

   \( \checkmark \) good

(5) Other evidence before the Board (e.g., medical reports, and any relevant history emerging from examination). An extract of relevant information from hospital case notes and X-ray reports should be made in chronological order on form BI 127A.
PART IV RELEVANCE OF ALL CONDITIONS DESCRIBED IN PART III (Numbered serially below).

4. Injury or disease resulting wholly or in part from the accident/prescribed disease and classified as follows:

F Where the whole of the injury or disease results from the accident/prescribed disease.

P Where the injury or disease is partly due to the accident/prescribed disease and partly to pre-existing congenital defect, injury or disease. The nature of the pre-existing condition should be entered.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Injury or disease</th>
<th>F or P</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>Burn on left forearm</td>
<td>F</td>
</tr>
</tbody>
</table>

5. Any conditions (other than those recorded at 4 above) which increase the disablement resulting from an F or P condition as shown at 4 above, classified as follows:

(See Handbook paras 49-50) C(pre) Defect, injury or disease present at date of accident/develpment of prescribed disease.

(See Handbook paras 51-52) C(post) Injury or disease arising after accident/prescribed disease and not itself resulting from the accident/prescribed disease, but the effects of which make the effects of an F or P condition more disabling than they would be in an otherwise normal person of the same age and sex.

<table>
<thead>
<tr>
<th>Serial No</th>
<th>Defect, injury or disease giving rise to greater disablement</th>
<th>C(pre) or C(post)</th>
</tr>
</thead>
</table>

6. Unconnected injuries, diseases etc.

Enter below all other abnormalities described in Part III which have no effect on the disablement resulting from the F or P conditions shown at 4 above.

Appendicectomy scar

Temporarily under treatment

PART V DECISION ON LOSS OF FACULTY

7. Has the accident/prescribed disease resulted in a loss of physical or mental faculty from the end of the injury benefit period? (see PART VIII)

(YES or NO) Yes

(IF "NO" do not complete PARTS VI TO VIII)

PART VI DISABILTY—EFFECT OF RELEVANT LOSS OF FACULTY

8. Describe the way in which the injuries and diseases shown at 4 above, as affected by those shown at 5, handicap the claimant in the ordinary activities of life (e.g. walking, gripping, bending, etc).

Some temporary disfigurement scar of forearm
9. Conditions shown in Part IV, Item 4

(1) Entries under "Gross assessment" and "Offset" only required where condition is shown as P in Part IV.

(2) An offset for a pre-existing condition should only represent the degree of disablement which would have been present during the period under consideration even if the accident/prescribed disease had not occurred. The resulting net assessment will therefore include any greater disablement from the pre-existing condition itself, and no additional entry should be made at 10 below for this particular greater disablement.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Gross assessment</th>
<th>Offset (give percentage and condition)</th>
<th>Net assessment</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>1%</td>
</tr>
</tbody>
</table>

10. Conditions shown in Part IV, Item 5. Addition for greater disablement which should not include disablement from the C(pre) or C(post) condition itself from which claimant would in any event have been suffering during the period under consideration whether or not the accident/prescribed disease had occurred.

No entry required here in respect of C(post) condition where total of net assessment(s) of disablement calculated at 9 above, plus any additional assessment for a C(pre) condition, is less than 11 per cent.

<table>
<thead>
<tr>
<th>Serial No.</th>
<th>Additional assessment</th>
</tr>
</thead>
</table>

---

PART VIII DECISION ON ASSESSMENT

Injury Benefit Period ends on 20.11.78

11. At what degree do Board assess the disablement resulting from the relevant loss of faculty (total of net assessments at Items 9 and 10 above)? \( \text{\( \% \)} \) ONE per cent (WORDS AND FIGURES)

12. (a) Is the assessment to begin at the end of the Injury Benefit Period? (YES or NO) \( \text{\( \% \)} \)

\( \text{YES} \)

(b) If not, on what later date did the disablement begin? \( \text{N/A} \)

13. To what date is the assessment to continue? 20.8.79 (date)

14. Is the assessment provisional or final? \( \text{FINAL} \)

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PART IX REMARKS

15.

NOTE: If the assessment is 100 per cent or the assessments for more than one accident/disease now total 100 per cent, please record your opinion on the need for constant attendance by completing form BI 118D. If you consider that the claimant would benefit from industrial rehabilitation or there are other matters to which you consider his own medical adviser's attention should be drawn, please complete form BI 138.

Date of examination 21.4.79

Signature of members

Date of completion 30.6.1979

---

86.
S. JOHN FOREMAN T.D., M.B., F.R.C.S.
6 Sinholt Court, Moortown, Leeds 16
Telephone Leeds 21077

MEDICAL REPORT

10th August, 1979

Re: Steven Foxton,
62 Rose Gill Road,
Leeds 8.

The above patient was examined by me on 3rd August 1979.

HISTORY

The patient stated that while engaged in his work of felting and roofing on 22nd October 1978, he slipped on some woven around and as he fell his left arm went into a bucket of hot bitumen.

PRESENT COMPLAINTS

1. Appearance of scarring. The patient says he is still very self-conscious about the appearance of his hand and forearm scars although they have now become much paler. He is unwilling to wear short-sleeved clothing as he says that people tend to comment on the scars.
2. Irritation of scars. These still tend to become quite itchy at times e.g. when he becomes warm or when he wears woollen clothing next to his skin.

EXAMINATION

The distal half of the greater part of the dorsal and medial surfaces of the left forearm together with the dorsum of the wrist and the proximal part of the hand showed evidence of mild burn scarring. The fingers and remainder of the hand appeared normal and exhibited a full range of movement.

The scarring took the form of areas of skin showing minor irregularities of the surface together with slight coarsening of the skin texture. The colour of the affected skin consisted of pale bluish-pink zones intermingled with other zones having a slight excess of light brown melanin pigmentation.

No thickened bands of scar tissue or scar contracture were present but over the dorsum of the wrist there was slight evidence of loss of elasticity as the skin was thrown into very fine wrinkles with the wrist in the dorsi-flexed position.

No sensory impairment was detected. Full range of movement remained in the forearm and wrist.

COMMENT AND PROGNOSIS

The symptomatic itching in the burn scars is gradually resolving and is likely to disappear completely after another six to twelve months.

This patient now has no remaining disability although permanent slight disfigurement will remain as his scars will not completely disappear. In view of this and the period of discomfiture which he underwent and the time off work which he lost, a disablement assessment of 1½% seems rather small. My own feeling is that a fairer assessment would have been in the region of 3 - 4, or even up to 5%.

S. John Foreman

S. J. Foreman, F.R.C.S., Consultant Plastic Surgeon