

FREEDOM OF INFORMATION (JERSEY) LAW 2011

DECISION NOTICE

JOIC Reference	CAS-05601-D2T6V7
Date of Decision Notice	15 June 2026
Scheduled Public Authority	Judicial Greffe
Address	Royal Court House Royal Square St Helier JE1 1JG

Summary

1. The Complainant requested information about the existence of a central policy, protocol, or guidance which the Governance Team applies when determining inclusion or exclusion of documents in Tribunal bundles (the **Request**).
2. The Judicial Greffe (the **SPA**) responded (the **Request Response**) stating that each Tribunal's requirements are slightly different and giving a brief explanation regarding each area under Employment & Discrimination Tribunal, Social Security, Tax, Mental Health and Capacity and Planning. The Complainant did not agree with the Response and requested an internal review later that same day (the **IR Request**).
3. A decision was made to transfer the request to a different SPA (Employment, Social Security and Housing) on 1 October 2025. The IR Request was not complied with by the SPA and the decision to close the original FOI request and internal review was communicated to the Complainant on 6 October 2025. (The new SPA provided a response on 2 October 2025.)
4. The Complainant did not agree with the closure of the Internal Review by the SPA and issued an appeal to the Information Commissioner (the **Commissioner**) (the **Appeal**).
5. The Commissioner's decision is the appeal is not upheld. There are no further steps the SPA needs to take in relation to this matter.

The Request

6. The Complainant's Request was originally made directly to Employment, Social Security and Housing (**ESSH**) on 24 July 2025 in the context of questions about a Social Security Tribunal appeal process that was underway and concerns the Complainant had about what information had been included within an appeal bundle and why. Specifically, the

Complainant had concerns about ESSH's approach to the production of the appeal hearing bundle and a statement made about by ESSH to the Complainant that they could not "determine the contents of the bundle." The full email exchange between the Complainant and ESSH is not relevant to this FOI appeal and so is not replicated in full. The Complainant's Request can, however, be extracted from that correspondence, as follows:

"1. Tribunal Bundle Inclusion – Clarification of Rights and Responsibilities

You state:

"As your case is now at the Appeal stage, the decision regarding what is included in the Tribunal bundle rests with our Governance team. While you, as the Appellant, cannot determine the contents of the bundle, you are welcome to bring any documents you feel are relevant to the hearing"

This response created confusion regarding the role of the Governance team versus the Appellant's rights.

According to Tribunal procedural standards in line with Jersey's Administrative Justice Principles, both parties are expected to provide evidence relevant to the claim. While the department may compile a bundle. I am entitled to:

- *Submit evidence directly to the Tribunal (which I will do),*
- *[REDACTED]*
- *The Tribunal's overriding objective, as per the Social Security (Tribunal Procedure) (Jersey) Order 2011, is to deal with cases "fairly and justly", which includes ensuring:*

That the parties are on an equal footing and that appropriate steps are taken to identify the issues and evidence relevant to those issues.

[REDACTED]

I will submit this email chain myself if necessary, but I would suggest that Governance's exclusion of this material would be a failure of transparency."

2. "Governance Team Discretion" – Transparency Needed

*Your reference to the Governance team's sole discretion over bundle contents is problematic, If this is the same Governance representative (Mr [NAME REDACTED]) whose appointment I have already raised as a conflict of interest, and if **you** are the Team Manager delegating these matters without oversight or review, then the procedural integrity is in question.*

A department cannot claim to respect governance while simultaneously shielding the process by which governance decisions are made.

I therefore formally request:

- *The policy or guidance under which the Governance team determines what is and is not included in Tribunal bundles"*

7. On 29 August 2025, the SPA provided the Request Response (via the Central Unit) in the following terms:

"Request

The policy or guidance under which the Governance team determines what is and is not included in Tribunal bundles

Response

Each Tribunal's requirements are slightly different.

Employment and Discrimination Tribunals

Before a matter goes to a final hearing a Case Management Meeting is held. The Chair will write Orders which have to be complied with in readiness for the final hearing.

The Tribunal would expect the bundle which is prepared by the parties and not the Tribunal staff to contain:

- a. Claim form;*
- b. Response form;*
- c. Any Case Management Meeting Orders;*
- d. Any other Orders made by the tribunal;*
- e. Further information;*
- f. Response to the further information;*
- g. All witness statements; and*
- h. additional relevant documents to which the parties intend to directly refer during the final hearing*

Social Security Tribunals

The Appellant is requested to provide any documents which they want to go into the bundle for the final hearing which are then sent to the department who make up the bundle with their documents added.

Tax Tribunals

The parties for the tax tribunal provide either a joint or separate bundles of the documents they want for the final hearing.

Mental Health and Capacity Tribunals

There are no bundles, but the Tribunal Service are provided with reports which are distributed to the Chair, panel members, and Advocate for the patient.

Planning Tribunals

There are no bundles as such, but the parties supply statement of cases, further comments and other supporting documents, plans etc."

8. The covering email from the Central Unit accompanying the Request Response also attached a copy of the *"internal review procedure for your information."*
9. The Complainant issued their IR Request on 29 August 2025 (at 16:17), as follows:

"Dear Central Information Governance Office,

I am writing to request an internal review of the response issued under reference FOI 736069521 concerning the policy or guidance under which the Governance Team determines what is and is not included in Tribunal bundles.

The response provided states that each Tribunal has its own requirements and that bundles are prepared by the parties. Whilst this may describe practical arrangements, it does not address my specific request for the policy or guidance applied by the Governance Team when making determinations about bundle content.

My concern is that the response:

- *Does not confirm whether a central governance framework, protocol, or guidance document exists.*
- *Does not clarify whether the Governance Team has a documented decision-making criteria regarding the inclusion or exclusion of documents.*
- *Risks being incomplete, as administrative staff clearly play a role in preparing or approving bundles, and it is reasonable to expect that written instructions or internal guidance should exist.*
- *Under Article 8 of the Freedom of Information (Jersey) Law 2011, a public authority must confirm or deny whether it holds the information requested. The current reply does not adequately do so. If no such guidance exists, this should have been expressly stated. If guidance does exist, then it has not been disclosed."*

10. On 1 September 2025, the Central Unit confirmed that the Complainant's IR Request had been *"passed onto the Scheduled Public Authority who managed the response"* and on 26 September 2025, the Central Unit wrote to the Complainant indicating that the SPA would not be able to provide as response by the agreed date of 26 September. The Central Unit noted that *"consideration of your request is still ongoing and therefore an extension of up to 10 working days has been requested to enable the SPA & Panel to complete the process and provide you with your response, or a further updated by 10 October 2025."*
11. On 30 September 2025, the Central Unit wrote to the Complainant, as follows:

"Good afternoon

To support the further consideration of the Internal Review, centrally on behalf of the SPA we wish to request further clarity.

We note you have copied in Employment, Social Security and Housing (ESSH), into your email where you mention "the policy or guidance applied by the Governance Team."

The FOI request to date has been dealt with by the Judicial Greffe as they "Administer Tribunals" we wish to confirm if your request for Information held covering the

Governance team is meant for ESSH in relation to the preparation of the tribunal not the administration of?

If so, we wish to arrange to redirect the request for Information held.

Under FOI your request should be managed anonymously so we are ensuring that this is in place during this correspondence.

We look forward to receiving your response as soon as possible so we can support the progress"

12. Upon receipt of the above email, the Complainant expressed concerns about the suggestion that the request should now be passed to ESSH noting:

"I am also concerned by the attempt, after the deadline has passed, to suggest that ESSH rather than Judicial Greffe may hold the relevant information. The Freedom of Information (Jersey) Law places a statutory obligation on the authority to confirm or deny whether the requested information is held (Article 8). It does not permit the authority to delay matters by shifting responsibility between departments once the review clock is already running. My request was always clear. The burden is not on the applicant to identify the correct Schedule Public Authority.

The effect of this approach is:

- To shift responsibility back onto the applicant contrary to the FOI Law.*
- To create avoidable delay beyond the statutory review period, and*
- To give the appearance of administrative manoeuvring rather than good faith compliance.*

I therefore require the internal review to conclude without further delay and to address the following questions directly:

- 1. Does a central policy, protocol or guidance exist which the Governance Team applies when determining inclusion or exclusion of documents in Tribunal bundles?*
- 2. If such guidance exists, please disclose it.*
- 3. If such guidance does not exist, please provide a formal confirmation to that effect."*

13. The Internal Review was not conducted and the reasons for that were communicated to the Complainant in an email from the Central Unit dated 1 October 2025 (at 10:57), as follows:

"The Internal review has been extended which is allowed within our process. All efforts are being made by the current SPA to ensure that the response to the Information Held request is answered.

However, as per our previous email and allowing the right for a SPA to ensure the request for Information is rightly managed it is not outside the process allowing for clarity either by the SPA or the central team.

Due to this the central FOI team are today passing this request to ESSH having seen the further information you have shared offered better clarity of the FOI, we believe this extra information shared by you the request will be with the correct SPA.

We also note the request was:

The policy or guidance under which the Governance team determines what is and is not included in Tribunal bundles

You have now in the Internal review and in the email below asked to change to:

Does a central policy, protocol or guidance exist which the Governance Team applies when determining inclusion or exclusion of documents in Tribunal bundles?

If such guidance exists, please disclose it.

If such guidance does not exist, please provide a formal confirmation to that effect.

This is not part of an Internal review but can be accepted following clarity as well as producing a new FOI. To further support we have amended the FOI request and sent the full new request to ESSH to complete"

14. The Complainant responded at 11:12 later that same day, again expressing dissatisfaction with the manner in which their Request was being held and did not agree that their Request was a "new FOI", noting that *"From the outset I have sought disclosure of any policy or guidance applied by the Governance Team in determining what is or is not included in tribunal bundles. Whether that information sits with Judicial Greffe, ESSH, or another Scheduled Public Authority is for the authority to establish not the applicant."* The Complainant then maintained their IR Request in respect of the SPA's decision.
15. ESSH then issued the Complainant with a response to the Complainant's original Request on 2 October 2025, as follows:

"Request

Does a central policy, protocol or guidance exist which the Governance Team applies when determining inclusion or exclusion of documents in Tribunal bundles?

If such guidance exists, please disclose it.

If such guidance does not exist, please provide a formal confirmation to that effect.

Response

The Governance Team at Employment, Social Security and Housing has its own internal guidance regarding the documents that form part of the department's submission to the Social Security Tribunal, the Social Security Medical Appeal Tribunal or the Income Support Medical Appeal Tribunal where a hearing of one of those Tribunals is to be held to consider an appeal.

Please refer to the attached document titled "Appeal Handling Procedure – Submission to Tribunal – Appeal Documentation Checklists¹."

There is no central policy, protocol or guidance for this. Therefore Article 3 of the Freedom of information (Jersey) Law 2011 applies as that requested information is not held.

Articles Applied

Article 3 - Meaning of "information held by a public authority"

For the purposes of this Law, information is held by a public authority if –

- (a) it is held by the authority, otherwise than on behalf of another person; or*
- (b) it is held by another person on behalf of the authority."*

¹ The attachment to the ESSH Response is set out at Appendix 1

16. The Central Unit wrote to the Complainant on 2 October 2025 (at 15:39) noting ESSH's response and enquiring whether matters with the SPA could now be closed. At 16:15 that same day, the Complainant responded noting that in their view they had requested a valid internal review of the SPA's original decision and that the fact ESSH had now responded, did not supersede the IR Request that had been made. Specifically, the Complainant said that *"I do not consent to the Internal Review being 'closed' based on a redirection or reclassification. The Internal Review must be formally concluded and recoded with an outcome letter that acknowledges both the breach of the 20 working day timeframe and the inadequacy of the original response."*
17. At 16:20, the Central Unit asked the Complainant to confirm that the response from ESSH addressed his original request, and noted that *"We can continue with the IR to JG for FOI"* and at 16:48, the Complainant confirmed that whilst *"the response issued by ESSH addresses the substantive wording of my clarified request"* that they wished the SPA to produce a response to the IR Request.
18. On 6 October 2025 (at 15:35) the Central Unit wrote to the Complainant advising that *"As the new clarified FOI request has now been responded to by ESSH. We will be closing the original request to the Judicial Greffe along with the escalation to Internal Review. The correct SPA has satisfied the request to you. Due to this, for us to request for the incorrect SPA (Judicial Greffe) to hold this meeting to determine if they could or could not respond to your request is not possible as it has now been answered elsewhere. The request has been clarified, established where is best sat and has been resolved. Due to this FOI request FOI 736069521 is confirmed as closed."*
19. The Complainant responded to that notification at 15:47 indicating that in their view, *"the Central Information Governance Unit has unilaterally closed both the original FOI and the associated Internal Review on the basis that another Scheduled Public Authority (ESSH) has now issued a response. That approach does not comply with your published Internal Review Procedure or with Article 8 of the Freedom of Information (Jersey) Law 2011. The Internal Review request of 29 August 2025 required the Judicial Greffe's handling of the original FOI to be reviewed. The review was not completed within the required 20 working days, no exceptional circumstances were identified, and the review has now been terminated without an outcome letter. That constitutes procedural non-compliance"*

The Investigation

Scope of the case

20. On 6 October 2025, the Complainant contacted the Commissioner to appeal against the SPA's refusal to respond to the Complainant's IR Request. The Complainant asked the Commissioner to review the Complainant's Request and the responses received from the SPA and the Central Unit to ascertain whether the decision not to respond to the IR Request was in accordance with the law. Specifically:

"I request that the Information Commissioner:

- 1. Finds that the Government of Jersey failed to conclude the Internal Review within the 20 working day period required by law;*
- 2. Confirms that Article 8 was breached when the Judicial Greffe failed to confirm or deny whether the requested information was held; and*

3. *Requires the authority to issue a formal Internal Review outcome letter acknowledging the procedural failure and addressing compliance with Article 8".*

21. The Commissioner's focus has been on the above, but he has also considered more broadly how the Request was managed, including the allocation of that Request, and its subsequent re-allocation.

The Role of the Information Commissioner

22. It is the duty of the Commissioner to decide whether a request for information made to a SPA has been dealt with in accordance with the requirements of Part 1 of the FOI Law.

23. The Commissioner has set out in this Notice the issues he has had to consider in respect of the relevant exemptions cited by the SPA and sets out his decision.

24. In coming to a decision on this matter, the Commissioner has considered all the relevant submissions, or parts of submissions, made to him by both the Complainant and the SPA. He is satisfied that no matter of relevance has been overlooked.

Chronology

25. On 13 October 2025, the Commissioner wrote to the SPA to advise that the Complainant had made an Appeal to the Commissioner, pursuant to Art.46 of the FOI Law. The SPA was asked to provide their written submissions in response to the complaint made by the Complainant.

26. The SPA responded to that letter on 5 November 2025, and further information was provided on 26 November 2025, providing detailed information about how it had responded to the Request, including in dealing with the IR Request and why this process was not completed.

Commissioner's Analysis and Findings

ACCESS TO INFORMATION HELD

Art.8 – General right to be supplied with information

The Complainant's Position

27. In their appeal to the Commissioner, the Complainant explained that they were concerned that instead of the SPA responding the Complainant's IR Request that:

"the FOI team:

- *Re-characterised my clarification as a 'new FOI'*
- *Redirected it to another Scheduled Public Authority (Employment, Social Security and Housing); and*
- *On 6 October 2025, closed both the original FOI and the Internal Review without issuing an outcome letter."*

28. The Complainant went on to explain that in their opinion, the unilateral closing of the Complainant's Request by the SPA was not in accordance with Art.8 of the FOI Law (duty to confirm or deny) and noted that *"Subsequently, ESSH disclosed a document entitled*

*'Submission to Tribunal – Appeal Documentation Check Lists' and confirmed that no central policy exists, demonstrating that relevant information **was** held, and that the original response from the Judicial Greffe was incomplete."*

The SPA's Position

29. In addition to explanations provided in its Request Response, and as noted above, the SPA was invited to provide submissions to this office about the steps it had taken to respond to the Complainant's Request and subsequent IR Request. It also provided information about how the Request had come to its attention (including in terms of format) and why it had been subsequently re-allocated and at who's direction.
30. Further evidence is set out below but, in essence, the SPA's position is that it was sent the Request by the Central Unit and that they ultimately received advice from the Central Unit that they did not need to respond to the IR Request once it had been re-allocated to ESSH. The SPA receives limited FOI appeals and relies on the advice provided to it.

Analysis

31. This appeal is unusual and is the first appeal whereby a SPA has not provided a response to an IR Request and where a request has been allocated mid-way through the request process. The Commissioner has therefore considered the following matters and will adopt those issues as headings for this analysis section:
- a. How and why the Request was allocated to the original SPA
 - b. Whether the Request contained the information required under Art.10 (confirm or deny)
 - c. Why the SPA decided not to respond to the IR Request
 - d. Why the Request was re-allocated.

How and why the Request was allocated to the original SPA

32. As noted at para.6 above, the Complainant's Request was originally made directly to ESSH on 24 July 2025 in the context of questions about a Social Security Tribunal appeal process that was underway and concerns the Complainant had about what information had been included within an appeal bundle and why. The Complainant had asked for certain information to be included within the Tribunal bundle, and the Team Manager at ESSH told the Complainant that the decision about Tribunal bundle contents *"rests with the Governance team. While you, as the Appellant cannot determine the contents of the bundle, you are welcome to bring any documents you feel are relevant to the hearing including the email correspondence with [NAME REDACTED]."*
33. The Request itself is contained within the email chain between the Complainant and a Team Manager at ESSH following ESSH's statement about not including information in the Tribunal bundle that the Complainant wanted them to include and is set out in para.6 above:

"I therefore formally request:

- *The policy or guidance under which the Governance team determines what is and is not included in Tribunal bundles"*

34. It appeared from the Commissioner's questioning that the Request was originally allocated to People & Corporate Services (**P&CS**) but re-allocated to the SPA on 5 August 2025. This is recorded in an email from the Central Unit:

"Please see FOI 736069521 being reallocated from PS to JGR"

35. On 28 April 2026, the Commissioner asked the Central Unit to provide answers to the following questions:

- "1. Please can you advise who allocated the request to P&CS and why?*
- 2. Who decided to reallocate the request to the Judicial Greffe and why?*
- 3. Why was the request not submitted with the surrounding context to the Judicial Greffe?*
- 4. Do you have a copy of any correspondence sent to the complainant acknowledging the request."*

36. Following chasers from the Commissioner sent on 5 May 2026, and 6 May 2026 a response was provided by the Central Unit on 14 May 2026 explaining that it was P&CS that were sent the Request originally by the Central Unit (because it was to do with an "*employee tribunal*") and it was P&CS who asked for it to be transferred to the Judicial Greffe because it was the SPA who manages the Tribunal Service, and it was not returned by the JG as something that did not fall within their remit.

Whether the Request contained the information required under Art.10 (confirm or deny)

37. Art.10(1) of the FOI Law sets out that if a person makes a request to a scheduled public authority and that information is not held, then it must inform the requester accordingly.

Why the SPA decided not to respond to the IR Request

38. The FOI Law does not, in fact, include any statutory provision that expressly provides a requester with the right to seek an internal review of a response issued. However, although it is not a legal requirement that public authorities have an internal review procedure in place under the FOI Law, the [Art.66 Code of Practice](#) (the **Code**) recommends that every authority should have such a procedure in place as a matter of best practice.

39. The Code itself is not legally binding, but it provides guidance for scheduled public authorities on best practice in fulfilling their duties under the law and sets out that the review procedure should provide a fair, thorough and prompt review of actions and decisions taken under the FOI Law, and it should also allow for the reconsideration of the original decision (see paras.39 – 49 of the Code).

40. The Complainant asks the Commissioner to make a finding that the SPA contravened the FOI Law because it did not respond to the IR Request, but that is not actually something the Commissioner is able to do.

41. However, the Commissioner was keen to understand what happened once the Complainant made their IR Request and asked the SPA to explain the steps taken by it to respond to the IR Request. The SPA advised the Commissioner that:

- a. Unfortunately, the IR Request was not completed within the usual twenty (20) working days and was extended for a further ten (10) working days and this was because it was missed in the SPA's inbox due to an administrative oversight and that whilst the Central Unit had recently supported the SPA in terms of providing reminders of impending deadlines, this process had recently changed and whilst a reminder was received two (2) days before the deadline, this was missed by the team member with insight over the relevant inbox. The Central Unit told the SPA that they would send an extension to the Complainant on the SPA's behalf.
 - b. The SPA took steps to arrange a meeting to discuss the IR Request, which was arranged for 6 October 2025. Before the meeting could convene, however, the SPA received notification from the Central Unit that they considered the Request had been originally allocated in error, that they were in contact with the Complainant and felt that a successful resolution could be achieved once the Request was re-allocated to the correct SPA.
 - c. On 3 October 2025, the SPA received an email from the Central Unit (at 08:47) confirming that whilst the Complainant was satisfied with the response provided by ESSH the still believed that the IR Request should be actioned by the SPA. The Central Unit explained to the SPA that, in their opinion, there was no need for the IR panel to convene and consider the IR Request as there was no purpose for it and that they would confirm that to the Complainant.
 - d. On 6 October 2025, the Central Unit told the SPA that the Complainant had received a successful resolution to their Request, and there was no need to continue with the IR Request process. The meeting was cancelled and the review panel did not convene.
 - e. The SPA considered the matter closed.
42. On 5 December 2025, the Commissioner asked similar questions of the Central Unit about why it was deemed inappropriate to continue with the IR Request, despite the request to continue by the Complainant. Following chasers sent by the Commissioner on 19 December 2025, 22 December 2025 and 9 January 2026, the Central Unit responded on 12 January 2026 indicating that they considered that there was anything over and above the correspondence provided by the SPA the Central Unit could usefully provide. The Commissioner responded that same day noting that the SPA had indicated that the reason it did not continue with the IR Request was following guidance provided by the Central Unit and noting that:
- "It is not clear upon what basis a decision was taken not to continue with the IR. We are wanting to furnish you with an opportunity to provide the rationale for that decision and please do refer to the Code of Practice or our guidance to assist in your response.*
- If I could just refer to your email dated 3 October 2025 at 08:47 (attached) where you have stated "If you agree, central will continue to push back and refuse the IR as there is no purpose for it." We just want to understand a little more around why it was felt the IR had "no purpose."*
43. On 14 May 2026, the Central Unit responded to the Commissioner's questions, as follows:
- "I confirm, as per the email chain below, that the Central FOI Unit ensured that the FOI response was delivered to the applicant by the appropriate*

SPA – in this case ESSH. This was agreed by both SPAs involved in this matter.

We advised the Judicial Greffe, given that:

(i) the applicant had received the FOI response requested

(ii) the response had been produced by the correct SPA, and

(iii) the applicant had accepted that FOI response

no purpose would be served in pursuing an Internal Review.

The outcome of any such IR would be otiose, given that it would focus on the Judicial Greffe's processing of an FOI request which it had been identified was not theirs to process, that they did not process the request, and would in any event incur unnecessary officer time and cost.

We believe that Internal Reviews have a very important role to play in managing and improving the responses provided by all SPAs. However, given the above, one was not appropriate or necessary in this circumstance"

Why the Request was re-allocated from the SPA to ESSH

44. The Commissioner asked for information about how the Request was re-allocated from the SPA to ESSH and that is set out at paras.35-36 above, which information is not repeated.

Commissioner's Decision

45. In the Commissioner's view, whilst the chronology of events is somewhat complicated, the decision is simple. It is clear that the key problem within this Request is that it was wrongly allocated to the SPA at the very start of the process, notwithstanding the very clear circumstances in which the Complainant submitted it and wording used.

46. The correspondence seen by the Commissioner very clearly shows that the Request was directed by the Complainant to ESSH. It is also very clear that the Complainant was not asking for general information about tribunal rules governing what should/should not be included in court bundles, but was seeking specific, directed information about who in the Governance team at ESSH decided what material should/should not be included in a bundle as part of the on-going Social Security Tribunal process in which ESSH and the Complainant were involved. It was a clear request from the Complainant to ESSH linked to the specific circumstances illustrated in the relevant email chain which is partially set out in para.33 above.

47. In that context, it is unclear why the Request was initially allocated to P&SC although it appears to have been done because, in error, the Central Unit miscategorised it as relating to an "employee tribunal," which it was not.

48. It is then unclear about why the wording in the Complainant's Request changed from how it was articulated in their email to ESSH. Whilst the SPA did not, upon receipt, say that the request was not for them, the Request that had been submitted to them had been recast and was devoid of any of the surrounding context in which it was made. Had the original wording been supplied to the SPA it is perfectly possible (and indeed the Commissioner considers more likely than not) that the SPA would have sent it back to the Central Unit and

back to ESSH. This is ultimately what happened, but only after the Complainant reiterated the original wording of their Request as part of the IR Request process.

49. The Complainant asks the Commissioner to make a finding that the SPA (Judicial Greffe) is in breach of the FOI Law because it did not confirm/deny whether it held the information requested or provide a response to the IR Request.

50. The Commissioner's findings are that:

- a. The SPA is not in breach of Art.10 because in respect of the Request it thought it was dealing with, it provided its Request Response. The SPA did not know about and had not seen the way in which the Request had been originally articulated or the surrounding circumstances, and so it provided the Complainant with the information it held which it considered answers the Request.
- b. There is no requirement in the FOI Law for a public authority to provide an internal review process, and therefore the Commissioner cannot make a finding that the SPA has breached the FOI Law in failing to provide a response to the IR Request made. The Commissioner notes that correspondence provided as part of this appeal process and the SPA was advised that there was little point in continuing with the process and that this would be communicated to the Complainant and relied on the information and advice being provided to it at that point.

51. The Complainant's appeal cannot therefore be upheld.

GENERAL MATTERS

52. The Commissioner does, however, wish to express some views given the circumstances in the hope that there will be learning points for the scheduled public authorities involved, and the Central Unit.

53. It is particularly important to ensure that when a scheduled public authority receives a request, that it is also provided with any relevant information about the circumstances of the request. The COP explains that *"8. A request for information must adequately specify and describe the information sought by the applicant. If necessary, SPAs are entitled to ask the applicant for more detail to enable them to identify and locate the information sought"* Accordingly, whilst a request is usually dealt with requester blind, that does not mean that the requester's identity should necessarily remain anonymous or that certain of the surrounding information ought not to be provided to the receiving authority if it will help identify the likely location of any information in scope of the relevant request. It was abundantly clear that the Request was initially directed to ESSH and it was ESSH that should have dealt with it and in recasting the Request and changing the wording of it, important context was removed which meant it was sent to P&CS as the incorrect SPA and not for the information actually requested.

54. It is also important that assumptions are not then made about what a request appears to be about (or not, as the case may be). The context of the Request was such that it obviously related to processes about the Social Security Tribunal, not the Employment & Discrimination Tribunal, but it was directed to P&CS in the first instance because of an apparent lack of understanding about the different tribunals. The Request should not have been directed to P&CS at all and had there been any confusion about what information was being requested and who might hold it, clarity ought to have been sought from the

Complainant at the start – as presumably they would have been able to explain that it wasn't in fact an employment tribunal matter, but a social security matter.

The Decision

55. Despite the matters referred to above, the Commissioner cannot make any finding that the Judicial Greffe contravened the FOI Law and therefore cannot uphold the Complainant's appeal.

Right of Appeal

56. An aggrieved person (i.e. either the Complainant or the SPA) has the right to appeal against this Decision Notice to the Royal Court of Jersey.

57. Any Notice of Appeal should be served within 28 (calendar) days of the date on which the Decision Notice is issued.

58. Information on how to appeal may be obtained from:

Judicial Greffe
Royal Court House
Royal Square
St Helier
Jersey
JE1 1JG

Dated this 15th day of June 2026

Signed..... 

Mr Paul Vane

Information Commissioner
Office of the Information Commissioner
5 Castle Street
St Helier
Jersey

Appeal Handling Procedure Submission to Tribunal - Appeal documentation check lists

To compile a case submission to the Tribunal when a Team Leader/Manager instructs that the appeal is to be defended Governance require the relevant section to provide copies of all documents relating to the decision being appealed.

The documents are to be saved as PDF's in the Appeal Cases section of the L:Drive. There is a separate folder for each appeal and within that folder is a folder named Case Papers.

The claim paper PDF's are to be correctly named using the naming convention. Put the date of the document first in order that the contents of the folder can then easily be sorted into date order.

Please note that scanned documents and those linked to Contacts on Nessie can be saved directly as PDF's. This also applies to pages from guidelines held on SharePoint. Any Word documents should be converted to PDF's via the Save As process.

Any emails contained in Claim Comments that are relevant should be individually copied to Word documents than named as above with firstly the date of the original email and time (if there is more than one for the same date).

If there are any relevant emails still held in email format then these also need to be copied to Word documents and saved as above.

Care should be taken to ensure documents are legible and complete without any details missing. Also where any documents are combined and then scanned as pdf's that they are in date order with the earliest date first.

An e-mail should then be sent to ESSHGovernance@gov.je to notify that the documents have been transferred.

The documents required differ depending on the decision or benefit being appealed. A check list of the documents that are always required for specific benefit decisions is provided below. These lists are not comprehensive as any other documents specific to the decision being appealed that have been used by DO's should also be supplied.

Check lists are available for the following;

1. LTIA
2. Redetermination decisions of a 2nd determining officer

3. Redetermination decisions of a 2nd determining officer - Income support impairment assessments

LTIA

Appeals to the Social Security Medical Appeal Tribunal against decisions of a medical board Doctor in respect of LTIA concerning;

1. Whether there has been a loss of faculty due to the relevant disease or injury
2. Whether the loss of faculty is likely to be permanent
3. What the percentage loss of faculty is
4. How long the review period is
5. Whether an existing assessment should be reviewed early due to a flare up or prolonged deterioration

Decision records

1. Medical board report for the last assessment prior to the ones being disputed in the appeal.
2. If the decision in 1. was itself the subject of an earlier appeal to the Tribunal then the written decision of that Tribunal is also required.
3. Medical board report for the first medical board decision being disputed in the appeal
4. Medical board report for the redetermination medical board decision being disputed in the appeal (if one was held)
5. Medical board memo confirming review of the appeal documentation and decision
6. Any further medical board memos following consideration of the QA report

Where hand written versions of the above exist copies of these and typed facsimiles are required. Otherwise only the typed versions.

Medical evidence

1. The GP medical report received for the assessment being disputed in the appeal.
2. GP statement on deterioration for decision relating to early reviews for deterioration or flare up.

Claim documents

1. LTIA claim form (if the assessment being appealed is the first of the claim).
2. All letters sent to the appellant relevant to the disputed decision.
3. The STIA to LTIA explanation letter (if the appeal is against the first assessment of a claim and it follows an STIA claim ending)
4. The last STIA certificate (if the appeal is against the first assessment of a claim and it follows an STIA claim ending)
5. All letters sent to the appellant relevant to the disputed decision

Appellant's documents

1. All documents (GP/Consultant letters, medical certificates, claimant's letters etc.) provided by or on behalf of the appellant in connection with the first medical board decision or the redetermination medical board decision being disputed in the appeal.
2. Redetermination request if received in writing.

Guidelines used

Copies of all parts of the LTIA guideline used by the medical board in reaching the decision disputed in the appeal. In all cases the following pages should be supplied (100% size);

1. [General guide to assessments](#)
2. [Scheduled and non-scheduled assessments](#)
3. [Prescribed degrees of assessment](#)

Other pages will be dependent on whether the relevant medical conditions being assessed have an [assessment guide](#).

Claim comments

Any claim comments relevant to the decision being disputed in the appeal.

Redetermination decisions of a 2nd determining officer

Appeals to the Social Security Tribunal against redetermination decisions of a second determining officer on any matter relating to benefits that have appeal rights.

This does not include the assessment of the impairment component of income support which is dealt with separately.

Decision records

1. First determining officers decision record for the decision being appealed (if applicable)
2. 2nd determining officers redetermination record for the decision being appealed
3. 2nd determining officers review redetermination record for the decision being appealed
4. Redetermination request from appellant

Medical evidence

Where relevant to the decision being appealed

1. Report by the last medical board prior to the medical board that initiated the decision being disputed in the appeal
2. Report by the medical board that initiated the first DO decision being disputed in the appeal
3. Report for the medical board held as part of the redetermination decision by the 2nd DO being disputed in the appeal (if one was held)
4. Any medical board memo following consideration of the appeal documents or QA report
5. Any GP medical report received for any medical board relevant to the decision being disputed in the appeal.

Claim/decision documents

1. The claim form where the redetermination decision being appealed relates to a new claim.
2. In all other cases the form or notification that instigated the redetermination decision being appealed (review claim form, change in circumstance notification, survey report etc.)
3. All letters sent to the appellant relevant to the disputed decision.

Appellant's documents

1. All documents (GP/Consultant letters, 3rd party evidence, medical certificates, travel documents, employer letters, good cause statements, letters from the appellant etc.) provided by the appellant in connection with the first DO decision or the 2nd DO redetermination decision being disputed in the appeal.
2. Redetermination request if received in writing.

Guidelines

Copies of all relevant parts of any guideline used by the 2nd DO in reaching their redetermination decision.

Claim comments

Any claim comments relevant to the decision being disputed in the appeal.

Redetermination decisions of a 2nd determining officer – Income support impairment component

Appeals to the Income Support Medical Tribunal against redetermination decisions of a second determining officer on an impairment component assessment.

Decision records

1. First DO decision record for assessment being appealed
2. Second DO redetermination record for assessment being appealed
3. Second DO review redetermination record for assessment being appealed
4. Last decision record for assessment decision immediately prior to the assessment being appealed (could be a first DO decision or 2nd DO redetermination or Tribunal written decision)

Medical evidence

1. GP/Consultant report received as part of the assessment decision being appealed
2. Medical board report (where applicable)
3. Any other medical evidence submitted by and on behalf of the appellant

Claim documents

1. Impairment component self report claim form completed as part of the assessment decision being appealed.
2. Impairment component self report claim form completed as part of the assessment decision made immediately prior to the decision being appealed (not applicable if the appeal is against the first assessment of a new claim)
3. All letters sent to the appellant relevant to the disputed decision

Appellant's documents

1. All documents (GP letters, 3rd party evidence, letters from the appellant etc.) provided by the appellant in connection with the first DO decision or the 2nd DO redetermination decision being disputed in the appeal.
2. Redetermination request if received in writing.

Guidance used

Copies of all parts of the impairment guideline used by the 2nd determining officer in reaching the decision disputed in the appeal.

Other pages will be dependent on whether the relevant medical conditions being assessed have an [Ailment Guide, Decision Table or Typical Outcome Table \(TOT\)](#) or [Clinical Costs Element Guide](#).

Copies of any external guidance used by the 2nd DO in the redetermination assessment (NHS Choices pages, medical condition websites etc.)

Claim comments

Any claim comments relevant to the decision being disputed in the appeal.