



## Upper Tribunal Administrative Appeals Chamber

### Notes for Applicants and Appellants Form UT5 (Health Education & Social Care Chamber Care Standards and NHS (Performers) List)

The Administrative Appeals Chamber of the Upper Tribunal decides appeals from decisions of the Health, Education and Social Care Chamber of the First-tier Tribunal in cases including Care Standards and NHS (Performers) List. The Upper Tribunal consists of specialist judges appointed by the Queen. Some are also judges in the Courts, including the High Court.

You should use **Form UT5** for applying to the Upper Tribunal for permission to appeal against a decision of a First-tier Tribunal, when that tribunal has refused the application for permission to appeal. It should also be used for appealing to the Upper Tribunal if the First-tier Tribunal has already granted permission to appeal.

Send the **Form UT5** to the Upper Tribunal office so that it is received no later than **one month** after the date the First-tier Tribunal sent you notice of the refusal or grant of permission to appeal or the refusal to admit your application. If you are late, you must explain why in **Part D** of the form.

#### Before you use Form UT5

**You must apply to the First-tier Tribunal for permission to appeal.**

The First-tier Tribunal should have provided you with information about how to do so.

## **Part A – About the Type of appeal**

Please specify, by ticking the appropriate box, which area your appeal relates to.

## **Part B – About the appellant**

The word **appellant** describes both a person who is asking for permission to appeal to the Upper Tribunal and a person who has been given permission, and is now appealing to the Upper Tribunal. **Form UT5** is to be used both for applying to the Upper Tribunal for permission to appeal if you have been refused permission by the First-tier Tribunal, and for appealing if you have been granted permission to appeal by the First-tier Tribunal.

A **representative** is someone who is helping the appellant, dealing with the correspondence and representing them at any hearing. If you have a representative, you should give their details in the boxes provided in this section, including their status (for example are they a solicitor, accountant, consultant, agent, friend etc). The Upper Tribunal office will then correspond only with your representative.

## **Part C – About the respondent**

Please give details of the other party in the First-tier Tribunal.

If the respondent has a representative, and you know who that representative is, you should also enter their contact details here.

## **Part D – About the First-tier Tribunal which decided your case**

The place of the First-tier Tribunal hearing, the date of the decision and the number of your case should all be on both the decision notice and the written statement of reasons. If you asked the First-tier Tribunal to suspend the effect of their decision or you wish to ask the Upper Tribunal to suspend the effect of the First-tier Tribunal's decision you should complete the appropriate questions in this section and give your reasons.

## Part E – Reasons for any delay

You should have applied to the First-tier Tribunal for permission to appeal **within 28 days** of the written reasons for its decision being issued, (or within 28 days of notification of amended reasons for or correction of its decision following review, or refusal of an application to set aside which was made in time).

Your application or appeal to the Upper Tribunal must be made so that it is received no later than **one month** after the date the First-tier Tribunal sent you notice of the refusal or grant of permission to appeal or the refusal to admit your application.

If your application or appeal to the Upper Tribunal is late, you must show a good reason for the Upper Tribunal to accept your application or appeal. If the First-tier Tribunal did not admit your application for permission to appeal because it was late it will only be admitted if the Upper Tribunal considers that it is in the interests of justice to do so. In any event **you must explain the delay**. The Upper Tribunal may take into account the length of the delay, and other matters such as the amount of money at stake, the potential importance of the case, etc., so you can also mention these as reasons why your application should be allowed to proceed. Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, make sure it has your name and the First-tier Tribunal reference number on it.

## Part F – Reasons for appealing

You must explain why you think the First-tier Tribunal decision is **wrong in law**.

Examples of mistakes of law are as follows.

- The tribunal did not apply the correct law or wrongly interpreted the law.
- The tribunal had no evidence, or not enough evidence, to support its decision.
- The tribunal did not give adequate reasons (in the written statement of its reasons).

This list is not exhaustive and the First-tier Tribunal's decision may be wrong in law for some other reason. You should explain in as much detail as possible why the decision **in your particular case** is wrong in law. If you are unsure whether the tribunal was wrong in law you may wish to consult an adviser but you should not miss the **one month** time limit for sending in your application form.

If the First-tier Tribunal granted you permission to appeal on limited grounds and you are now appealing please state whether you also wish to apply for permission on additional grounds and complete **Part H** as appropriate.

You must also indicate in this section what result you are seeking.

The information you give on **UT5** will be treated as your main submission on the appeal (even if you are now only applying for permission to appeal). Therefore it is important that you provide all your reasons for applying in a short clear submission. You may use a separate piece of paper if you wish, but make sure it has your full name and First-tier Tribunal reference number on it and is sent with the form.

## **Part G – request for an oral hearing of an application**

If you are applying to the Upper Tribunal for permission to appeal and you or your representative wish to appear before an Upper Tribunal judge at an oral hearing of your **application**, fill in the relevant boxes in **Part G**.

If you are refused permission to appeal (or given permission on limited grounds or subject to conditions) without an oral hearing you will be given the opportunity to ask (within 14 days) for that decision to be reconsidered at an oral hearing.

Hearings will normally be held in London but can be held in other parts of England or in Wales. Hearings may also take place by video link from a number of places. You will be sent further information if there is to be an oral hearing.

Do not fill in the boxes about an oral hearing **if the First-tier Tribunal has given you permission to appeal**. In that case, or if you are given permission to appeal by the Upper Tribunal, you will be given an opportunity of asking for an oral hearing of your **appeal** at a later stage.

## **Part H – Application/Appeal to the upper Tribunal**

Even if you have a representative, **the person who is applying for permission to appeal or appealing must sign the form personally in Part H**. Your signature will be taken as authority for the representative named in **Part B** to act for you. **The only exception to this rule is where your representative is a solicitor**. A solicitor is presumed to be acting on instructions and may sign the form on behalf of the **person who is applying for permission to appeal or appealing**.

## **Sending Form UT5 to the Upper Tribunal**

Keep these notes in a safe place so that you have a record of the address of the relevant Upper Tribunal office.

Send **Form UT5**, and the documents listed at the end of the form, to the Upper Tribunal office within the **month** allowed (see the notes to **Part E** above). **If you are late**, you can still send in your form but you must explain the delay in **Part E** of the form. The address of the office is:

The Upper Tribunal  
(Administrative Appeals Chamber)  
5<sup>th</sup> Floor Rolls Building  
7 Rolls Buildings  
Fetter Lane  
London  
EC4A 1NL

Telephone: 020 7071 5662  
Fax: 020 7071 5663  
Typetalk: 18001 020 7071 5662

If the First-tier Tribunal hearing was in **Wales**, or you live in **Wales**, you may send the form to the London address (above) or to:

Administrative Appeals Chamber of the Upper Tribunal  
Cardiff Civil Justice  
2 Park Street  
Cardiff  
CF10 1ET

Telephone: 02920 376460

**You must enclose the documents listed at the end of the form.** Otherwise, your application or appeal may be delayed or may not be admitted.

Contact the office if you are not told within a week that the form has been received.