



Upper Tribunal (Administrative Appeals Chamber) Frequently Asked Questions

The questions below have been asked by other users of the Upper Tribunal (Administrative Appeals Chamber) or the UT(AAC) frequently. We hope you will find this leaflet useful. Please keep it to hand throughout your case. It is intended as a guide only and procedures will vary from case to case.

This leaflet does not have legal status. Please note that we cannot discuss the merits of a case, or give legal advice. Members of UT(AAC) administrative staff are not legally trained and there is nobody authorised within the office to provide you with specific legal advice.

You can also visit our website www.gov.uk/administrative-appeals-tribunal which contains useful information. If you are unable to access the internet, please ask a member of staff to send you a guidance leaflet relating to your type of case.

1. How to appeal

Please note that if you wish to appeal to the UT(AAC) against a decision given by a First-tier Tribunal you must have been given permission to appeal. This is a first stage and if you do not have permission you will not be able to appeal.

- Permission to appeal is either granted by the First-tier Tribunal itself or, if they refuse you permission to appeal, you may ask the UT(AAC) for permission to appeal.
- Before bringing your case to the UT(AAC) **you must first have asked the First-tier Tribunal for permission to appeal** and have received a ruling either granting or refusing you permission to appeal.
- If you have been **refused permission to appeal** by them you may ask the UT(AAC) for permission. There is a one month time limit. The First-tier Tribunal will tell you what you need to do.
- If they **grant you permission to appeal** then you need to send your appeal to the UT(AAC) within one month.

- If the UT(AAC) **grants you permission to appeal** you will not normally need to make a separate appeal.

2. What happens when you receive my application or appeal form?

- We will register your case on our database and send you (and your representative, if you have one) an acknowledgement letter. This will include a personal case reference number that you should quote whenever you contact us. This number is different from any First-tier Tribunal reference number and helps us to identify your case quickly.
- We will then write to the office that originally dealt with your case and ask them for your file. It may take a couple of weeks for the file to arrive.

3. What happens next?

- When we receive the file, we will send your case to an Upper Tribunal judge. He or she will look at the papers and give instructions about what will happen next.
- We will write to you to let you know what the judge has decided. These will generally be in the form of a ruling or direction. It is important that you carefully read these and note any time limits for responses that are included.

4. Can I have a representative to act on my behalf?

- Yes, you can have a representative, whether legally qualified or not, to help you to fill in your forms, deal with letters from us, make and reply to submissions, and appear in front of the judge if there is an oral hearing of your case.
- You can consult a solicitor, Citizens' Advice Bureau, Trade Union or other welfare rights benefits adviser. Details will be available in your local library or telephone directory. You may also nominate a member of your family or a friend as a representative.
- We cannot recommend a representative or help find one on your behalf.
- If you do have a representative, we will send both of you our first acknowledgement letter and the final decision or ruling in your case. Otherwise all other correspondence will be made only with your representative. It is the responsibility of your representative to keep you informed of the progress of your case and you should contact your representative in the first instance for any information or updates.
- You must write and let us know if your representative stops acting for you or you have a new representative. We must have a written record of this from you so we will not be able to amend these details over the telephone.

5. Can I get legal aid?

- You may be able to get free legal help with your appeal. You will need to meet the necessary financial conditions. To check if you are eligible for legal aid you can use the legal aid checker at www.gov.uk/check-legal-aid

6. Do I have to pay a fee for my case?

- No. There are no fees for starting a case at the UT(AAC).

7. Will any other parties be involved in my case?

- Yes. Depending on the type of decision you are appealing against, another party (a respondent) may, for example, be the Secretary of State for Work and Pensions; a local authority; Her Majesty's Revenue and Customs; the Independent Safeguarding Authority or other organisation or another individual.
- If you are applying for permission to appeal there is not likely to be any other party.
- It is also possible for individuals or organisations who were parties to a case at the First-tier Tribunal to appeal to the UT(AAC). For example, in a housing benefit case, a local authority could appeal to the UT(AAC) against a tribunal decision in which you were successful. In these circumstances you could become a party to a case at the UT(AAC), even though you did not appeal against the original decision yourself. We will write to you if this happens.
- In all types of cases the judge's ruling will explain who the parties are.

8. Do I get the opportunity to put my comments forward?

- The Upper Tribunal judge will decide the order in which the parties are to make their written comments (called observations or submissions). However, if the judge is considering an application for permission to appeal it is likely that the grounds of appeal will be sufficient and it will not be necessary to request any further submissions.
- If the judge does require you or another party to make submissions we will write to you.
- All submissions made by one party will be copied to all the other parties.

9. How long will my case take?

- We aim to deal with applications (where permission to appeal has been refused by the First-tier Tribunal) within 10 weeks of receiving your application and appeals (where permission has been granted by the First-tier Tribunal, or an Upper Tribunal judge has granted permission to appeal) within 20 weeks of receipt. Please note that these timescales are only indications and there could be several factors that might affect how long it takes for your case to be decided.
- Waiting times can also go up and down depending upon the number of cases in the UT(AAC) office. If there any particular delays in processing work we will inform you of these at the outset of your case.
- If the Upper Tribunal judge decides there should be an oral hearing, the case may take longer due to the time needed to set a date that all the parties are able to attend and to find an available court room.
- If you do not send in all the documents we ask for, or miss the time limits which are set in your case, this can cause delay, and we may have to write to you again before we can process your case any further. Please carefully read the guidance given in our application forms regarding documents and information that you are required to send in.
- You should note that it is not helpful to send in comments unless you have been asked to as it is likely to delay your case.

10. Who are registrars and what do they do?

- Registrars are legally qualified staff who are authorised to deal with some procedural matters which arise in cases. Registrars have no judicial power and have no role in deciding cases. They also assist the administrative team by providing procedural advice and guidance. Registrars are unable to provide legal advice to the parties and will not be available to speak to over the telephone.

11. Can I speak to the judge about my case?

- Judges carry out an independent judicial role and must be seen to be fair. Therefore they will not directly correspond with the parties or discuss the case with the individual parties over the telephone.
- The only time that you or any other party will be able to speak to the judge is at an oral hearing.

12. Can you pass information to the judge for me?

- Generally we will write to you and ask for your comments or observations when we are instructed to do so by the judge. If you wish to communicate any information to the judge, you or your representative should do so in writing at the times when you are asked to do so. Office staff cannot pass on any comments or information to the judge **unless it is submitted in writing**.
- If you have a representative any comments or documents must be sent in through your representative. You should not write to us or ring us directly.

13. When will the judge hear my case?

- Upper Tribunal judges decide most cases without the need for an oral hearing by deciding the case on the documents already in your case file. You will have the option of requesting an oral hearing at both the application and appeal stage although in most instances there is no automatic right to an oral hearing. The judge will decide whether there should be an oral hearing
- Should the judge decide that there will be an oral hearing, our Listing Team will make the arrangements for the hearing letting all the parties know the date and time of the hearing and where it will be.
- Oral hearings usually take place in London, Cardiff, Manchester or Leeds; however the UT(AAC) does also occasionally sit in other locations in England and Wales. Hearings may also be conducted by video-link.
- Unless a judge directs otherwise, hearings must be in public.
- In certain jurisdictions, you may claim some **limited** expenses in connection with travelling to and from an oral hearing. If it applies to your case, you will be sent a leaflet telling you about the expenses procedure. You should not make arrangements for attending a hearing until you have been sent the details by the listing team. They will also provide you with information about what to expect at the hearing.

14. How will I get my decision?

- Decisions are issued to all the parties at the same time, and in writing only. Under no circumstances will office staff provide the outcome or any details of the decision over the telephone.
- Upper Tribunal decisions do not include the judge's signature. A copy of the decision with the judge's name typed is issued to the parties. The signed copy is retained in the Upper Tribunal file.

- Please note that once the decision has been issued the UT(AAC) plays no further role in the implementation of the decision. For example, if the decision is to remit the case back to the First-tier Tribunal for a rehearing it will be their responsibility to arrange this and you should make sure you cooperate with them.
- You will be sent details about what to do if you wish to challenge the decision of the Upper Tribunal judge when we send you the decision.

15. Public access to UT(AAC) decisions

- The UT(AAC) keeps a copy of each decision on an appeal or claim for judicial review. Those most likely to be of general interest are published on UT(AAC)'s decision database but all such decisions are available, upon request, to members of the public.
- The UT(AAC)'s usual practice is not to identify individual parties by name in decisions available to the public except in appeals from the General Regulatory Chamber of the First-tier Tribunal or from Traffic Commissioners.
- In certain mental health cases, the Upper Tribunal rules prohibit the identification of any persons concerned unless the judge directs otherwise.
- In other cases, the UT(AAC)'s practice of anonymising decisions does not prevent a party or other person from publishing the identities of individuals involved unless the UT(AAC) has made an Order under rule 14(1) of the Upper Tribunal Rules that specifically prevents the identification of any person. If you want to ensure that your identity cannot be disclosed or published, you must therefore apply to the UT(AAC) for an Order under rule 14(1) prohibiting such disclosure or publication.
- If the UT(AAC) receives a request for the disclosure of the identify of you or an individual in your case, we will notify you and the other parties of that request and you will be given an opportunity to object to the disclosure.

16. General information

- It is important that you keep all the documents that we send you for the whole duration of your case. **Please note that after your case has concluded we will only keep your file for a limited period before destroying it.**
- Please read all letters and other documents that we send you carefully as these will contain important instructions and information relating to what is happening in your case. In particular please note any time limits that the judge gives for you and the other parties to respond.
- If you or your representative telephones the office please be ready to give us your case reference number. We will ask you to identify yourself, and to confirm some personal details to make sure that we are sharing information about your case with the correct

person.

- If we believe that a person ringing us is not an authorised party to a case, we may withhold information. This will include family members who might contact us on your behalf. We must always have received written authority from you for that person to act on your behalf. This is to ensure the confidentiality of your case.
- Please let us know as soon as possible (in writing only) if you change address, change your representative, or if you no longer have a representative and wish to act on your own.
- Our office cannot investigate any administrative complaint in respect of the First-tier Tribunal. You should contact them directly to make any such complaints.