



UPPER TRIBUNAL ADMINISTRATIVE APPEALS CHAMBER

Notes for Applicants and Appellants Form UT9 (appeals from Special Educational Needs Tribunal for Wales)

The Administrative Appeals Chamber is part of the Upper Tribunal. It decides appeals on a point of law from decisions of the Special Educational Needs Tribunal for Wales (SENTW). The Upper Tribunal consists of High Court judges and other specialist judges appointed by the Queen.

Form UT9 is to be used for applying to the Upper Tribunal for permission to appeal against a decision of SENTW. It should also be used for appealing to the Upper Tribunal if SENTW has already granted permission to appeal.

Form UT9 should be lodged with (that is, sent or delivered to) the Office of the Administrative Appeals Chamber of the Upper Tribunal at Cardiff Civil Justice Centre so that it is received no later than **one month** after the date SENTW sent you notice of the refusal or grant of permission to appeal. If you are late, you must explain why in **Part G** of the form.

Before you use Form UT9

You must apply to SENTW for permission to appeal. You should have received information from SENTW about how and when to do this.

Part A – About the Applicant/ Appellant

An "**Applicant**" is a person applying to the Upper Tribunal for permission to appeal to the Upper Tribunal. An "**Appellant**" is a person who has been given permission to appeal and is now appealing to the Upper Tribunal. **Form UT9** is for use by both Applicants and Appellants.

You should tick the appropriate box to indicate whether you are applying for permission or appealing as the child's parent or the person with parental responsibility or as the local authority.

Part B – About the Child

Whoever is completing this form as an applicant or appellant should complete **Part B** giving the information asked for about the child who is the subject of the appeal.

Part C – About the parent or person with parental responsibility.

Whoever is completing this form as an applicant or appellant should complete **Part C** giving the information asked for about the parent or the person with parental responsibility.

Part D – About the parent's representative

If you are a parent (or the person with parental responsibility) and you are applying for permission to appeal or appealing, you do not need to have a representative. You may fill in this form yourself and the Upper Tribunal office will correspond with you. However it is open to you to be represented by a solicitor or by any other person. If you have a Representative, you should give their details in the boxes provided in **Part D**. The Upper Tribunal Office will then correspond only with your representative.

Part E – About the local authority

Whoever is completing this form as an applicant or appellant should complete **Part E** giving the information asked for about the local authority.

Part F – About the Special Educational Needs Tribunal in Wales which decided your case

The place where the SENTW appeal or claim was heard, the date of the decision and the appeal or claim number should all be on the tribunal's written decision.

Part G – Reasons for any delay

You should have made a written application to SENTW for permission to appeal to the Upper Tribunal so that it was **received in SENTW's offices no later than 28 days** after you were sent written reasons for the tribunal's decision (or notification of amended reasons or correction following a review or notification that an application to review was not successful).

Form UT9 should be sent or delivered to the Office of the Administrative Appeals Chamber of the Upper Tribunal at Cardiff Civil Justice Centre so that it is **received** no later than **one month** after the date SENTW sent you notice of the refusal or grant of permission to appeal.

If your application or appeal to the Upper Tribunal is late you must ask for an extension of time and explain the delay in **Part F** of the form. For the Upper Tribunal to accept your application or appeal you must show a good reason.

If your application for permission to appeal was refused by SENTW because it was late you should explain the delay in **Part F** of the form. The Upper Tribunal may take into account the length of the delay, and other matters such as the potential importance of the case, etc., so you can also mention these as reasons.

Use the box provided on the form or a separate sheet of paper if necessary. If you use a separate piece of paper, put your name and the SENTW appeal / claim number on it and attach it firmly to the form.

Part H – Reasons for Appealing

You must explain why you think SENTW's decision is **wrong in law**. Examples of mistakes of law are:

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

These are only examples and the SENTW 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 have a representative they will advise you and may complete the form for you. You should not miss the **one month** time limit for sending in your application form.

What you have said on **Form UT9** will be treated as your main submission on the appeal (even if you are now only applying for permission to appeal). You should therefore make sure that you say everything you wish to at this stage. On the other hand, remember that short clear submissions may be more effective than long repetitive ones.

You may use a separate piece of paper if you wish, but put your name and appeal reference number on it and attach it firmly to the form.

If SENTW 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 tick both boxes in **Part J of Form UT9**)

Part I – 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 I**.

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 at regional locations throughout Wales. Hearings may also be conducted by video link from a number of places. Your hearing may be conducted in Welsh. Please indicate in the box provided. You will be sent further information about oral hearings if the Upper Tribunal judge allows your request for a hearing.

Do not fill in the boxes about an oral hearing if **SENTW 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 J – Application/ Appeal to the Upper Tribunal

Even if you have a representative, **the Applicant or Appellant must sign the form personally in Part J**. Your signature will be taken as authority for the representative named in **Part D** to act for you. The only exception to this rule is where the representative is a solicitor. A solicitor is presumed to be acting on instructions and may sign the form on behalf of the Applicant or Appellant.

Sending Form UT9 to the Office of the Upper Tribunal

Tear off these notes and keep them in a safe place so that you have a record of the address below.

Send **Form UT9**, and the documents listed at the end of the form, to the Office of the Administrative Appeals Chamber of the Upper Tribunal within the **month** allowed (see the notes to **Part G** above). **If you are late**, you can still send in your form but you must explain the delay in **Part G** of the form.

The address of the Administrative Appeals Chamber of the Upper Tribunal is:

Administrative Appeals Chamber of the Upper Tribunal
Cardiff Civil Justice Centre,
2 Park Street,
Cardiff, CF10 1 ET
Tel: 02920 376521

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