



## **Upper Tribunal Administrative Appeals Chamber**

### **REPORT ON CONSULTATION EXERCISE ON ACCESS TO DECISIONS AND REPORTING IN UTAAC**

#### **Introduction**

1. In 2021 the Upper Tribunal Administrative Appeals Chamber (UTAAC) ran a consultation exercise on users' views of access to, and reporting of, UTAAC decisions. The consultation paper included a short questionnaire for respondents to complete, divided into two parts. The questions in Section A were directed towards users in the Chamber's core social security jurisdiction while the questions in Section B were directed towards those working in other UTAAC jurisdictions. Responses were received from a range of individual and institutional or corporate users. Twenty-four responses were received overall, so the responses do not carry any statistical significance. However, the Chamber is especially grateful to those respondents who went to some trouble to explain their views and preferences.

#### **Section A responses: the social security users**

2. The central message was that most social security respondents found the UTAAC decisions website to be in need of improvement. Respondents raised a range of issues about the website, with the most common being concerns about the functionality of the search engine. The Chamber is exploring which improvements can be made, while recognising that some desirable changes are beyond its control (e.g. removing the split between the pre-2016 and post-2016 decisions websites is not an option).
3. There was little support from Section A respondents for either more or all of UTAAC's social security decisions to be published on the Chamber's decisions website. The clear majority view of social security users – not least reflecting their concerns about the difficulty in navigating their way around the existing body of case law – was against adopting a 'publish all decisions' approach.
4. The value of the Administrative Appeals Chambers Reports (AACR) series was recognised by several social security respondents. However, social security respondents identified two main weaknesses with the AACR. These were the relative inaccessibility of reported decisions and delays in reporting.

## **Section B responses: the non-social security users**

5. Two main themes emerged from the responses by non-social security users. The first, echoing concerns expressed by social security users, was the need for improvements to the decisions website. The second, diverging from the Section A group, was that several section B respondents argued for more, if not all, UTAAC decisions in non-social security fields to be published on the website. Non-social security users made very few comments about the AACR, which were regarded as largely irrelevant to their work.

## **Summary of responses**

6. The key messages from respondents therefore appear to be as follows:
  - All users have criticisms of the functionality of the search engine on the new post-2016 UTAAC decisions website (and many make helpful suggestions for improvements)
  - A clear majority of social security users were against all social security decisions being published
  - In contrast non-social security users tended to be in favour of all decisions in their jurisdictions being published
  - The AACR series was valued by social security users, although there were concerns about its accessibility on-line
  - Non-social security users saw little if any value in the AACR series.

## **The National Archives 'Find case law' initiative**

7. This is a new initiative, which post-dates the consultation exercise. Decisions of the Upper Tribunal, along with those of the Supreme Court, the Court of Appeal and the High Court, are now published on The National Archives sites known as "[Find case law](#)". We simply note that the TNA search engine, at least as currently constituted, does not provide the same level of search functionality as either of the UTAAC decisions websites.

## **Conclusion**

8. We are grateful to all those stakeholders who took the time and trouble to respond to the consultation exercise. The findings will help inform the Chamber's further thinking on access to and reporting of decisions. This is likely to include:
  - Taking steps to ensure that the delay between promulgation of a decision and its publication on the decisions website is kept to the minimum possible;
  - Improving and making more consistently helpful the judicial summaries attached to cases;
  - Ensuring that there is clear signposting to tribunal decisions published on [judiciary.uk](#);
  - Ensuring that the UTAAC landing page and associated linked pages are kept up to date;

- Preparing a User Guide or list of FAQs on where to locate UTAAC (and Office of Social Security Commissioners [OSSC]) decisions and how to make the most of the existing search engine functionality.

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