



Single Farm Payment Scheme Review of Decisions Procedure

June 2009



Department of
**Agriculture and
Rural Development**

www.dardni.gov.uk

AN ROINN
**Talmhaíochta agus
Forbartha Tuaithe**

MÁNNYSTRIE O
**Fairms an
Kintra Fordèrin**



INVESTOR IN PEOPLE



Copies of this information booklet can be made available on request in alternative formats, for example, in large print, Braille disc, audio cassette and other languages. It is also available in Irish and Ulster Scots. If you wish to request an alternative version, please use the contact details provided at the back of this booklet.














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1. Introduction

This information booklet is designed as a guide to the Department of Agriculture and Rural Development's (DARD) Review of Decisions Procedure.

This procedure, which is made up of two distinct stages, is intended to provide farmers with a fair, impartial and transparent assessment of our decision against the framework of EU Regulations. Farmers who feel that we did not reach the correct decision in respect of their Single Farm Payment (SFP) application have access to this two stage procedure.

Details of the procedure are also available on the Grants and Subsidies website at <http://tinyurl.com/qnx2kh>

2. Your Right To Have A Decision Reviewed

If you consider that our decision regarding your SFP is incorrect, you have the right to request a review. Details of this procedure are provided at Section 5.

We recommend that before requesting a formal review, you contact the SFP Scheme Manager in Orchard House to discuss your case (see Section 11 for details). This may enable the matter to be resolved without the need to request a formal review. Using this option does not affect your right to proceed with a formal review but the **deadlines for return of the application for a review will not be extended.**

3. Decisions Covered Under The Review Of Decisions Procedure

Examples of the types of decisions that may be reviewed include:

- Financial penalties which result in a reduction or non-payment of SFP.
- Reductions in eligible land areas after an inspection.
- Recoveries, in whole or part, of any payments already made.

This list is not exhaustive. Your decision letter will confirm whether you have the right to have the decision reviewed.



4. Decisions Not Covered By The Review Of Decisions Procedure

Decisions that cannot be reviewed using these procedures include:

- Decisions on the payment rates used to calculate your SFP.
- The standard of service you receive from us.

5. Stage One Review - How To Apply

Stage One is an internal review by the Review of Decisions team in SFP Branch in Orchard House. To request a Stage One review you must contact the Review of Decisions team in Orchard House (see Section 11 for details) and ask for a Review of Decisions application form (AP1). You should tell the staff which decision you wish to have reviewed.

When you complete your Stage One Review of Decisions application form you must:

- (i) State why, in your opinion, the decision is incorrect.
- (ii) Provide all documentation in support of your case. Please ensure that any photographs you supply are dated and clearly labelled.
- (iii) Refer to the relevant EU Regulations where applicable.

You must return the application form **within 42 calendar days** of the date on our letter to SFP Branch, Orchard House, 40 Foyle Street, Derry/Londonderry, BT48 6AT. We will write the deadline for receipt on the front of the application form.

You should receive an acknowledgement of your review application within 15 days of posting. If not, you should contact us immediately. You can also deliver your form in person to the Stage One Review Section in Orchard House or to a local DARD Agriculture Office (see Section 11 for details). We will give you an acknowledgement letter at the time, which you should retain as proof that your application has been received on time.

Late applications will not be accepted. We are not responsible for forms being lost or delayed in the post. Proof of postage is not proof of receipt. Force Majeure/Exceptional Circumstances will not be considered.

The team will consider all information you provide in your application and review the decision against the EU framework of regulations. When the review is complete the decision and a copy of the Case Officer's report will be sent to you by Royal Mail recorded delivery to the address you entered in Section One of your Stage One Review of Decisions application form (AP1).



6. Stage Two Review - How To Apply

Stage Two is a review by an External Panel. You can only apply to Stage Two after the Stage One Review has been completed. At Stage Two, you have the choice of one of the following options:

A Written review. If you choose this option you will not be able to attend the hearing and the review will be based on the documentation provided. This option costs £50.

Or

An Oral review. If you choose this option, you can be present at the hearing to answer any questions the Panel may have or to add to the information you have already provided. The oral part of the hearing usually lasts 30 mins. You may bring a representative with you or nominate a representative to act on your behalf. This option costs £100.

With your Stage One decision letter you will receive a Stage Two Review of Decisions application form (AP2). If you wish to request a Stage Two Review you have **28 calendar days from the date of the Stage One decision letter** to return your Stage Two application form (AP2). We will write the deadline for receipt on the front of the Stage Two application form.

When you complete your Stage Two Review of Decisions application you must:

- (i) State why, in your opinion, the decision is incorrect.
- (ii) Provide all documentation in support of your case. Please ensure that any photographs you supply are dated and clearly labelled.
- (iii) Refer to the relevant EU Regulations where applicable.

You should return the completed application form to Stage Two Review of Decisions Section, Room 563 Dundonald House, Upper Newtownards Road, Belfast, BT4 3SB. You must enclose a cheque for the appropriate amount. Cheques should be made payable to the Department of Agriculture and Rural Development Corporate Account and crossed "A/C payee only".

You should receive an acknowledgement of your review application within 15 days of posting. If not, you should contact us immediately. You can also deliver your form in person to the Stage One Review Section in Orchard House or to a local DARD Agriculture Office (see Section 11 for details). We will give you an acknowledgement letter at the time, which you should retain as proof that your application has been received on time.

Late applications will not be accepted. We are not responsible for forms being lost or delayed in the post. Proof of postage is not proof of receipt. Force Majeure/Exceptional Circumstances will not be considered.



On receipt of your Stage Two application form we will assign a Case Officer to your case to review the decision and provide a written report to the Panel for the hearing. We will notify you of the date of your hearing and provide you with a copy of the case file that has been prepared for the Panel. The Panel will consider your case and all information available and make a recommendation based on their findings.

You will be able to submit additional information before the hearing or to the Panel on the day of the hearing. We will not accept any additional information after the hearing.

The Panel's recommendation is not binding on the Department and the final decision in relation to your case rests with the Minister and her officials. The Minister and her officials must act within the EU rules and have no discretion to do otherwise. The Minister's role is to ensure that all options within the EU rules have been considered by us and the External Panel. When a final decision has been made, a letter setting out the Panel's findings, recommendation and the final decision on your case will be sent to you by Royal Mail recorded delivery to the address you entered in Section One of your Stage Two Review of Decisions application form (AP2).

7. How The External Panel Operates

The External Panel is made up of two members, one from a legal background and the other from a farming background. Panel members are appointed by us. Before considering a case, Panel members are required to declare any conflict of interest that may arise, for example if they have a personal interest in the case under consideration or if they are known to the applicant. In such situations a Panel member will be excluded from that particular case.

The Panel's role is to consider whether our decision complies with the framework of the relevant European and UK legislation. The Panel has no discretion to operate outside the rules of the scheme. The Panel cannot make recommendations on policy or regulatory interpretation.



8. Outcome Of The Review Of Decisions Procedures

The outcome of either a Stage One or Stage Two Review will either be that our decision is changed in full or in part (i.e. your case is upheld) or our decision is not changed (i.e. your case is not upheld).

If you proceed to a Stage Two Review and your case is upheld, we will refund your fee. If your case is not upheld, we will not refund your fee.

9. Standard Of Service

If you do not receive the standard of service you expect, you have the right to complain. We will treat your complaint seriously and deal with it as quickly as possible.

Your complaint will be dealt with in accordance with our Complaints Procedure. You can obtain a copy of this procedure by contacting us at:

Department of Agriculture and Rural Development
Headquarters
Room 513
Dundonald House
Upper Newtownards Road
Belfast BT4 3SB

Telephone No: 028 9052 0100

Help Line No: 028 9052 4999

Text Phone No: 028 9052 4420 (Can only be dialled from another text phone)

Fax No: 028 9052 5546

E-mail: dardhelpline@dardni.gov.uk

Or visit our website: www.dardni.gov.uk



10. Your Options After The Stage Two Review

Once you have completed both stages of the Review of Decisions process there is no further scope for a departmental review of your case.

Judicial Review

If you wish to challenge the final decision on a point of law, you may seek a judicial review through the High Court. Applications for judicial review should normally be made to the High Court within 3 months of you receiving our final decision. If you consider this option is appropriate you should discuss the matter with your legal advisers.

Assembly Ombudsman for Northern Ireland

If you consider we have not followed procedures correctly, you can take your complaint through an MLA to the Assembly Ombudsman for Northern Ireland. Complaints should normally be raised with the sponsoring MLA within 12 months of receiving our final decision. Where there is recourse to a review procedure the Ombudsman's role is to be satisfied that the individual has had access to the review procedure and they were treated fairly and consistently within that system.

You can contact the Assembly Ombudsman for Northern Ireland as follows:

In Writing: The Ombudsman
 Freepost BEL 1478
 Belfast BT1 6BR

By calling at: The Ombudsman's Office
 Progressive House
 33 Wellington Place
 Belfast BT1 6HN

By Telephone: 028 9023 3821 or
 Freephone 0800 343424

By Fax: 028 9023 4912

By e-mail: ombudsman@ni-ombudsman.org.uk



11. Contact Details

If you wish to discuss your Single Farm Payment Entitlement and/or Single Application Form (SAF) you should contact:

Department of Agriculture and Rural Development
Single Farm Payment Branch
Orchard House
40 Foyle Street
Derry/Londonderry
BT48 6AT

Tel: (028) 7131 9900

Fax: (028) 7131 9800

E-mail address: gspd.sfps@dardni.gov.uk

DARD Helpline: Tel: (028) 9052 4999 or e-mail dardhelpline@dardni.gov.uk

Further information on the Review of Decisions process can be obtained from:

**Department of Agriculture and Rural Development
Stage One Review of Decisions Section**

Single Farm Payment Branch
Orchard House
40 Foyle Street
Derry/Londonderry
BT48 6AT

Tel: (028) 7131 9958

Fax: (028) 7131 9800

E-mail address: gspd.sfps@dardni.gov.uk

**Department of Agriculture and Rural Development
Stage Two Review of Decisions Section**

Room 563
Dundonald House
Upper Newtownards Road
BELFAST
BT4 3SB

Tel: (028) 9052 4757

Fax: (028) 9052 4431

**Contact details of the Local DARD Offices are as follows:****Armagh**

2 Newry Road
Armagh
Co. Armagh
BT43 6DT

Tel: (028) 3751 5600
Fax: (028) 3751 5611

Coleraine

Crown Buildings
Artillery Road
Coleraine
Co. Derry/Londonderry
BT52 2AJ

Tel: (028) 7034 1111
Fax: (028) 7034 1140

Dungannon

Crown Buildings
Thomas Street
Dungannon
Co. Tyrone
BT70 1HR

Tel: (028) 8775 4777
Fax: (028) 8775 4888

Omagh

Sperrin House
Sedan Avenue
Omagh
Co. Tyrone
BT79 7AQ

Tel: (028) 8225 1020
Fax: (028) 8225 3500

Ballymena

Kilpatrick House
38/54 High Street
Ballymena
Co. Antrim
BT60 1EN

Tel: (028) 2566 2800
Fax: (028) 2566 2838

Downpatrick

Rathkeltair House
Market Street
Downpatrick
Co. Down
BT30 6LZ

Tel: (028) 4461 2211
Fax: (028) 4461 8226

Enniskillen

Inishkeen House
Killyhevlin
Enniskillen
Co. Fermanagh
BT74 4EJ

Tel: (028) 6632 5004
Fax: (028) 6634 3000

Newry

Glenree House
Unit 2
Springhill Road
Carbane Industrial Estate
Newry
Co. Armagh
BT35 6EF

Tel: (028) 3025 3200
Fax: (028) 3025 3222



If you require this booklet in a different format please select one of the following communication options:

Telephone: (028) 9052 5549

or for those with a hearing disability (028) 9052 4420

E-mail address: gspd.sfps@dardni.gov.uk

Department of Agriculture and Rural Development
Rural Payments and Inspection Division
Room 563
Dundonald House
Upper Newtownards Road
Belfast
BT4 3SB



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DMS 08.09.222