

Single Payment Scheme Appeal Procedure in England

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The Single Payment Scheme Appeal Procedure in England deals with decisions made for the 2005 and subsequent scheme years.

Single Payment Scheme Appeal Procedure In England

1. Introduction

This booklet tells you how to appeal against any decision the Rural Payments Agency (referred to throughout this leaflet as "we") makes under the Single Payment Scheme (SPS).

The appeal procedure has two stages:

- Stage 1: A review of your case by our Customer Relations Unit (CRU).

Then, if you are not satisfied with the outcome:

- Stage 2: A review of your case by an independent panel. The Panel makes a recommendation to Ministers in the Department for Environment, Food and Rural Affairs acting on behalf of the Secretary of State, who then decide whether to accept or reject your appeal.

2. What decisions may I appeal against?

Any decision we make about SPS which affects you.

3. How to appeal

If you wish to contest a decision we have made about SPS you should first send your reasons in writing to:

Customer Service Centre,
Rural Payments Agency,
PO Box 1058,
Newcastle Upon Tyne,
NE99 7YQ.

We will investigate your case and write to tell you of the outcome. If we stand by our original decision we will tell you how you can make a formal appeal.

Stage 1 – A review of your case by the CRU

To make a formal appeal you will need to:

- complete form SP6 included with this booklet; and
- send it to the CRU within 60 days of receiving the letter from us that said we stand by our original decision.

The CRU will send you an acknowledgement as soon as they receive your form SP6. If you do not receive an acknowledgement within five working days, please contact the CRU to make sure that they have received your appeal.

How the CRU review your case

The CRU will have played no part in the original decision. They will obtain details of your full case history in order to consider your case.

The CRU response

The CRU will write to tell you their decision. They will aim to do this within 90 days of receiving your appeal.

If your appeal is **successful** the CRU will tell you how we will put things right.

If your appeal is **unsuccessful** the CRU will send you a Case Summary. This sets out the facts of your case and the reasons why your appeal has been rejected. The CRU will also send you an application form, SP7, to use if you want to take your appeal to Stage 2.

Stage 2 – A review of your case by an independent appeal panel

If you are not satisfied with the CRU's decision on your Stage 1 Appeal you should complete form SP7 and send it to us within 60 days of the date of the CRU decision.

In your Stage 2 Appeal you should:

- say why you disagree with the CRU's Stage 1 decision;
- set out any points you disagree with;
- include any supporting information you want to be considered;
- say whether you wish to put your case in person to the Panel; and
- enclose a cheque payable to the Rural Payments Agency for £100. We will refund this money if your appeal is fully or partly successful.

The CRU will send you an acknowledgement as soon as they receive your form SP7. If you do not receive an acknowledgement within five working days, please contact the CRU to make sure that they have received your form and payment.

New information

The CRU will consider any new information you give with your Stage 2 Appeal before they pass it to the Panel. The CRU will let you know if this leads to a change in their original decision and will refund your £100. If they stand by their original decision they will send you a revised Case Summary that reflects the new information. You will have the chance to comment on the new Case Summary before it is passed to the Panel.

4. How the Appeal Panel works

The Appeal Panel has three independent members, drawn from a pool of people appointed by Ministers on behalf of the Secretary of State. Panel Members are appointed in line with the Code of Practice on Public Appointments which makes sure the process is fair,

open and transparent. The CRU will make sure that the Panel Members do not have a conflict of interest with you.

The CRU will send the Panel:

- a copy of your Stage 1 and Stage 2 Appeals;
- any supporting documents that you have provided;
- a full Case Summary; and
- the relevant legislation and Scheme Guidance Notes.

The Panel will consider your appeal, the supporting documents and if you present your case in person anything you tell them.

A member of the CRU will act as Secretary to the Panel. A scheme expert will also attend the hearing should the panel require scheme guidance. However neither of them will take any part in the Panel's decision making.

Putting your case in person to the panel

If you ask to put your case in person to the panel we will try to arrange for the panel to meet in your region. The CRU will contact you about two weeks before the hearing to confirm the arrangements. Unfortunately we cannot pay your expenses.

The Panel will ask you to present your case and may ask you questions.

The Panel is not a court of law. We hope that the proceedings will be straightforward and that you can put your case to the Panel but, if you prefer, you may have someone else present your case for you. **If you do decide to bring someone with you it will be at your own expense.**

Please tell the CRU in good time before the hearing the name of anyone who is coming with you. This is so the CRU can make sure that there is not a conflict of interest with any member of the Panel.

5. Costs

This is an informal procedure. If at any stage you wish to get legal or other expert advice you will have to pay for it yourself. We will not be able to pay your expenses even if your appeal is successful.

6. The Appeal Panel's recommendation

The Panel will consider your appeal and make a recommendation that the appeal is:

- accepted in full;
- accepted in part; or
- rejected.

The Panel secretary aims to send the Panel's recommendation to Ministers within 60 days of the CRU receiving your stage 2 appeal. These Ministers may have been involved in the original decision, but it is very unlikely they will have seen any papers about your appeal.

7. The Minister's decision

Ministers will decide whether or not to accept the Panel's recommendation. We hope that this will not take too long but there is no time limit.

The CRU will write to tell you of the Minister's decision and will send you a copy of the Panel's recommendation. The CRU will also let you know if there is going to be a lengthy delay before the Minister can reach a decision.

8. Can you contest the Minister's decision?

Once the Panel has looked at your case and the Minister, on behalf of the Secretary of State, has reached a decision the SPS Appeal Procedure is complete.

If you are not satisfied with the Minister's decision you may wish to take the matter further. If you wish to challenge the Minister's decision through the courts you should first consider getting legal advice.

If you accept that the Minister has made the correct decision but feel that your case has not been handled properly, that is to say there had been maladministration, you can ask your Member of Parliament to take up your case and pass your complaint to the Ombudsman.

9. Contacts

You can contact the CRU as follows:

- in writing to: The Customer Relations Unit
Rural Payments Agency
PO BOX 1058
Newcastle upon Tyne
NE99 7YQ
- by telephone: 0118 953 1282
- by fax: 0118 939 3817
- by e-mail: customerrelations@rpa.gsi.gov.uk
- website: www.rpa.gov.uk

Annex A

Single Payment Scheme Appeal Procedure In England

