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Comparison of CAP review of decisions/appeals procedures – UK and Republic of Ireland (updated paper)

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1 Introduction

This paper is an update on a previous RaISe paper published in 2015 (NIAR 598-15).

The paper provides an overview of the actual appeal/review of decisions processes operating across the UK and Ireland, as they relate to CAP payments. The paper identifies and compares areas open to appeal/review of decision, the projected and actual timeframe for completion, statistics on the issues reviewed/appealed (where available) and an assessment of the training provided to individuals on independent appeal/review panels where applicable.

It should be noted that data included in the paper has only been drawn from publicly available documents as the COVID-19 impacts have greatly restricted the ability to directly engage with officials working in jurisdictions outside Northern Ireland.

Furthermore, at the time of writing, and as a result of 'Brexit', the UK jurisdictions are effectively operating in a transitional year as they move from operating the former EU Common Agricultural Policy towards new UK based agricultural policies. That being said, the Programmes and Schemes open to review/appeal of decision within this year of transition are largely the same as those referenced in the 2015 paper, as they are part of the provisions under the EU Common Agricultural Policy for the 2014-20 period.

By way of further local context, the review/appeal of decisions process in Northern Ireland has been subject to a number of changes since the previous RaISe paper was completed in 2015. These changes could be chronologically summarised as follows:

- December 2016 – DAERA Minister, Michelle McIlveen MLA, announces a review of DAERA's review of decisions that will incorporate a public consultation – in part motivated by the length of time being taken to complete appeals¹;
- April 2018² – New procedures for farmers applying for a review of decisions under the Common Agricultural Policy (CAP) come into force – saw the removal of independent panel reviews;
- June 2018³ – Ulster Farmers Union (UFU) was granted leave to seek Judicial Review of the decision to remove the independent panel from the Review of Decisions process;
- October 2018⁴ – High Court approves an agreement reached between DAERA and the UFU that saw the reinstatement of the independent panel stage subject to 3 key conditions:
 - users of the Independent Stage 2 Panel would be charged the sum of £200 – said fee to be subject to review by the Department within 18 months;
 - users of the Independent Stage 2 Panel would be entitled to introduce new evidence only if exceptional circumstances or force majeure are established;
 - the final decision on any individual case would remain with DAERA.
- May 2019⁵ – DAERA implemented change to the new Review of Decision procedure by reinstating the option to seek an Independent Panel Assessment – provision applied to all reviews submitted from April 2018 onwards;
- November 2020⁶ – DAERA Minister, Edwin Poots MLA, reveals his intention to move towards a situation where the final say in the Review of Decisions process lies with the Independent Panel.

¹ [McIlveen announces review of payment appeals system, DAERA press release, 6 December 2016](#)

² [New procedures for review of CAP decisions to come into force, DAERA press release, 29th March 2018](#)

³ [Joint statement from UFU and DAERA on appeals case, 12th October 2018](#)

⁴ Ibid

⁵ [Area Based Schemes - Review of Decisions Procedure, DAERA website, 15 May 2019](#)

⁶ [NI Assembly debate on Basic Payment Scheme Simplifications and the Direction of Travel for Future Agricultural Policy in Northern Ireland, including Support Payments, Ministerial response to oral question from William Irwin MLA, Official Report, 17 November 2020, page 17](#)

2 Key features of UK and ROI appeals/review of decisions systems

Tables 1 and 2 below provide comparative data on the appeals/review of decisions systems operating across the UK and Ireland. Looking at the data outlined within these tables a number of issues stand out in relation to key features of the systems (see also table 1, below):

- In terms of scope, the review of decisions procedure appears to be more limited in terms of application within Northern Ireland when compared to the rest of the UK and ROI, and is only utilised for area based schemes here. This contrasts with the apparent application to a wider range of schemes across the other jurisdictions;
- In relation to conditions for seeking an appeal/review, the 60 day limit from the date of the decision letter in relation to an appeal/review submission under stage 1 is consistently used in all of the UK jurisdictions, whilst a 3 month limit is utilised within the Republic of Ireland;
- The 2 stage appeal/review system utilised in Northern Ireland is very similar to the one employed in both England and Wales but does differ from the system employed in Scotland and the Republic of Ireland, due to their respective use of the Scottish Land Court and the dedicated Agricultural Appeals Office and its staff at second stage, rather than an independent panel;
- All of the appeals/review mechanisms include provisions for an oral hearing;
- The available suggests that Northern Ireland could well be unique in not having a fixed target/service standard for the completion of the review/appeals process;
- The fees for conducting an appeal/review within Northern Ireland are more expensive than those utilised within the Republic of Ireland and Wales, but are cheaper than those utilised within England and Scotland (if including Land Court). The Republic of Ireland stands apart from the other jurisdictions in not changing any fee;
- In relation to who makes the final decision on whether an appeal is upheld or rejected, the responsibility within Northern Ireland lies with a senior official in DAERA. This contrasts with the situation in England and Wales where the decision is made by the Minister, whilst the Scottish Land Court has the final say in Scotland. In the Republic of Ireland the final decision is made by either an appeals officer or the Director within the Appeals Office. Within this context, Northern Ireland and the Republic of Ireland stand apart in leaving the final decision to civil servants;
- There is consistency across all the jurisdictions when it comes to other means of challenge to decisions, with judicial review and the option of ombudsmen being present.

Turning to the actual performance of the appeal/review systems, the data outlined within table 2 reveals a number of issues as follows:

- It is difficult to compare the performance of the reviews/appeals mechanisms within all of the jurisdictions due to the lack of data for some jurisdictions and the fact that

the available data covers different time frames and stages, in addition to the fact that review mechanisms cover different schemes across all jurisdictions. The COVID-19 lockdown has also compounded this issue as neither Scotland nor Wales publish performance data and the previous paper in 2015 relied on statistics collected directly from staff in both of these jurisdictions;

- Whilst comparison between jurisdictions should be treated with caution, in relation to stage 2/independent panel reviews which currently operate in Northern Ireland and for which data was available, it would appear that Panel Review in Northern Ireland is more likely, in blunt percentage terms, to uphold the original decision as compared to England (66% vs 11% of cases);
- It would also appear in percentage terms, that a Panel Review in Northern Ireland is more likely to result in an original decision being changed in full as compared to England (31% vs 16%);
- Comparing the outcomes data from Northern Ireland and the Republic of Ireland, and whilst recognising that the two systems are very different, it would appear that complaints are more likely to be upheld in the Republic of Ireland whilst original decisions are more likely to be upheld in Northern Ireland;
- With regard to the average time taken to process appeals, DAERA was the only body for which data for both stages of the appeals/review process could be obtained. None of the other UK jurisdictions publish this data. The data for the Republic of Ireland might suggest that the process there may be quicker at delivering decisions, particularly when compared to DAERA's stage 1 process. Such analysis should, however, be treated with caution as the approaches deployed in both jurisdictions are not directly comparable.

3 Potential issues for consideration with regards to Northern Ireland

- Given the fact that a number other jurisdictions make use of fixed target/service standard for the processing of appeals/reviews, there may be value in determining DAERA's reasons for still not making use of such a provision;
- Building on the previous point, is any consideration being given to including fixed target/service standard provisions in the likely legislation required to deliver Minister Poots preference for final decisions being made by the Panel?
- When is the legislation, which will result in the Panel making final decisions, likely to be laid?
- Will the proposed change to the Panel making the final decision have any impact on the fees, overall costs or time taken for a decision?
- Did the adoption of a new fee for progress to Panel review in 2019, a rise from £100 to £200, have any impact on the numbers of appeals submitted to DAERA?

- What is the status of the review into the level of the Panel fee which formed part of the Court Order established in October 2018?
- Looking to the future, is the current review of decisions process likely to continue in its current form as DAERA develops and delivers a new agricultural policy? What consideration is being given to ensuring that the review of decisions process is fit for purpose in the years ahead? Is the review of decisions process likely to apply to all programmes/schemes within the new agricultural policy?

Table 1: Selected key features of appeals/review systems across the UK and Republic of Ireland

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
Enabling legislation	<p>The Common Agricultural Policy (Review of Decisions) Regulations (Northern Ireland) 2015¹²</p> <p>The Common Agricultural Policy (Review of Decisions) (Amendment) Regulations (Northern Ireland) 2019¹³ - reinstated independent panel review provision</p>	<p>The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) Regulations 2014¹⁴</p> <p>The Common Agricultural Policy (Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals) (Coronavirus) (Amendment) (England) Regulations 2020¹⁵</p>	<p>The Rural Payments (Appeals) (Scotland) Regulations 2015¹⁶</p>	<p>The Agricultural Subsidies and Grants Schemes (Appeals)(Wales) Regulations 2006</p> <p>The Agricultural Subsidies and Grants Schemes (Appeals) (Wales) (Amendment) Regulations 2014¹⁷</p>	<p>Agricultural Appeals Act 2001¹⁸</p> <p>Agriculture Appeals Regulations 2002¹⁹</p>
2014-20 schemes to which the legislation applies	<p>Area based schemes</p> <ul style="list-style-type: none"> • Single Farm Payment Scheme; • Basic Payment Scheme; 	<ul style="list-style-type: none"> • Pillar 1 and Pillar 2 schemes including rural development measures that are 	<ul style="list-style-type: none"> • All Pillar 1 and Pillar 2 schemes but not land classification decisions. 	<p>2015 and later Schemes as follows:</p> <ul style="list-style-type: none"> • Farming Connect; • Glastir Entry; 	<ul style="list-style-type: none"> • Afforestation Grant and Premium Scheme;

⁷ Information relating to Northern Ireland sourced from [Area-based Schemes - Review of Decisions Procedure, DAERA website, 26 June 2020](#)

⁸ Information relating to England sourced from [Complaints Procedure, Rural Payments Agency website, DEFRA, 26 February 2021](#)

⁹ Information relating to Scotland sourced from [Appeals information, Rural Payments and Services webpage, Scottish Government website, 3rd March 2021](#)

¹⁰ Information relating to Wales sourced from [Independent Appeals Process for Rural Grants and Payments, Rural Payments Wales, 2018](#)

¹¹ Information relating to Republic of Ireland sourced from [Agricultural Appeals Office website, 3rd March 2021](#)

¹² [Statutory Rules of Northern Ireland, The Common Agricultural Policy \(Review of Decisions\) Regulations \(Northern Ireland\) 2015, 2015 No. 318](#)

¹³ [The Common Agricultural Policy \(Review of Decisions\) \(Amendment\) Regulations \(Northern Ireland\) 2019](#)

¹⁴ [The Common Agricultural Policy \(Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals\) Regulations 2014, 2014 No. 3263](#)

¹⁵ [The Common Agricultural Policy \(Control and Enforcement, Cross-Compliance, Scrutiny of Transactions and Appeals\) \(Coronavirus\) \(Amendment\) \(England\) Regulations 2020](#)

¹⁶ [The Rural Payments \(Appeals\) \(Scotland\) Regulations 2015, 2015 No. 194](#)

¹⁷ [The Agricultural Subsidies and Grants Schemes \(Appeals\) \(Wales\)\(Amendment\) Regulations 2014, 2014 No. 2894 \(W. 295\)](#)

¹⁸ [Agriculture Appeals Act, 2001](#)

¹⁹ [Agriculture Appeals Regulations 2002, S.I. No. 193/2002](#)

	Northern Ireland⁷	England⁸	Scotland⁹	Wales¹⁰	Republic of Ireland¹¹
	<ul style="list-style-type: none"> • Greening Payment; • Young Farmers' Payment; • Forestry Grant Scheme; • Less Favoured Area Compensatory Allowance Scheme (LFACA); • Areas of Natural Constraint Scheme; • Environmental Farming Scheme (EFS). 	<p>dealt with by Rural Payments Agency.</p>		<ul style="list-style-type: none"> • Glastir Advanced; • Glastir Commons; • Glastir Woodland; • Glastir Organic; • Basic Payment Scheme (BPS); • BPS National Reserve; • TB Compensation Scheme; • TB Cross-compliance penalties; • Farm Business Grant; • Co-operation and Supply Chain Development Scheme; • Food Business Investment Scheme; • Forest Monitoring and Risk Management Scheme; • Knowledge Transfer and Innovation Scheme; • Sustainable Production Grant; • LEADER; 	<ul style="list-style-type: none"> • Agri-Environment Options Scheme (AEOS); • Animal Welfare, Recording and Breeding Scheme for Suckler Herds (AWRBS); • Areas of Natural Constraint; • Basic Payment Scheme (BPS) (excluding Articles 24 and Articles 30 of Regulation (EU) No 1307/2013 of the European Parliament and of the Council); • Beef Data Programme (BDP); • Beef Genomics Scheme (BGS); • Beef Data Genomics Programme (BDGP); • Bio Energy Scheme; • Burren Farming for Conservation Programme;

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				<ul style="list-style-type: none"> • European Innovation Partnership; • Rural Business Advisory Scheme; • Rural Business Investment Scheme; • Rural Community Development Fund; • Timber Business Investment Scheme. 	<ul style="list-style-type: none"> • Dairy Efficiency Programme; • Disadvantaged Areas Scheme (DAS) excluding Land Parcel Identification System Review 2013 (LPIS Review 2013); • Farm Improvement Scheme; • Forest Environment Protections Scheme (FEPS); • Forest Road Scheme; • Green, Low-Carbon, Agri-Environment Scheme (GLAS) Traditional Farm Buildings; • Green, Low-Carbon, Agri-Environment Scheme (GLAS); • Greening Payment; • Grassland Sheep Scheme (GSS);

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
					<ul style="list-style-type: none"> • Installation Aid Scheme (IAS); • Native Woodland Scheme; • Neighbourhood Scheme; • Non-valuation aspects of the On-Farm Valuation Scheme for TB and Brucellosis Reactors; • Organic Farming Scheme; • Protein Aid Scheme; • Reconstitution of Woodland Scheme; • Rural Environment Protection Scheme (REPS); • Scheme of Early Retirement from Farming; • Scheme of Grant-Aid for the Development of the Organic Sector; • Scheme of Grant-Aid for Improvements in

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
					Animal Welfare Standards (Sow Housing); <ul style="list-style-type: none"> • Scheme of Investment Aid for Farm Waste Management (FMW); • Scheme of Investment Aid for the Improvement of Dairy Hygiene Standards (DHS); • Scheme of Investment Aid in Alternative Enterprises (Housing and Handling Facilities) (AES); • Scheme of Investment Aid for Demonstration On-Farm Waste Processing Facilities; • Single Payment Scheme, excluding Article 37(2), 40 and 42 of Chapter 2 of Council Regulation (EC) No. 1782/2003[2] and Land Parcel

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
					Identification System Review 2013 (LPIS Review 2013); <ul style="list-style-type: none"> • Sow Housing (Animal Welfare) Scheme; • Targeted Agricultural Modernisation Scheme (TAMS), including – (RDP 2007-2013); • Targeted Agricultural Modernisation Scheme II (TAMS II) RDP 2014 – 2020; • Traditional Farm Building Grant Scheme 2017 and 2018; • Upland Sheep Payment Scheme; • Woodland Improvement Scheme; • Young Farmers' Installation Scheme; • Young Farmers Scheme”.

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
					<p>Farmers who are not satisfied with a decision of the Department relating to the Single Payments can submit an appeal to the Single Payment Appeals Committee.</p> <p>Farmers who wish to have land eligibility issues reviewed can submit an appeal to the LPIS Appeals Committee.</p>
Conditions for making appeal/review	<p>Review request has to be instigated by requesting a Review of Decision application form.</p> <p>Completed application form must be received by Department no more than 60 calendar days from the date of the decision letter.</p> <p>Not sufficient grounds for stage 1 review to state the Department's decision is incorrect – must be demonstrated.</p> <p>Stage 2 review application by independent panel must be submitted within 60 days</p>	<p>If not satisfied with the decision from the Complaints Review Team.</p> <p>In the case of RDPE socio-economic schemes a funding decision is only valid if appellant believes one of the following criteria has been met:</p> <ul style="list-style-type: none"> •a mistake was made with application; •made a processing error; •got the law wrong. <p>For appeals about RDPE socio-economic schemes need to appeal within 60 working days of receiving decision letter and you must set out the reason for your</p>	<p>Must submit a written request to your area office no later than 60 days (legal timescale) from the date of our original decision letter on a request for review form (see below).</p> <p>If proceeding to Scottish Land Court appeal to the court needs to be made within 60 days of the day that you received the written report of the review meeting.</p>	<p>Written/email Stage 1 Appeal application must be received within 60 days of the date of the letter detailing the decision that is to be reviewed.</p> <p>Stage 2 appeal application must be in writing and must be received within 60 days of the date of the Stage 1 response letter and must detail the decision that is to be reviewed.</p>	<p>Must be lodged in writing within 3 months of notification of the decision under appeal.</p> <p>All internal review procedures within the Department must have been exhausted.</p>

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
	from the date of the stage 1 decision letter.	appeal under the criteria above.			
Number of stages in process	2 Stage 1 – review by officials Stage 2 – review by external independent panel	2 or 3 – referred to as a 2 stage process but complaint system has 2 distinct elements Stage 1 – review by complaint resolution team (officials) Stage 2 – review by complaints review team (officials) Stage 3 – review by independent Agricultural Appeals Panel or panel of senior officials for Rural Development socio economic schemes	Currently 2 Stage 1 - Internal review by officials based within local area office` Stage 2 – Scottish Land Court	2 Stage 1 – review by officials Stage 2 – review by independent panels appeal	1 or 2 Technically 1 as internal reviews by Department not counted but precede appeals process. Conducted by Appeals officer within Agricultural Appeals Office but appeals office do forward grounds of appeal to Department for comment. Separate mechanisms within Agricultural Appeals Office to deal with Single Payment Appeals, Disadvantaged Areas Scheme and Land Parcel Identification issues – 3 separate committees made up of appeals officers assess appeals for under these circumstances – committees made up of Appeals Officers but chaired by people from outside the office.
Oral hearing option within appeal	Yes – can be heard by Independent Panel	Yes	Yes – part of Land Court hearing process	Yes	Yes
Training for independent panel members	Yes	Unable to establish current situation – previous paper in	N/A as no independent panel stage at present	Unable to establish current situation – previous paper in	No training as such for second stage as only non-

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
	External panel members receive training which is largely related to matters of law and application of the same within the review process.	2015 established that A Defra review of the Independent Panel in May 2012 revealed that "...it was unclear how new members were inducted into the process and what mechanisms exist to keep members up to date with new developments, including lessons learned from individual Panel hearings ²⁰ ".		2015 established that Panel members trained as part of an annual 1 day event – training may focus on theme, issue or changes to schemes.	agency staff member is the government appointed chair for the Single Payment Appeals, Disadvantaged Areas Scheme and Land Parcel Identification committees – chair does receive induction from staff however on appointment and could theoretically receive ongoing or one off training in lieu of changes to schemes but this option has yet to be utilised. Staff training for agency staff – who make up the membership of the 3 identified committees is ongoing and regular.
Projected time frame for appeal	DARD have no fixed target/service standard – work progressed as quickly as possible - performance is monitored with the aim of continuous improvement.	Unable to establish current targets. Previous paper from 2015 identified the following: <ul style="list-style-type: none"> • Stage 1 – 15 days of receiving complaint; • Stage 2 – within 30 days of receiving complaint; 	First stage review must be completed no later than 60 days from receipt of request of review.	Unable to establish - previous paper from 2015 highlighted that Welsh Ministers required to advise the final decision within 60 days of the Panel hearing.	Appeals office target of 3 months to complete appeal.

²⁰ [Review of the Independent Agricultural Appeals Panel , Defra, May 2012, page 24](#)

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
		<ul style="list-style-type: none"> • Stage 3 – Panel’s recommendation sent to Minister within 60 days of receipt of appeal. 			
Fees	<ul style="list-style-type: none"> • Fee - £200 for a stage 2 review; • Fees refunded if the Department changes its decision in full or in part. 	<ul style="list-style-type: none"> • Basic Payment Scheme - £100 fee if amount of appeal is below £2,000; • Basic Payment Scheme - £250 fee if amount of appeal amount is between £2,000 and £10,000; • Basic Payment Scheme - £450 fee if amount is more than £10,000; • Single Payment Scheme, or Trader Schemes - £100 fee; • Countryside Stewardship, Environmental Stewardship or 	<ul style="list-style-type: none"> • No fee for Stage 1 appeal; • Application for review by Scottish Land Court - £100²¹. • Additional costs of £120 per day for hearing by Scottish land Court ²². • Land fee and costs may be awarded if appeal is won²³. 	<ul style="list-style-type: none"> • No fee for a Stage 1 appeal. • Stage 2 Fee - £100 for an oral appeal, £50 for a written appeal. • Fees refunded if the appeal is wholly or partially successful. 	<ul style="list-style-type: none"> • No fee

²¹ [Fees webpage, Scottish Land Court website, 4th March 2021](#)

²² *ibid*

²³ *ibid*

	Northern Ireland ⁷	England ⁸	Scotland ⁹	Wales ¹⁰	Republic of Ireland ¹¹
		Rural Development scheme there is no charge.			
Final decision made by	<ul style="list-style-type: none"> At present – senior member of staff within Area-based Schemes Payments Branch DAERA Minister has stated his intention for final decision to rest with independent panel 	<ul style="list-style-type: none"> Defra Minister 	<ul style="list-style-type: none"> Scottish Land Court 	<ul style="list-style-type: none"> Minister for Farming and Food 	Appeals officer - but can be over ruled by Director of Appeals of Office in cases of mistake made in relation to law or facts of the case
Other means of challenge	<ul style="list-style-type: none"> DAERA recommend contacting scheme staff to discuss case before going to point of formal review/appeal; Judicial review; Office of the Northern Ireland Public Services Ombudsman (NIPSO). 	<ul style="list-style-type: none"> Judicial review of Minister’s decision Parliamentary Ombudsman 	<ul style="list-style-type: none"> Scottish Land Court Decision can be appealed to Court of Session 	<ul style="list-style-type: none"> Judicial Review Public Services Ombudsman for Wales 	<ul style="list-style-type: none"> Ombudsman Judicial review

Table 2: key performance data for appeals/review systems across the UK and Republic of Ireland

	Northern Ireland ²⁴	England ²⁵	Scotland	Wales	Republic of Ireland ²⁶
Review Process Performance – appeal success	<p>Time period data covers – 1 April 2018- 1 March 2021</p> <p>Overall 79 stage 2 cases</p> <ul style="list-style-type: none"> 44 have had their panel assessment completed 36 cases have had a final decision issued, following consideration by the Department <p>Percentage breakdown of these cases as follows:</p> <ul style="list-style-type: none"> 24 cases (66.67% of fully completed cases) – original decision not changed* 11 cases (30.56% of fully completed cases) – original decision changed in full 1 case (2.78% of fully completed cases) – original 	<p>Time period 2019-20</p> <p>Complaints handled</p> <ul style="list-style-type: none"> Prior year complaints unresolved – 389 New complaints received – 1,342 Complaints resolved, withdrawn or cancelled – 1,431 Complaints unresolved at end of March – 300 <p>Independent Agricultural Appeals Panel appeals handled</p> <p>Prior year appeals unresolved – 46</p> <p>Appeals received – 94</p> <p>Of these 140 cases:</p> <ul style="list-style-type: none"> 23 (16%) customer complaint upheld 	<p>Unable to identify any publically available data – COVID19 lockdown has made staff contact impossible.</p>	<p>Unable to identify any publically available data – COVID19 lockdown has made staff contact impossible.</p>	<p>Time period 2019</p> <p>570 agriculture appeals-received - an increase of 2.5% on 2018 figure</p> <p>491 agriculture appeals closed in 2019 including appeals received in previous years.</p> <p>491 appeals closed in 2019 broken down as follows:</p> <ul style="list-style-type: none"> 44% allowed, partially allowed, or, the Department decision was revised in favour of the appellant after the appeal was submitted; 43% of appeal disallowed; 13% of appeals withdrawn, invalid, or received after the 3 month deadline.

²⁴ Data provided by DAERA via DALO on 3rd March 2021

²⁵ Data sourced from [Annual Report and Accounts 2019-20, Rural Payments Agency, complaints and appeals section, page 21](#)

²⁶ Data sourced from [2019 Annual Report, Agricultural Appeals Office](#)

	<p>decision changed in part</p> <p>*NB in all 24 of these cases, the Panel concurred with the original decision.</p> <p>Breakdown of stage 2 cases and outcomes – top 3 categories</p> <ul style="list-style-type: none"> • Cross Compliance penalties– 26 applications for panel assessment received (32.91% of all applications).– 12 final decisions have issued to date. Of these 12, 3 decisions have changed in full (25%); 9 original decisions have not changed (75%). • Active Farmer: 13 applications for panel assessment received (16.46% of all applications) - 6 have had their panel assessment and the final 	<ul style="list-style-type: none"> • 6 (4%) customer complaint partially upheld • 15 (11%) RPA original decision upheld • 7 (5%) were withdrawn • 89 (64%) were unresolved at the end of March 20 <p>No further data available in relation to either complaints or IAAP appeals in terms of which specific schemes they relate to.</p>			<p>Of the 43% agriculture appeals disallowed, the highest number concerned appeals against GLAS decisions.</p> <p>The highest number of appeals allowed or partially allowed was for the Basic Payment Scheme(BPS).</p>
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	<p>decision has issued in 4 cases. Of these 4, 2 decisions have changed in full (50%); 2 original decisions have not changed (50%).</p> <ul style="list-style-type: none"> • Young Farmers' Payment: 8 applications for panel assessment received (10.13% of all applications) - 6 have had their panel assessment and the final decision has now issued in all 6. Of these 6, 1 decision has changed in part (16.67%); 5 original decisions have not changed (83.33%). 				
Average time to process an appeal	<p>Average time to process a review (figures for total cases where final decision has issued to date):</p> <ul style="list-style-type: none"> • Stage 1: 154.14 calendar days • Stage 2: 173.18 calendar days 	Data not available at time of paper publication.	Data not available at time of paper publication.	Data not available at time of paper publication.	<p>2019 Data</p> <p>For appeals received in 2019, the average time taken to close an appeal was a little over the three month period (102 days) from date of receipt of the Department file.</p>

