



Northern Ireland
Assembly

Committee for Agriculture and Rural
Development

OFFICIAL REPORT (Hansard)

Single Farm Payment Review: DARD
Briefing

9 October 2012

NORTHERN IRELAND ASSEMBLY

Committee for Agriculture and Rural Development

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Members present for all or part of the proceedings:

Mr Paul Frew (Chairperson)
Mr Joe Byrne (Deputy Chairperson)
Mr Thomas Buchanan
Mrs Jo-Anne Dobson
Mr Chris Hazzard
Mr William Irwin
Mr Declan McAleer
Mr Robin Swann

Witnesses:

Mrs Valerie Bell	Department of Agriculture and Rural Development
Dr Richard Crowe	Department of Agriculture and Rural Development
Mr Andrew Elliott	Department of Agriculture and Rural Development
Ms Pauline Rooney	Department of Agriculture and Rural Development

The Chairperson: Andrew, you are welcome again to your seemingly weekly visit to the Committee. I welcome you and, of course, your team. You were listening to all those presentations, so if you want to take a brief moment to go over some of the points that were raised, you may be able to explain or explore some of the points, and even counter them if you feel the need.

Mr Andrew Elliott (Department of Agriculture and Rural Development): I just want to say before we start that we left our colleague who performs the role of supreme being back in the office, so we may make the occasional mistake as we go through.

Mr Swann: Is that Gerry Lavery? *[Laughter.]*

Mr A Elliott: I know that you had to listen to me for quite some time last week, but I will pick up some of the themes that came through today. To start off, it is important for me to say how valuable the folk who just addressed you are to the Department of Agriculture and Rural Development (DARD). They perform a critical role in that the risk of things being lost in translation as they go from the Department to the farming community is huge. A lot of that is to do with the kind of language that pertains to the world of the single farm payment, with talk about entitlements, modulation, and all the rest of it: it is complicated for anyone. In this area, just like any other region of Europe, it is important that there are people who can interface with the farming community and can help to explain things in meaningful language. That is even more true when you go through a process of massive change because that is what we are doing with farmers at the moment. It is a massive problem for us to make those changes, and it causes problems for them. We want to recognise that.

Ultimately, there are things about the process that we can change, and there are things about the process that we cannot change or, at least, we cannot change them without bringing upon us the risk of financial correction. When we look at the things that we can change, we quite often find that we would love to change them by tomorrow, but it will actually take a year or two to change them. Even then, you have to test extremely carefully to make sure that you do not get something unexpected happening in another part of the system because it is complicated, as you have seen.

The Department is, as a paying agency, a regulatory body, and it cannot escape from being a regulatory body. It can do other things as well, but it cannot get away from that, and that is one of the things that will continue to constrain us.

I have enormous sympathy around a lot of the issues that were discussed earlier, and they are exactly the right areas for the Committee to concentrate on. They are the kinds of things that we need to tackle and resolve for the future. Take, for example, the issue of penalties and the fact that it has been argued that the Department applies its penalty regime too tightly. That would be a widely held view. The European Commission, which gives us 100% of the funding, has told us that we apply our penalty regimes too leniently, and, therefore, we have a dilemma. If we go with the folk on the ground and try to ease off a bit, we get more financial correction, and that brings other problems maybe even for the Executive if things become bad enough. So we have to struggle to find a way through that satisfies the Commission but which, at the same time, makes it as difficult as possible for farmers to make a mistake.

One of the big-ticket messages that I want to get across today is that, however much it will be possible to criticise the Department — and it will be, because we will continue to make mistakes in this complicated system that we operate — one of the really important things to do is to get the farmers to realise that, as with health, prevention is better than cure. Going in early and resolving the problem with the Department is much better than having an inspection. If you never have an inspection, you may well get away with things, but it is much better to draw the issue to the Department's attention and look for a resolution. I have seen cases where farmers left things and, eventually, were inspected and had a very large penalty applied that they could not get out of. From a regulatory perspective, there is no way out of it.

I sort of feel sorry for them because it is a pity that there were not more voices saying to them, before they ever had an inspection, that they should check whether their heather is eligible or ineligible and make someone have a look at the situation and give advice on it. We need to look more and more at the need to improve and shape the kind of advice that we can give to farmers to get at those eligibility issues more effectively. It is a challenge, because, for example, over the past couple of years, we have been holding lots of events and meetings about eligibility, but you quite often see the same faces at them, and there are a lot of people who we do not quite manage to reach. We have to continue to work at that issue, and we will.

I fully understand the pressure on farmers to comply, and I also recognise the point that things have changed enormously since 2005. That is not ideal; it would be much easier for us all, frankly, if there were a set of rules in year 1 that still applied in year 7. However, that is not where we are at. We have been told very clearly what things are now eligible and ineligible, and we have to communicate that to farmers and hope that they pick up on it.

We hope that, when the land parcel identification system (LPIS) mapping system stabilises, a lot of those ineligible areas will be captured. I return to what might have been called my fallacious remark, but, to repeat it, we cannot pick up everything from the orthophotography. We just cannot, so we have to rely on the farmers to be careful, particularly if they own uplands, and so on, and areas that are a bit ambiguous from what the photographs pick up. We absolutely need their help to check that that is correct, and they may need the help of others. You heard from people who spoke earlier that they can provide support and help to farmers. For a little investment now, farmers can have a more secure claim.

Another issue that I wanted to address is the value of the entitlements at the outset. The entitlement is composed very largely of an historical component and, in small part, an area-based component. When a farmer tells us that they now see that they have a much larger ineligible area than they realised that they had in 2005, if they have been claiming for years for land that they should not have been claiming on, particularly if they knew that that was so, we can look at that situation and the issue of their entitlements and at whether the historical component at the outset should have been on a smaller area of land. That can be addressed. In fact, it is addressed when they are inspected, so much of the delay that you find is caused by the retrospective work that we do going back through the

years actually results in much of the farmer's entitlement value being preserved. Therefore, there is a certain advantage in that for some farmers. It is not a total advantage because, of course, there are also penalties, and so on. It is worth saying that the Department has responded to and does take account of the fact that the rules changed over the years.

We all know that we had a problem with the tail of slow inspection payments last year. All kinds of solutions can be put forward for tackling that, but the best one is to get the inspections started earlier, to get them done in the longer days and to get them finished with. This time last year, we had 800 of the land inspections completed in the field, and, this year, we have 1,300 completed. We are 10 weeks ahead of where we were last year. A lot of work went in at the outset by colleagues of mine to try to make that possible. It is quite an achievement. Once things like that start to slip, it is much harder to get them accelerated again. I am pleased that we are as far ahead as we are this year. We have more work to do. There are some big inspections around at the moment, but we hope to be in a much better position in processing those payments.

As I mentioned earlier, we need the help of the farmers and their representatives to get this right. The European Commission told us in the audits that the Department had certainly got things wrong and that the controls were not strong enough. However, it also told us that the farmers were not notifying changes to their land to the Department, and that that was a flaw in our systems as far as it was concerned.

There are ways in which farmers can help to accelerate payments. One of them is to claim accurately and carefully in all the schemes. I mention particularly the agrienvironment schemes. The loud message is this: do not claim for work that you have not done or do not think that you will get done in the year, because it increases the amount of inspections that we have to do.

The other thing that I would say, and it was mentioned earlier, is to go online. The online system is certainly a bit of a challenge at first, and it can be unnerving when you hit that button for the first time, but it provides a very secure way of filling in your form. The little error messages are there for a purpose: they remove the errors once you have addressed them. The other dimension is that you get an e-mail to confirm that you have submitted your application. If you still realise later on that there is a mistake in it, you have the opportunity to go to the Department to correct it. Again, there are timelines with that as to how long you have to do that, but it is not the end of the world if you have made a mistake; it can be addressed. The advantage of online for us is that it would liberate staff for us to use for other purposes.

The Chairperson: Can I interrupt you? I am sorry, Andrew, because I do not usually do this. However, this point came to mind: if you find that you have made a mistake online with land area, or whatever, and you then go to the Department to correct it, can you give a reassurance that that will not automatically instigate an inspection?

Mr A Elliott: Yes, I think I can. I think that that would not affect the selection of the sample at all.

I want to pick up on the issue of obvious error that was raised at the beginning. One of the first things that I had to do in this role was to go to Brussels and argue a case with the Commission as to why we had not been too lax in dealing with the issue of obvious error. There are very strict Commission guidelines. The regulations are laid down very clearly about how you judge a farmer mistake to be an obvious error. One of the frustrating things about that is that you cannot take into account the fact that the farmer looks like he is innocent or that he has never done anything wrong in his life and has never been before the courts. There is a range of things that you can take into account, but you have to be able to see that the error is incompatible with something else on the form. You have to be able to find something that can show that it was not possibly an effort by the farmer to claim more. As those rules are so tightly laid down, once we walk away from them, we again get into the territory of financial correction. Therefore, we have to be firm on those. Those rules are applied right across all the paying agencies of the European Union. That is where we find ourselves on that issue. Yes, there are always grey areas in there, and we look at those carefully and try to apply the rules fairly.

I want to pick up on a question that was to do with repeat inspections. There have been a number of repeat inspections this year, as there are every year. The level is not 40%. We looked at the figures, and, if you add together inspections in 2010 and 2011, 19% of our inspections this year were inspected in either 2010 or 2011. Is that too many or too few? Interestingly, the statistics show that we find more errors, shall we say, by looking at recently inspected cases. That almost points towards doing more repeat inspections — in other words, leaning on the criterion in the weightings that would lead to more repeat inspections. On the other hand, you have to weigh that against the possibility

that, because we are introducing so much change to our systems at the moment, there is something else going on. Every year, we review the criteria we use to select the risk sample, which is probably going to be the main source of repeat inspections. Random cases can arise, and you will never do anything about that, but it is the risk sample that is important. We will look at that again, and try to make sure that it is as balanced as possible. However, it is not 40% of last year's inspections; it is 19% of the previous two years' inspections. Certain factors in those risk selection criteria are driven by the Commission, not ourselves. We can look at those, but we still have to make sure that we apply them in a way that satisfies the Commission that we are picking up the errors that occur in the system.

The Chairperson: Thank you, Andrew. I have one question. Are you still confident that your end date for inspections will be 12 November?

Mr A Elliott: The end of November?

The Chairperson: The end date of 12 November. I am getting that from the line graph.

Dr Richard Crowe (Department of Agriculture and Rural Development): The target presented in the graph is around the fieldwork associated with inspections. We have found, this year, that we have quite a number of, as Andrew said, very large inspections. However, we still intend to have completed our fieldwork by the end of November, which will allow us to move forward with payments. In year, there are some variations around, for example, the areas involved in inspections, but we still aim to be on target to allow payments to be released.

The Chairperson: Are the inspections already completed this year top heavy with random inspections or is it a mixture of random and high risk? I am worried about leaving all the high risk to the end, which could create a bottleneck, and then you will not meet the intended targets.

Dr Crowe: We factor in that organisation to try to bring us in on target. Of our inspections, 1·25% are random and the remainder of the 5% are risk. The randoms tend to be in our system earlier and we do tend to deal with them earlier. There is a good reason for that: it forms part of a legality and regularity audit that we have been involved in, which the Committee will have heard of before. That concentrates on the random sample. It tends to be the case that the risk sample is inspected later in the cycle. Certainly this year, we have looked very closely at how we factor in our inspections. We have tried to take into account whether someone has been inspected previously in recent days and the timing of when their application was supplied to, to try to bring some degree of objectivity to when the inspection would be carried out.

The Chairperson: Of the 250, which was the figure quoted last week for remote sensing, can you give us the percentage breakdown of how many were random and how many were risk?

Dr Crowe: There are two zones, which we talked about. Once the zones are identified, all the inspections in those are chosen at risk.

The Chairperson: I am not clear on that.

Mr A Elliott: It is a slightly different process. One thing we have to manage is that, as we increase the control of remote sensing, the way in which you select random and risk changes. The randomness comes with the selection of the zone, and the risk comes with the selection of the individual farms within the zone. It is a different model. One of the things that we have to work on is marrying together the two models. They are both satisfactory to the Commission, but you have to work carefully to integrate the two.

The Chairperson: Explain the zones to me. Are they based on geographical areas or on types of land?

Dr Crowe: The zones are randomly chosen very early in the season. The member state or the region has to specify to the Commission which zones it requires. Zones are areas of which satellite imagery is taken at random. We look closely, for example, at the density of farms within a given area in order to identify how large the zones have to be to give a certain number of farms in that area. This year, the zones were chosen very early on in the season. The Commission supplies us with that satellite imagery and we identify the businesses within that zone and carry out the selection of inspections from that point.

The Chairperson: I have one final question before I open the session to members. The start date and the fact that application packs would go out early was mentioned earlier. Is the Department looking at that in order to get the information to farmers as soon as possible?

Mr A Elliott: There was a little bit of a delay last year, and we were in regular contact with the Northern Ireland Agricultural Producers Association (NIAPA) and the Northern Ireland Agricultural Consultants Association (NIACA) about that because it causes them problems, and we recognise that.

The issue last year was that we were struggling to get the maps out in a timely way and make sure that the data was correctly captured on the single application forms before they went out. As things stand, we think that we are broadly on track to get the single application forms out in a timely way this year. However, so many changes are going on at the moment that I would hate to give you an absolute commitment on that, in case something turned up.

We understand and completely sympathise with NIAPA and NIACA's experiences. We want to get the forms out at the earliest possible stage.

The Chairperson: Do you look across the whole of Europe to see what the best practice is in relation to start dates and the application packs? Are you actively pursuing that?

Mr A Elliott: Yes. Different countries have different practices. Just from talking to others about this issue, I have heard that when you move the date away from 15 May, with the best will in the world, you will have farmers turning up on that date asking what has happened. It is quite a risky thing to do. There are attractions in it, but there is a downside as well.

Frankly, if we could sort the situation out, which I think we can through more efficient processing of inspections, that might avoid the need for us to have to touch that issue.

Mrs Dobson: I want to pick up on a previous point. You said that you expect farmers to look at the maps as incorrect and to tell you what is wrong. Do you realise how farcical that sounds? I keep hearing Andrew referring to farmers' mistakes. Will you elaborate on that for me?

Mr A Elliott: We take a photograph of a farm, send it out to farmers and draw maps around that photograph. That is the process that we have to deploy. If something changes on that farm, there is no way that we can find out about that unless the farmer tells us. We will not know about that until the next photograph is taken.

It could be possible to take photographs of every farm in Northern Ireland every year, but the trouble is that our weather would make it extremely difficult to guarantee that that would be achievable. We have to rely on farmers to let us know about changes.

The second scenario is the situation in which it is not clear from the photograph that the terrain on the farm is a green field or an ineligible bogland. When we look at the photographs and draw the maps, we cannot be sure which is the case. Therefore, once again, we expect the farmer — as does the European Commission, because it is written into the regulations as being the farmer's job — not to claim that field, even though we have not marked it as ineligible on the map.

The third and perhaps the most important issue in no longer sending out the message to farmers that they can rely on the Department's maps, is that, because the old maps were not fully compliant with LPIS and the Commission's requirements, there are fields that are marked on those old maps that are not fields according to the LPIS definition. The rules that pertain to applying the LPIS to an area on a photograph mean that you simply travel until you find a boundary. If there is no boundary there, you cannot put a boundary in. So, this is one of the most important areas in which, this year, farmers will have to look and consider their maps, because if, for years, they have been claiming part of a field, for example, and a neighbouring farmer has been claiming part of a field, they are going to have to make an arrangement in respect of that field. There will be a number of options available to them, but they will have to choose how they are going to claim that field. If they neglect and do not look at their maps this year, they could run into all kinds of problems in relation to not having that corrected on the maps, either through putting a fence down the field or agreeing between each other that one of them will claim for the whole field, or establishing a common or some other arrangement. If ever there was a year for farmers to look at their maps, 2013 is that year.

It is one of the Department's hopes to get everyone who engages with farmers and talks to farmers to tell them to, above all, check their maps this year, because they will not be happy with what they find in every case, and they will need to engage with the Department about that to get it resolved. That is what the European Commission has told us we have to do. That is what we are doing, and we need the farmers to help us. There is no other way to put it. I know it may sound farcical to you, but that is how it is.

Mrs Dobson: It sounds like you are always blaming the farmer. I want to ask another question following on from that. In your briefing, you said that DARD is the paying agent for the single farm payment. Do you agree that a private company would be able to take on the role of a paying agent for farmers to a higher degree of accuracy and at a lower cost to the taxpayer? Have you explored that as a possibility?

Mr A Elliott: It would not be my role to explore that, because I would have too much of a vested interest to be allowed to decide it. I do not think there is any reason, in principle, why that could not happen. I would have to check the regulations in case there was some kind of a barrier. I think that one of the challenges would be the degree of change that there is to the system year on year. If the Department, for example, was contracting a private company to deliver the system, and the system kept changing as much as it has recently, you might find yourself out of pocket quite a lot, because you would keep varying the contract to get it done a different way. I do not know, but I am trying to be honest with you.

Mrs Dobson: It has been suggested to me by farmers. They wanted to know whether it had been explored.

Mr A Elliott: It certainly would not change the regulatory rules that would have to be applied.

Mr Swann: Andrew, you said that you thought that this was the right thing for the Committee to be doing. As a member of the Committee, I must say that I get uneasy when a DARD official tells me we are doing the right thing. *[Laughter.]* In your comments about NIACA, you talked about the great job it does, because a lot of the terminology and the likes of entitlements and such things get lost in translation between the Department and the farmer. Is that not your job? Is that not the role of the Department? One of the things we hear about continually is the simplification of the application forms, the use of plain English and all the rest of it.

Mr A Elliott: I think you are right. I will tell you two reasons why that is a difficulty. First, you are absolutely right: the Department should do everything it possibly can to provide advice and support to farmers so that they can complete their forms accurately. However, there are a couple of barriers there for us. The first barrier, and it is an important one, is that the Department cannot and should not complete forms for the farmers. If you talk to farmers, you will learn that quite a lot of the things they appreciate, in addition to getting a bit of advice, is getting the form filled in. I think that one of the things that we need to grow more is that capability to not only be able to complete the form and fill it in for the farmer, but, as I think David mentioned, be able to go out and check the fields and give them that full service, if that is what the farmers want. I think that that is something that, increasingly, farmers will value, if they value their single farm payment, because it is so important to get it right. There is room there for the Department to give good advice, but there are folk who can go further and help farmers more, and we should encourage that as well. That is something that I am very interested in looking at.

Mr Swann: I have one last point, which, if you will allow me Chair, is a constituency matter. What is the Department's protocol or guidance on the signing of blank inspection forms on-farm?

Dr Crowe: I would be interested to hear your experience of that. In the past couple of years, we have increased the amount of information provided when farmers sign the screen on the Toughbook. I have been very concerned to ensure that our inspectors can clearly convey to farmers what they are signing. It is by way of assurance to farmers, as claimants, that they are not signing to agree with the findings of that report. That would also never be the case when any queries come into the Department immediately after an inspection or when an appeal is made. That signature only represents the fact that farmers have verified that an inspector was on the field and carried out an inspection. It is a verification of an inspection taking place; it is not a signature that identifies their agreement with the inspection findings. If there are instances that I need to take away and deal with, I am happy to do that.

Mr Swann: I had two cases over the summer in which nothing was inputted to the Toughbook at that stage. The way that it was put was, "Can you sign this screen to show that we were here?" Three or four weeks later, the reports came in and all the penalty clauses and OT codes had been put in retrospectively. That puts farmers off.

Dr Crowe: I am happy to look at those cases. Having said that, I have taken on board some of the comments that were made earlier, but it is important to point out that the report that is given at the end of an inspection is designed to be a comprehensive view of what the inspector identified at the time of inspection. What that report does not do, and what I advise my inspectors not to do, is provide any advice to farmers about what the implications of that might be in relation to a penalty. It is only when inspection reports go through to our payment folk that they can look through the various years, if that is appropriate, and identify whether penalties have accrued. The report that farmers receive at that point is simply a means of trying to identify the areas that have been identified as ineligible.

We have also made the reports quite detailed. Perhaps we have made them too detailed, in their pointing out of what is ineligible at an individual field or feature level. The reports do not say that those areas will create a penalty per se, because other land may be involved. It is important to point that out. At the point at which farmers receive the initial report, we also have a process whereby they can approach the supervisor or manager of that region to query any of the detail. In many respects, that avoids a situation developing, and farmers can request a repeat visit to clarify any information in the report.

Mr Swann: I have one other small point on orthophotography. You raised the issue of heather. How are rushes and temporary spoil treated? I have heard talk of a rush scorecard in the Department. Is there such a thing? If so, how is that used?

Dr Crowe: No, there is no scorecard for rush, but there is a scorecard for scrub. Where rush is very unmanaged and has been growing out for a number of years, it becomes ineligible. However, where we see evidence that rush is being managed and kept in agricultural production, it retains its eligibility.

I think that Andrea alluded to it, but where we have an ambiguity in relation to an ortho or satellite image, it may be necessary at that point to carry out a rapid field visit. That would be a very targeted visit that would look at, say, one field on a farm to identify what the criteria are at that point.

Mr Swann: And temporary spoil, if work is ongoing?

Dr Crowe: Temporary spoil is a rather difficult one, and inspectors tend to deduct areas of temporary spoil as ineligible features. It may have been mentioned at the Committee before, but we had a case in a 2009 audit where a temporary spoil heap was found on a farm a year or two after it was said that there would not be temporary spoil. We instruct our inspectors to deduct if an area is ineligible at that point. If it is a matter of sheughs being cleaned out that day and the spoils being spread over the ground, we would accept that as eligible. Again, unfortunately, we have to deduct ineligible features in cases where we cannot confirm whether they are temporary.

Mr Irwin: I will probe you a wee bit more on the guidance that was given by the Department in 2005 on eligible land with regard to heather and scrub. How many years passed before that advice was changed by the Department?

Mrs Valerie Bell (Department of Agriculture and Rural Development): The heather one is relatively straightforward in as much as we issued new guidance in 2011, which clarified the position on heather as eligible or ineligible. On the scrub guidance, I am digging back into the recesses of my memory, so it might be better if I provide you with a proper written answer. The recesses of my memory are saying that it came to light in the 2006 audit and was, therefore, corrected at some point between 2006 and 2007. We revised the guidance at that point in time.

Mr Irwin: Still and all, you go back to 2005 and fine farmers. Some departmental officials who I know very well were not too happy with that, and even those at the highest level in the local departmental offices were not very happy with that. There were some heated debates behind the scenes, which I know did not come to light, but I know they happened for a fact. Surely, the Department should take some responsibility for that guidance it gave and changed a number of years later, which led to farmers being fined.

Mrs V Bell: It depends on your definition of "go back to". If, for the sake of argument, we find heather ineligible in 2011, we do not go back; we recognise that and we give better guidance in 2011, therefore, we simply accept it as being either eligible or ineligible from that point. If you are looking at scrub, and we go out and find scrub that, for the sake of argument, dates back to 2005, because of the ambiguity in our guidance at the time, whilst we have to amend the entitlement position, we do not apply penalties for those years. So, there is a bit of manoeuvring in and around that.

Mr Irwin: You can understand why farmers feel aggrieved.

Mr A Elliott: In that process, they get the historical value of the entitlement redistributed over the remaining area, which maintains their single farm payment into the future. It is quite an important thing to recognise that that issue has been tackled. The removal of the penalty for that year is a signal that the Department got it wrong in that year.

Mrs V Bell: The fact that we do not apply the penalty is allowed for under the legislation, because we say, in those instances, that the farmer was not at fault.

Mr A Elliott: Sometimes the Department accepts that it makes mistakes.

Mr Irwin: Not too often.

In relation to inspections and the payments, you said earlier that it is important that farmers get a proper inspection, and then they get their payment quicker. However, we found that that was not the case. In cases where a farmer had an inspection and had absolutely no issues, no cross-compliance issues or penalties, he still had to wait months and months. When we rang the Department about our constituents, we were told that the inspections in the cases we were ringing about were not done until October and that they were only dealing with those that had been done in August. So, even where there were no issues and the farmer had a clean bill of health when it came to compliance issues, he still did not get his payment for several months.

Mr A Elliott: There would still have been a delay. When they reach Orchard House, the ones that have no adjustments are processed much more quickly.

Ms Pauline Rooney (Department of Agriculture and Rural Development): When the inspection is done, the work from the Toughbook has to be put into the databases in the DARD Direct offices, which takes time. My understanding is that if there are no findings from an inspection, once it goes to Orchard House, it will be processed within two or three weeks because, if it is clear, it takes that length of time to get through that processing system. If your example does not fit that scenario, I am happy to have a look to see exactly what happened to it, because that is what we want to happen.

Mr Irwin: What should happen?

Ms Rooney: Yes, but there will always be that delay at the start because you have to make sure that the information is properly on our system.

Mr Irwin: Inspections are done on a monthly basis in August, September, October and November and are taken in turn. Am I not right?

Ms Rooney: That is right. We do that to try to bring a degree of objectivity into what would otherwise be a system without any kind of controls.

Mr Byrne: Do DARD Direct staff provide advice or answer queries? What exactly is their role and function? There is confusion about their remit. What is our reputational rating like with Europe? Andrew, you mentioned the issue about obvious error and said that it is difficult to clarify and refine. Can you enlighten us on that? Do we have a difficulty in Europe with reputational ratings based on experience?

Mr A Elliott: If we have reputational difficulty with Europe, it is a result of the audits that it carried out from 2006 onwards that found weaknesses in our key controls. That is its main concern with the Department of Agriculture and Rural Development in this region. On the other hand, it has been

receiving updates from us on our work to tackle those problems. It lobbied us hard to engage in an audit of legality and regularity, and that was a major test of our systems. Even though many other member states did not want to proceed with that audit of legality and regularity, we decided to proceed, and it looks as though we had a very good outcome. We think that those things make a difference, and we think it notices when a paying agency is prepared to put itself voluntarily through that, and it can show a good outcome. We are very clear with the Commission that we have a determination to ensure that we meet the requirements of the regulatory framework on our maps, inspections, sanctions and everything else. We are, hopefully, on an improving reputational upward — I am looking for a noun that will not come — trajectory; that is the word.

Mr Byrne: Are we below or above the average?

Mr A Elliott: That is a very hard to call. It is fair to say that I have seen the odd criticism of other paying agencies that are worse than us.

Mr Byrne: I am not trying to hang you out; I am just trying to get a relative feeling of where we are.

Mr A Elliott: My honest guess — that is all it is — is that we are in the middle of the pack at the moment; we are still improving.

Mr Byrne: How would you describe the role and function of DARD Direct?

Mr A Elliott: DARD Direct staff have performed a role for many years as a fairly generic one-stop shop for farmers with issues. In recent years, the nature of those issues has become quite specialised, so the farmers now have quite particular questions on eligibility issues or about density of rush. The staff at the front line are, on some occasions at least, increasingly having to get advice from people behind the scenes who understand those detailed issues. So, it is a more challenging environment for them.

You raise an important point. It is important that, as we take forward LPIS and the regime as it now is, we need to look again at making sure that we support those staff properly and give them the right advice and support to be able to deal with farmers in as many situations as possible. One aspect of the work that we are taking forward is setting time aside to train and support staff in the DARD Direct offices. It is not always easy for them to engage with farmers. Sometimes it can be a little unclear what the problem is, and it can take a bit of work to get the bottom of it.

The Chairperson: OK. Thank you very much, Andrew and the team, for being present. I know that this was your second presentation in a row, so thank you very much for your time, your answers and the presentation.