

Using an agent for 2017 BPS claim

**HUGH
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The Rural Payments Agency (RPA) has recently confirmed that 93% of 2016 Basic Payment Scheme (BPS) claimants have been paid their BPS payment.

This figure surpasses the target of 91%, which was set before the payment window opened in December 2016.

With large sums of money being paid out to farmers it is important to focus on the remaining 7% who are yet to be paid and those who have received a payment and believe it to be incorrect. Claimants receiving payments at this stage should check the remittance advice carefully and refer back to their 2016 claim to ensure that a payment has been made in full.

If a claimant believes that they have been underpaid, they should contact the RPA immediately to raise this concern and start a dialogue with the complaints resolution team in order to obtain a top-up payment and to ensure information is correct on the RPA system in preparation for 2017 claims.

The RPA has confirmed that Claim Statements will be sent out shortly, but in the meantime claimants should not hesitate to make contact with the RPA if they believe they have been underpaid.

Given the amount of money at stake this year, which is 19% greater than the 2015 payment at £212.69, it may be prudent for claimants to consider using a land agent to review previous claims. These checks can be carried out at this time of year by agents who submit numerous claims on behalf of clients and therefore will have come across most types of queries before and know how the rules work. Such a check can be brief and should provide peace of mind prior to the 2017 application window opening.

Simply, errors are also easy to make and recently we had a case of an incomplete claim form costing the claimant £4,000. Another new entrant missed out on the allocation of 50 hectares of entitlements because the paper evidence supporting the application didn't arrive until after May 15.

Claimants should also consider using an agent to prepare and submit their BPS claims in addition to providing checks. The complexities of RLE1 forms, continuation booklets, land use codes and EFA calculations means that even simple "same again" claims can result in major errors that result in underpayments and payment penalties. This was particularly evident in 2016 as parcels which had been amended with the use of an RLE1 form in 2015 did not always show up as part of the holding. There was no simple means to rectify this situation and claimants had to submit additional RLE1 forms to add missing parcels, meaning online claims were submitted with key information missing.

The apparent simplicity of the online claim form can also be misleading. For those who submit online tax returns, there are often mistakes and processing errors on the system that mean figures don't tally. The same can be said of the BPS online system. Rounding errors, missing figures and historic data plagued the system last year, meaning agents had to meticulously re-check claims before they were submitted. When it comes to taxes, the aid of an accountant is vital to ensure the necessary data is submitted to the HMRC, so why not use a land agent when so much more money is at stake?

Using an agent also ensures contact is made with the RPA when required, this may be in a situation when an RLE1 form has not been processed from the previous year, an incorrect number of entitlements is showing on the entitlements page, a land parcel is missing from the application page or there is a general query with the application.



In this instance agents are often in a better position to bypass the lengthy holding procedure on the RPA telephone line and directly contact members of the RPA team, who can provide advice over the phone and provide written responses if necessary. This procedure helps save time and also ensures minor mistakes are not made on applications.

We receive regular requests for help where farmers have kept no record of who they have talked to and exactly when at the RPA, have not followed it up in writing and have lost out from incorrect advice from the RPA helpline with no practical way of proving maladministration or obtaining compensation.

Recent studies have shown that BPS payments form more than 50% of farm incomes in England. This demonstrates

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the importance and financial reliance farmers place on the Basic Payment Scheme and farm support. Given this, claimants should be prepared to spend considerable periods of time preparing their own BPS claims before the deadline or should consider using a professional to do this on their behalf or at least provide some advice.

Each parcel should be checked on the online system to ensure the boundary has been marked correctly, ineligible features should be measured and recorded to ensure parcels are not over claimed on, the land use should be checked to ensure it corresponds with what is taking place on the ground and the required number of entitlements should be calculated to ensure a sufficient number are owned. Whether a claim is for five hectares or 500 hectares, the same level of checking is needed.

Only when the whole claim has been checked, perhaps more than once, should it be submitted, along with supporting documents. At this point the onus is placed upon the RPA to process and check

your claim with the same degree of caution and care as was taken prior to submission. Unfortunately this frequently is not the case, resulting in processing errors and payment hold-ups. In this situation the responsibility may be passed back from the RPA to the claimant to prove that the error was not made by them.

This situation validates the use of an agent, who will have recorded every action and change made during the application process, and be able to provide evidence of this if required. Screen-shots and records will be maintained to ensure errors can be traced and negated by the claimant, or their agent, and the RPA.

BPS claimants should therefore consider using land agents, in the same way they would an accountant or solicitor to provide peace of mind and ensure the safe receipt of such an important income source. Everyone who intends to submit a BPS claim this May should weigh up the benefits of using a professional against the cost. For a prudent farmer, using an agent has now become a necessary expense.