



Rating Appeals – Listing after Target Date

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Table of Contents

	Pages
Section 1 Introduction	3
Section 2 Background	3
Section 3 The rationale for the process	4
Section 4 Protocols	6

1.0 Introduction

1.1 The original document set out the business rationale for moving to one coherent model for the listing of non-domestic rating appeals to valuation tribunal hearings. The process is known as Listing after Target Date (LATD), and it began in April 2006. The original document has been revised following a six-month review of how LATD is working in the regions.

1.2 The aim of the system is that all stakeholders will receive the same level of service, irrespective of which valuation tribunal deals with the appeal.

1.3 It is seen as an interim measure until an NDR 'appeals direct' system is introduced some time in the future. Trials suggested that LATD was a proven model for dealing with NDR appeals in a cost effective and efficient way.

1.4 The document describes the most effective way of using LATD and lists eight protocols. It should be read in conjunction with the Active Case Management policy.

2.0 Background

2.1 This document sets out the procedures required for the improved deployment of LATD for non-domestic rating appeals across the whole of the VTS.

2.2 The implementation date for LATD was 1 April 2006, for programmes with a start date post 1 March 2006.

2.3 The scheme as implemented was drawn from the experiences of the tribunals within the North West, Southern, Eastern and Yorkshire Administrative Units (AU). The North West AU carried out an official pilot exercise on behalf of the VTS, which ran from 1 November 2004 to 31 March 2005. The other three AUs had been listing after target date for considerably longer.

2.4 LATD was seen as a proven method of dealing more effectively and efficiently with the clearance of rating appeals, in the appeal climate in 2005-06. This was evidenced by VTs listing between 50% to 70% fewer cases than they would otherwise have listed, bringing consequential savings and benefits to the organisation as a whole (less likelihood of late cancellations, more actual hearings for members and lower accommodation hire costs).

2.5 However, dealing principally with appeals against the 2005 rating list, since 1 April 2006 tribunals have had to list between 25% and 100% of the cases in sub-programmes. Wide regional differences are evident.

3.0 The rationale for the process

3.1 The 'target date' of Valuation Office (VO) programmes for disposal of rating appeals is key to the whole process. The VTS recognises that the VO programmes are just that, '**VO programmes**'. However, **once the target date has been reached, the management of any outstanding appeal rests with the VTs**. This system relies on the VO and other parties engaging in meaningful discussions from start to target date and ceases negotiations in most cases at target date. The review highlighted that there is wide, local variation in this regard and the principle must be reinforced in dealings with the parties at all levels, local and national.

3.2 Once a target date has been reached, the appeal should be 'locked' into that programme and the responsibility then rests with the VT to manage that appeal. In other words, if an appeal is still outstanding by target date, the VO should not move the appeal into another programme without the permission of the Clerk. This would be reasonable in cases where they are still awaiting national negotiations or Lands Tribunal decisions or the appeals need to be listed with appeals in later programmes.

3.3 It was recognised that it would be preferable for VOs to have a common approach, with two target dates used in any given month, one common date in the middle of the month and one at the end of the month. This enables VTs to manage the listing process more effectively. It would also bring consistency of approach across all VOs and thereby deliver a unified service to customers. There has been varied adherence to this protocol, causing difficulties for VTs in compiling meaningful agendas.

3.4 In managing these outstanding appeals, VTs should wait at least **seven days** subsequent to any given target date. This allows for at least one VO to VT computer-generated data transmission subsequent to the target date and means that late settlement paperwork can be cleared down and VTs do not have to list these appeals.

3.5 An improvement on the situation described in 3.4 would be to have daily updates of appeal data from the VO system to the VT system.

3.6 Crucial to the success of LATD is **effective communication** between the designated person at the VT (usually a Professional Tribunal Officer) and the designated person at the VO (usually the Programme Facilitator).

3.7 The exchange of 'status reports' from the VO to VT prior to listing had worked well in some areas and less well in others. These reports identified the reasons why an appeal was outstanding (verbally withdrawn, verbally agreed, dismissal required – no contact from appellant, case to be heard, joint agreement to re-programme the appeal). Originally it was agreed that the use of status reports prior to the listing of cases to a hearing should not continue. However in some regions the practice has continued and in others there is a desire to obtain more information at this stage. Fundamentally, VTs want to know at the stage prior to listing, which cases may require a full hearing. Armed with this knowledge, the VT can determine how many hearings it is likely to require and utilise its resources in the most effective way. It has not always been possible at this stage for the VO to give the VT such a definitive

position. However, when it can, the information is invaluable.

3.8 **Active Case Management** has become more important for VTs in the effective listing and hearing of appeals, and this too relies on good lines of communication.

3.9 Subject to information received in VTs will list all outstanding appeals after a minimum of **seven days after the target date. It will be for the Clerk or SPTO to decide, within four-10 days after the target date, how many hearings are required and the suitable date(s).** In exceptional circumstances the Clerk may contact parties prior to a notice of hearing being published to ascertain whether the matter needs a hearing or why the appeals are still outstanding.

3.10 Wherever possible, sub-programmes should be combined into a single hearing. Additionally, there should continue to be local and national discussions with the VOA about the size of sub-programmes.

3.11 Hearings should always take place within **six to 10 weeks** of the target date.

3.12 Notice of hearing should be served on the parties **five weeks before the hearing date.** Notices should never be issued before the target date. At least two transmissions of data from the VOA should be allowed for.

3.13 Postponement requests should be treated in accordance with the VTS' revised postponement policy. Normally, suitable dates should be discussed with both parties prior to re-listing, which should be as expeditious as possible.

3.14 Hearing reminder notices are to be sent to unrepresented ratepayers about 18 days before the hearing

3.15 From 18 days to 3 working days prior to the hearing there should be a regular two-way exchange of information between the tribunal office and the VO caseworker, to establish the status of the listed cases.

3.16 **Three working days** prior to the hearing, the VO should send a final status report, as well as discussing the position with the VT.

3.17 At this stage, a decision may need to be taken about cancelling the hearing, or the agenda may need to be managed due to the number of cases that require a hearing. The PTO should contact ratepayers thought to be attending to arrange indicative time slots for the parties to attend. (Alternatively, the parties may prefer to have another date offered that is mutually acceptable). The arrangements for the day should then be confirmed with members and the VO.

4.0 Protocols

Protocol 1

The VO to have a common approach to allocation of target dates. Two target dates should be used in any given month, one common date in the middle of the month and one at the end of the month. This needs to be done on a tribunal-by-tribunal basis and close liaison between the VO and the VT is essential.

Protocol 2

Valuation tribunals to take ownership of all appeals at target date. Once a target date has been reached, all appeals to be 'locked' into that programme. The VO will not be able to move the appeal into another programme **without the express, prior permission of the relevant Clerk, on behalf of the President**. The VO will issue a management instruction to ensure compliance throughout the network.

Protocol 3

The practice of receiving status reports prior to the actual listing of cases to a tribunal hearing to begin or resume wherever possible, in a standardised form. This should take place three days after target date

Protocol 4

VTs will list all appeals that are outstanding after a minimum of **seven days** after target date.

Protocol 5

Active case management is to be developed by the VTs to improve customer service generally and communication between tribunals and the VO.

Protocol 6

Hearings will take place within a window of six to 10 weeks of the target date.

Protocol 7

A minimum of five weeks' notice of hearing will be given to the parties to the appeal.

Protocol 8

Three working days prior to a VT hearing, the VT to liaise with the VO. At this point, the VO will send an updated history of the listed appeals and provide an up to date position in a standardised format.