

Appeals Commissioner

The consultation process carried out by the Hen Harrier Project team in 2017 highlighted the need for an independent appeals procedure to be available to farmers participating in the Hen Harrier Programme. As the Agricultural Appeals Office can only consider appeals connected arising from decisions made by the Dept. of Agriculture, Food and the Marine, it cannot consider cases where a participant disputes a decision made by the Hen Harrier Project team.

For this reason the Steering Group that oversees the Hen Harrier Project has appointed Peter Leonard to the post of Appeals Commissioner for the Hen Harrier Programme. Peter was formerly the Regional Manager of Teagasc in Co. Mayo. In his new role as Appeals Commissioner he will consider cases where a participant contests a decision made by the Hen Harrier Project team. He is authorised to hold oral hearings or site visits where he feels that this is required to inform his consideration of an appeal. His decision is binding on the Hen Harrier Project Team however the participant remains free to bring the matter to the Office of the Ombudsman or to the Courts.

CONTACT US FOR MORE INFORMATION

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HEN HARRIER PROGRAMME

Procedures for Making an Appeal

October 2018



An Roinn Talmhaíochta,
Bia agus Mara
Department of Agriculture,
Food and the Marine



'The European Agricultural Fund
for Rural Development: Europe
investing in rural areas'.



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AGRICULTURE & INNOVATION

What happens if you disagree with a decision of the Hen Harrier Project team?

The Hen Harrier Project team will always strive to make the right decision, however if an incorrect determination is made we welcome the opportunity to correct it. To make the Hen Harrier Programme a success it is important that you have an opportunity to seek a review of your case and if necessary appeal a decision to an independent body. This issue was raised by farmers at the consultation meetings held during the development phase of the project. The Agricultural Appeals Office cannot fill this role and so an alternative system has been established.

If you believe that the Hen Harrier Project team has made an incorrect determination in how they have dealt with your case, you should:

1. Talk to the local Hen Harrier Project Officer about it. They will explain the decision and the reasons for it to you.
2. If you are not satisfied with this, you can contact the Project Manager (in writing) and request a review of the decision. This request must be made within two months of the date that you were informed of the decision that you wish to have reviewed. The Project Manager will consider your case. As part of this process he may invite you to a meeting or suggest a site visit to explore the issues involved. Your advisor, or another person may be present to support you at this meeting.

3. After considering the material that you have provided, the Project Manager will make a final decision on behalf of the Hen Harrier Project team. If you are not satisfied with this decision you can appeal it to the Appeals Commissioner. You must exhaust all avenues for the resolution of the dispute within the Hen Harrier Programme before making an appeal.
4. You can obtain an Appeal Request Form from the Hen Harrier Project team or from your advisor. You must include the reasons why you believe the decision was in error with any other information that you consider relevant to your case. You and any other joint participants must sign this form, it should be addressed to:

Appeals Commissioner
c/o The Hen Harrier Project
Unit No. 2
Oran Point
Main St
Oranmore
Galway

If you are requesting an oral hearing or a site visit, you should make this clear in your letter. If you want to appoint an advisor or another third party to represent you then you should name this person on the Appeals Form. The Appeals Form must be received within two months of the Project Manager informing you of his decision on the review of your case.

5. Once the Appeals Commissioner is satisfied that your appeal is valid and is within his Terms of Reference, he will request the Hen Harrier Project team to supply him with your file and all material relating to the decision that you are appealing.
6. If the Appeals Commissioner decides that your request for an oral hearing or a site visit could contribute to making a decision, he will contact you to arrange this.
7. The Appeals Commissioner will decide on your appeal in a timely manner.
8. The Appeals Commissioner will inform you of his decision in writing.
9. The decision of the Appeals Commissioner is binding on the Hen Harrier Project team. If you are unhappy with it, you can appeal it further to the Office of the Ombudsman or to the Courts.