

**Action Note 075**

## Agent Authority

Grant Scheme: EWGS, FWS & FWPS  
First Issued: 10<sup>th</sup> April 2012  
Expiry Date: 1<sup>st</sup> July 2012

IT System: GLOS  
Latest version: 1.1

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### 1 Purpose

This action note details when to use the revised Agent Authority form. The action note provides supplementary information to G&R Code EWGS Application Processing, Section 3. This action note will expire when the G&R Code has been updated.

Please ensure that you refer to Version 3 of the Agent Authority Form.

### 2 Background

European Union (EU) and Rural Payments Agency (RPA) audit transactions work has identified issues with our previous version of the Agent Authority Form and the administrative processes associated with its use. The agent authority process had been identified as inadequate in providing an audit trail of signatories, specifically in relation to the English Woodland Grant Scheme (EWGS). Many of the existing grant applications contained several signatories, and there is often no auditable trail to link signatories to the relevant contract or claim. It was this issue, raised during audit transactions, that is a threat to securing EU funds.

A revised Agent Authority Form has been produced (version 3) to meet audit requirements. Additionally, we have taken the opportunity to revise the EWGS1 form, removing some repetitive questions and ensuring that it is also compliant with audit requirements.

Similarly, there will be very minor changes to a handful of documents within the EWGS 'suite' as a result. Final changes will be incorporated into the E-forms, which are in the process of being designed.

The Agent Authority form will initially be available as a word or PDF document on the website. A word copy is attached at Appendix I of this document. We will shortly be introducing an electronic version of this form.

Please ensure that the latest version of the Agent Authority form (version 3), is fully completed for all new applications submitted after 1<sup>st</sup> March 2012, where an agent is involved. This includes conditional felling licences where the conditions will be agreed and signed by the agent.

### 3 When is a revised Agent Authority Form required?

For existing schemes:

- Where there is no Agent Authority form in existence **and** there are no out standing claims, we **will not require** an Agent Authority form to be completed retrospectively – **unless** you receive an amendment that adds a further payment (s) to the case.
- Where there is no Agent Authority form in existence and there are out standing claims or an amendment has been received that adds a further claim (s), staff **must request** that a revised version of the Agent Authority form is submitted **before** they can process the amendment or claim.
- Where there is an:
  - Earlier version of an Agent Authority form on file for the owner and current agent; or
  - A letter from the owner identifying the agent and the permissions that they have transferred to them; or
  - A signed **EWGS**<sup>1</sup> contract in place which identifies the agent and the permissions transferred to them, we will **not require a** revised form to be completed during 'normal' processing. However if the agent should submit a new application on behalf of the owner, we will expect a revised form to be completed prior to processing the new application.

For new applications (post March 1<sup>st</sup> 2012):

- Regardless of whether we hold any existing Agent Authority forms, we will require a new, revised version of the form to be submitted with:
  - All initial EWGS applications. (copies of the form will be retained for future applications – see later for details)
  - All conditional felling licences where the agent will agree and sign the draft conditions on behalf of an owner.
- For EWGS applications submitted online, agents normally submit hard copies of the scheme maps to the Admin Hubs. Agents should submit an Agent Authority form at the same time.
- For those agents who are able to submit scheme maps electronically, a copy of the Agent Authority form must be emailed to the relevant Admin Hub staff.

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<sup>1</sup> Note that this does not include **WGS** contracts, which did not carry this information

## 4 Processing Agent Authority Forms.

When processing the Agent Authority form we need to ensure that:

- An Agent Authority form for each owner / agent relationship is already in place. On receipt of a new application, staff will first check the central repository (see bullet point below) to check whether a valid form is already in existence. If there is, there will be no need to upload the latest version supplied **unless** there are some material changes to the circumstances (for example the type of delegated authority).
- Both the owner and the agent have signed the form. This will ensure that subsequent signatures can be checked during audit and during processing of claims etc.
- The SBI number and Business name identified on the form must relate to the scheme beneficiary, not the agent or a third party.
- The SBI number and business name on the Agent Authority form must match those on the EWGS1.
- We are currently working on a centralised repository for all **new** Agent Authority forms and will be in the form of a document management system. **This will be intranet based.** This central repository will be available for all to input basic data into. It will be interrogated by SBI number and will allow for copies of the agent authority form to be loaded and viewed and will allow version control of the documents in the event that there are changes to the agent or the permissions delegated by the owner. Audit will have direct access to the database so that they can check if permissions are in place for all new applications. It will take a few weeks to set this up on the system so in the mean time you are asked to:
  - Keep a hard copy of the Agent Authority form, but **don't** upload copies onto individual GLOS case files.
  - Update basic data into the attached spreadsheet (Appendix II). Once the central repository is set up, we will transfer data across by an agreed means.

We have changed the way EWGS 1 forms are completed. We will accept that employees can act as applicant, and will not need an agent authority form giving them this power.

Where the applicant is someone other than the owner, staff will be required to check that the applicant has the necessary interest in the land, by checking details such as job title, office address, email address etc., which should demonstrate their connection with

the property. In the event that the EWGS 1 has been completed by an agent, the Agent Authority form should clearly show that they have been given the delegated authority.

This Action Note will be transferred into code format when the repository is available and we fully understand its functionality.

## 5 Q&A

### For existing schemes

**Q.** What happens where an existing case is identified as having no Agent Authority Form, relating to it? Will we need to ensure that a form is completed retrospectively?

**A.** This will depend on the circumstances. It would be inappropriate to seek a signed Agent Authority form for any cases where:

- The agent is no longer involved in signing either the 2<sup>nd</sup> instalment WCG, or 6<sup>th</sup> or 11<sup>th</sup> year FWP(S) claims for the scheme;
- There are no out standing claims to be paid on the scheme – unless an amendment adds a future payment;
- Where an agent just acted as advisor and 'mailbox' for the owner (so where no authorities were delegated to the agent)

However, staff will be required to seek a completed, revised agent authority form for all existing cases, where there is **no obvious delegation in place**<sup>2</sup> when:

- There are payments out standing on the case;
- When there is a change in details of either the owner or agent for that case (see next question)

**Q.** We have an existing case that has an old style agent authority form in place. There are outstanding payments on the case. Do we need to ask for a revised agent authority form to be completed to allow us to make these payments?

**A.** No. For all existing cases we will accept the current version of the form. However, if the agent submits a new application for the same owner we must ensure that a new form is completed and submitted with the application.

**Q.** What happens when there is a change of ownership? Will we need a new Agent Authority form?

**A.** For **all schemes** where there is a change of ownership the Successor's Form should be used to amend / confirm agent details. We are slightly amending the current form so that it meets EU requirements by adding a box for agents to sign. If there are any changes **other than ownership**, the Agent Authority Form **must be used** to amend details.

### New Applications

**Q.** We have received a new application and already have an 'old style' agent authority form on file. Do we need to seek completion of a new, revised form?

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<sup>2</sup> This will include old versions of the agent authority form, a letter from the owner which names the agent and their delegated authority or a signed EWGS contract that identifies the agent and their delegated authority.

**A.** Yes. The old style form did not fully meet the audit requirements, so we must ensure that a revised form has been completed for all new cases submitted from 1<sup>st</sup> March 2012.

**Q.** I have received a copy of the agent authority form electronically and it appears the signature has been scanned onto the form. Is this acceptable?

**A.** With the move to e-forms, we will need to accept that forms will be submitted in different formats. We will need to accept e-signatures in future, and I see little difference between this and either scanned signatures or forms submitted by email in say PDF format. We should therefore accept signatures and forms submitted, other than original, hard copies. The key thing is that the signatures match with the other documentation that is submitted during the life of a scheme.

**Q.** I have received a claim for grant that has been signed by a known employee of the agent identified in the agent authority form. Is it OK to accept this claim as we know it is bone fide?

**A.** No we cannot accept a claim, signed by a third party, even though we are aware that they work for the agent who has delegated authority. They are not permitted to delegate this authority to a member of their staff or sub agent. In some cases we know of agents who employ others to submit all their paperwork to the FC. If this is the case, it is permissible for the agent to sign a number of blank forms that can then be completed by a third party. However in doing so, the agent will be accepting that any mistakes, and possibly penalties that are imposed as a result of a fraudulent claim, will be their responsibility.

**Q.** We have received an agent authority form that has a different SBI number on it to that identified in the EWGS1 form. Is this acceptable?

**A.** No. The SBI number on the EWGS1 must match that entered on the agent authority form. In addition we have added the business name to these forms as a 'secondary' check. This must also match and be the name relevant to the beneficiary for the woodland. This must always be the 'owner', not the agent or other third party.

**Q.** We have received a revised agent authority form, but the agent has added a number of disclaimer clauses on the back of the form, which relate to the owner of the woodland. Is this acceptable?

**A.** We have been contacted by a number of agents with regards additional information being printed on the agent authority form, most relate to contractual issues between them and their client. We have made it clear that we will not add specific client text to the form, but that we are happy that an agent may add text if they wish, to the back of the form.

**Q.** Can an agent sign the declarations on the application form without authority?

**A.** No. As noted above we are changing the EWGS1 form so that it is clear that it must be either the applicant (so the owner or person with the interest in the land) or an authorised agent. An agent can only sign, provided we have a completed agent authority form in place confirming that they have the authority to sign application forms on behalf of the owner.

**Q.** The Agent Authority form carries a case reference. Does this mean we have to seek a new Authority form for every new case.

**A. No.** The Agent Authority form asks for a case reference - if appropriate. **This section should be completed by FC.** Where an owner declares that an agent acts for all his applications (section c on the form), this section would be left blank. Where stated that only the current application (section c on the form) is included, FC would enter the relevant reference number - this will ensure that this form cannot then be used for other applications where an owner has not signed for this to be the case.

For multiple applications, the original Agent Authority form can then be used for all future applications.

## 6 Sources of further advice

Please refer queries on this Action Note to Steve Hunt.

This Action Note should be read in conjunction with the relevant Operations Note (Number 026)

## 7 Versions

Version 1.1 issued 10<sup>th</sup> April 2012