



Tax Appeals Commission
Statement of Strategy
2017-2020





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Foreword

We are pleased to present this statement of strategy in respect of the Tax Appeals Commission, covering the three-year period of 2017 to 2020. This strategy is intended to provide a roadmap for the development of the Commission over the coming years, which will benefit taxpayers, our stakeholders and our staff.

The Tax Appeals Commission (TAC), which replaced the Office of the Appeal Commissioners (OAC), was established on 21 March 2016 in accordance with the provisions of the Finance (Tax Appeals) Act 2015. The Commission is an independent statutory body, tasked with providing a modern and efficient appeals process in relation to the hearing and adjudication of tax appeals. The OAC had 425 appeals on hand at the beginning of 2016, a substantial proportion of which were taken over by the TAC on commencement. In addition, a large number of legacy appeals were transferred by the Revenue Commissioners to the TAC in August, October and December 2016 and in March 2017. This substantial caseload together with the normal through-put of new appeals has presented challenges for the TAC in terms of staff resourcing, accommodation and management. In this context, this strategy review emerges at an important time for the Commission. It has afforded us and our staff the opportunity to reflect on what we do well, to consider the areas in which improvements might be made and to evaluate what steps need to be taken in order to deliver on our goal of providing a modern, independent, impartial and efficient process in relation to the hearing and adjudication of tax appeals.

We are committed to implementing this strategy over the next three years, with the implementation process underpinned by a delivery plan, and we will report on progress in our annual report and through our website, www.taxappeals.ie.

A blue ink signature of Mark O' Mahony.

MARK O' MAHONY
Appeal Commissioner

A blue ink signature of Lorna Gallagher.

LORNA GALLAGHER
Appeal Commissioner





What We Do

Our Mission

Our mission is to provide a modern, independent and efficient appeals process in relation to the hearing and adjudication of all tax appeals.

Our Work

We discharge our mission by

- Processing all OAC appeals which were on hand pre-commencement of the TAC on 21 March 2016, which were transferred to us from the OAC and which we term “transitional” appeals
- Processing all legacy appeals
- Processing all pre-commencement applications for cases stated to the High Court, in respect of previous OAC determinations
- Processing all appeals received by the TAC since commencement on 21 March 2016. This includes, *inter alia*, case hearings, preliminary hearings and case management conferences
- Reporting on case outcomes through the publication of determinations
- Utilising our voted budget in an effective manner to deliver our services
- Employing a suitable number of skilled and qualified staff in accordance with our voted budget.

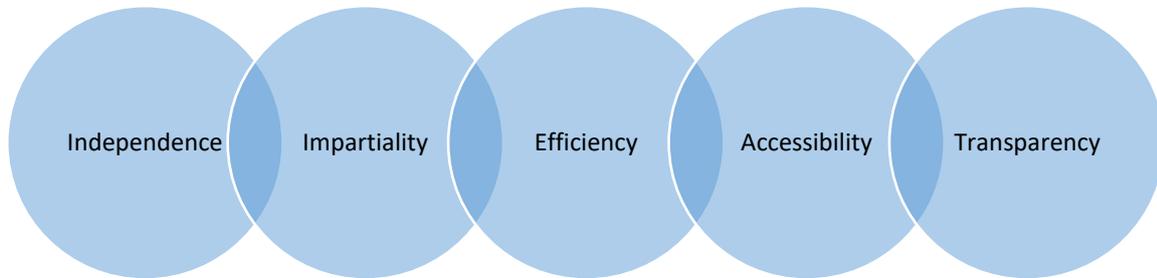
Our Vision

We aim to deliver an exemplary service in the processing and adjudication of tax appeals, by providing an efficient and accessible appeals process which will produce a body of legally reliable determinations that help clarify relevant areas of taxation law and legislation.



Our Values

The values which underpin our work are:





Strategic Priority 1 – Processing Tax Appeals

The Tax Appeals Commission is an independent statutory body, tasked with providing a modern and efficient appeals process in relation to the hearing and adjudication of tax appeals.

Our work is guided by a number of important principles:

- Adjudicating appeals in a fair, impartial and expeditious manner;
- Ensuring that the tax appeals process is readily accessible to all taxpayers; and
- The delivery and publication of high quality, legally reliable determinations

Our key objectives and deliverables under this priority are as follows:

Objective 1.1	to process and adjudicate on all legacy appeals by the end of 2020	
Context	A third Commissioner has been recruited on a temporary contract and assigned to legacy cases, with a view to clearing all cases on hand. The organisation has also been restructured to ensure support to the temporary Commissioner to complete the legacy work in an expeditious manner.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Review the progress of legacy case output every six weeks and whether additional resources are required to meet the objective. This will include consideration of case complexity 	<ul style="list-style-type: none"> ▪ Continue to monitor progress in case output to ensure that the objective is met

Objective 1.2	to increase case efficiency and the number of determinations each year	
Context	Notwithstanding that tax appeals can encounter delays due to various factors (e.g. information submission delays, adjournments at the request of one or either party to an appeal, interlocutory applications), it is the intention of the TAC to ensure maximum efficiency and quality in how it operates and adjudicates on cases.	
Action	In 2017-18	Over the period to 2020



	<ul style="list-style-type: none"> ▪ Put in place a professional, fit-for-purpose and fully functional case management system ▪ Review and monitor delegated authority levels to ensure any non-substantive matters are dealt with at an appropriate level (e.g. hearing dates) ▪ Secure at least 2-3 additional staff, with tax expertise ▪ Ensure sufficient hearing rooms are available at all times, either by way of 3 standalone rooms on-site or the use of external accommodation 	<ul style="list-style-type: none"> ▪ Introduce a paperless office with the e-transmission and storage of all case files/documents ▪ Explore the possibility and feasibility of more hearings by way of video-conferencing ▪ Review case trends every 6 months with a view to ensuring that sufficient resources are in place to support the delivery of the objective
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Objective 1.3	to ensure all taxpayers are afforded an equal opportunity to appear before the TAC	
Context	Tax appellants range from large multinational companies with significant resources to individuals who may choose to represent themselves at appeal. Our approach to processing and adjudicating appeals seeks to ensure impartiality and transparency, but also inclusivity. A key objective of the TAC is to afford equality of access and opportunity to all appellants.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Review our website to ensure that it provides comprehensive information in relation to the tax appeals process. 	<ul style="list-style-type: none"> ▪ Seek to ensure that published determinations are written in a clear and accessible manner insofar as that is possible bearing in mind the legal complexities of tax cases.



	<ul style="list-style-type: none"> Respond promptly to all queries, by letter, email or phone in respect of the appeals process (in line with our customer* charter commitments) 	<ul style="list-style-type: none"> Continued engagement with stakeholders and request for feedback in relation to the tax appeals process.
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Objective 1.4	to ensure the delivery of a quality appeals processing service to all parties in all appeals	
Context	Our approach to processing and adjudicating appeals involves impartiality, transparency and inclusivity.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> A public consultation process will be undertaken in Q4 2017, to gather feedback and information on desired appeals practice, going forward Put in place a three-year Customer Action Plan 	<ul style="list-style-type: none"> Put in place a fully online appeals system to make lodging an appeal (incl. e-submission of documents) and monitoring progress as simple as possible Examine themes in feedback through Parliamentary Questions and representations/queries received from Oireachtas members Review our Charter each year, including our delivery against commitments

Desired Outcome

An exemplary and highly regarded tax appeals process, which is independent, impartial and expeditious and delivers a body of legally reliable determinations which assist in the clarification of relevant areas of taxation law and legislation

*"Customers" of the TAC include those who avail of our tax appeals process, whether as appellants, prospective appellants or representatives of same; together with other stakeholders and those who use information generated by the TAC, in the course of its work.



Strategic Priority 2 – Organisational Capacity

The ability of the TAC to deliver on its strategy will require the implementation of key measures in the area of organisational capacity – particularly in the context of the TAC as a small and streamlined public body. Of particular importance is our staff.

A number of principles will guide our actions in this area:

- Being a flexible, adaptable organisation with the ability to meet demands
- Having flexible, well trained staff at all times
- Having good quality, adaptive systems to meet operational needs
- Agreeing and benefiting from shared service arrangements with other public bodies, where appropriate
- Ensuring good governance arrangements are in place and adhered to

Objective 2.1	to ensure that we have sufficient numbers of well trained and flexible staff at all times to deliver on our priorities	
Context	As a small organisation with an important mission, the TAC is heavily dependent on its staff, particularly in relation to administering cases.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Recruit at least 2-3 tax specialists ▪ Recruit additional administrative staff ▪ Develop a Staff Handbook, which consolidates all key human resource policies and procedures in one accessible document ▪ Develop a succession plan for all positions within the TAC to include contingency planning in respect of the Commissioners • Ensure an experienced HR liaison is in place as a 	<ul style="list-style-type: none"> ▪ Keep under review our resourcing needs and engage with the Department of Finance on business cases where additional resources are required ▪ Explore the possibility of mutually beneficial secondment/internship arrangements between the TAC, the Department of Finance and other Departments ▪ Ensure staff have long term transfer opportunities into the wider civil service ▪ To achieve autonomy for the TAC in running internal competitions for promotion



	<p>point of contact for all staff</p> <ul style="list-style-type: none"> ▪ Develop and roll-out a comprehensive induction programme for all new staff ▪ Put in place performance management, a career plan and training arrangements for all staff. ▪ Put in place and roll-out a training programme for all staff, in key areas such as financial controls, data protection, systems, etc 	<ul style="list-style-type: none"> • Ensure good communications within the organisation and consult staff on all key organisational decisions
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Objective 2.2	to ensure that we have sufficient and appropriate office space to deliver on our priorities	
Context	The TAC is currently constrained in terms of its office space and has the use of just one hearing room. This compromises its ability to recruit the necessary staff and to conduct appeal hearings as expeditiously as possible.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Work with the OPW to arrange a move to a more suitable office space, which will provide for 3 hearing rooms and more space for staff, including space for new staff to be recruited ▪ Identify and utilise alternative temporary arrangements for hearings prior to relocating to new premises. 	<ul style="list-style-type: none"> ▪ Keep our office accommodation and staff requirements under review



Objective 2.3	to ensure that we have strong, accountable relationships with key stakeholders	
Context	The TAC is currently dependent on third party stakeholders for resourcing and service provision. Ensuring the clarity of these relationships, including expectations, deliverables and accountability is key.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Review our Service Level Agreement (SLA) with the Revenue Commissioners ▪ Agree a Memorandum of Understanding (MoU) with the Department of Finance 	<ul style="list-style-type: none"> ▪ Formally review our MoU with the Department of Finance at least once each year ▪ Review options in respect of long term shared service arrangements, in areas such as payroll, human resources and financial management

Objective 2.4	to ensure that our governance arrangements are in accordance with best practice	
Context	The TAC, as a public body, is required to put in place and observe good governance arrangements.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Develop and publish an updated Governance Framework in line with requirements under the Corporate Governance Standard for the Civil Service (2015) ▪ Establish an Audit & Risk Committee with majority external membership ▪ Procure the services of an external service provider to provide Internal Audit services 	<ul style="list-style-type: none"> ▪ Keep our governance arrangements under review ▪ Ensure the timely implementation of all recommendations, emanating from both the internal auditor and external auditor (C&AG)



	<p>and which reports to the Audit & Risk Committee</p> <ul style="list-style-type: none"> ▪ Ensure that the TAC is best placed to deal with the requirements of the General Data Protection Regulation (GDPR) 	
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Desired Outcomes

- A suitably well-resourced organisation, which has the requisite number of staff with the necessary skill-sets at all times to ensure the delivery of a fair, accessible and efficient tax appeals system
- Suitable office space, which supports staff and timely case hearings
- An organisation with high quality and effective systems and governance



Strategic Priority 3 – Public Accountability and Transparency

Public confidence in the State’s taxation system is of paramount importance and having in place a fair, accessible and valued appeals process is an essential pre-requisite. The TAC, as a public body, is accountable in terms of the management of its budget, systems and operations.

A number of principles will guide our actions in this area:

- Being fully transparent in terms of how we operate and use public resources
- Creating a body of legally reliable determinations which will facilitate clarification of relevant areas of taxation law and legislation

Objective 3.1	to make determinations available to our stakeholders and to the public, ensuring that the outcomes of tax appeals are accessible and transparent	
Context	The publication of TAC determinations provides an accessible body of legally reliable determinations for the benefit of taxpayers, tax practitioners, the Revenue Commissioners and the Minister for Finance	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Improve our determinations database online to ensure that it includes a user friendly search facility. This will involve exploiting the full potential of a new CMS 	<ul style="list-style-type: none"> ▪ provide a detailed breakdown of determinations by tax type and financial values in our annual report which will include a ‘year in review’ section.

Objective 3.2	to be fully transparent and accountable in how we operate and use public resources	
Context	It is incumbent upon the TAC to be transparent and accountable for how it operates and utilises public resources, not only for the purpose of instilling confidence in taxpayers and stakeholders, but also the wider public.	
Action	In 2017-18	Over the period to 2020
	<ul style="list-style-type: none"> ▪ Improve our annual report, to include more and useful information 	<ul style="list-style-type: none"> ▪ Publish a high quality annual report each year



	<p>on what we do and how we do it</p> <ul style="list-style-type: none"> ▪ Review our website to ensure that it is as accessible, user-friendly and comprehensive as possible 	<ul style="list-style-type: none"> ▪ Respond to all corporate information requests (e.g. FOI, PQs) fully and within required timeframes ▪ Report on progress in implementing our Statement of Strategy ▪ Appear before Oireachtas Committees, when requested to do so ▪ Explore our ability to support the Open Data initiative
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Desired Outcomes

- The provision of high quality data and information in relation to our taxation system and any emerging systemic issues.
- A highly regarded, transparent and accountable public body



Measuring Progress

The implementation of this Statement of Strategy will be supported by implementation planning, including assigning timelines and owners to each task. Progress on implementation will be overseen by the Senior Management Team (SMT) comprising the two Commissioners, the Head of Administration and Assistant Principal. Day to day responsibility for implementation rests with the Head of Administration who reports on progress to the SMT.

Progress in respect of implementation will be reported in the TAC Annual Report from 2018 onwards and on our website.

Key Strategic Risks

There are a number of key strategic risks, which could materially impact upon our ability to deliver on our strategic priorities. These include:

- **Accommodation:** the failure to secure appropriate office space in the short to medium term
- **Staff:** the failure to secure the budget for additional and necessary staff resources (which has a heightened impact in a small organisation); and the failure to attract and retain staff of the necessary calibre
- **Public and Stakeholder Confidence:** a loss of confidence from key stakeholders and/or the public
- **IT System/Data Security:** a breach of our systems, including personal data
- **Systems:** the failure to secure the budget for additional and necessary systems to support our work
- **Third Party Dependence:** the TAC is currently dependent on other organisations to support its work, such as the Office of the Revenue Commissioners, Department of Finance and Department of Public Expenditure & Reform (overall budget/resources); and OPW (office accommodation). If there is a breakdown in relationships, or failure to deliver necessary support to the TAC, it may compromise our ability to operate efficiently.





Our Governance

The Tax Appeal Commission (“TAC”) is an independent, statutory body corporate, established on 21 March, 2016, tasked with providing a modern and efficient appeals process in relation to the hearing and adjudication of tax disputes, in accordance with the provisions of relevant legislation, largely the Finance (Tax Appeals) Act 2015 (“the 2015 Act”).

The Appeal Commissioners are appointed by the Minister for Finance for a term of office of seven years. They are accountable to the Minister for Finance and, through the Minister, to the Oireachtas, in relation to the performance of their functions. The TAC currently has two Appeal Commissioners, each appointed for a seven-year term, and one temporary Appeal Commissioner, appointed in respect of the legacy cases.

The role of Accounting Officer of the TAC is shared, on rotation, by the two permanent Commissioners. The Commissioners have overall responsibility for the operations of the TAC and undertake certain functions, with day-to-day responsibility for managing the Commission delegated to the Head of Administration, who reports to the Commissioners – see the *Governance Framework* for more information.

The two Commissioners, along with the Head of Administration and the Assistant Principal, form the Senior Management Team (SMT) of the organisation.

The TAC is in the process of establishing an Audit and Risk Committee, which will include external members and which will report and provide assurance to the Commissioners in respect of internal controls and risk. The Committee will oversee the work of the Internal Auditors, which is currently undertaken by Crowleys DFK on a contract basis. The TAC is also subject to audit by the Office of the C&AG.

The TAC operates in accordance with the *Corporate Governance Standard for the Civil Service* (2015) and has developed and published a Governance Framework on its website.

The current organisational structure is as follows:



