



Valuation Officer's Representation at the Hearing

1. Issues have been raised concerning the practice of the Valuation Office Agency (VOA) in sending a caseworker to represent the Valuation Officer (VO) at a hearing who has no knowledge of the property in question and did not draft the Statement of Case.
2. The concerns centre on the fact that the caseworker representative may have only limited familiarity with the case and does not appear as a witness of fact or an expert witness.
3. The following are the relevant principles:
 - (i) The VO is entitled to appoint any person as his/her representative or advocate at the hearing (as may any party);
 - (ii) The VO's choice of representative must obviously not cause, or be allowed to cause, any prejudice to the appellant;
 - (iii) The hearing of the appeal should not normally be adjourned so as to allow/require the VO to be differently represented (as that would compromise principle (i) and might conflict also with (ii));
 - (iv) Any application by the VO's representative for an adjournment must be considered on its merits but a compelling explanation for the absence of the appropriate representative must be provided and this must be balanced against the effects of any adjournment on the appellant and the Tribunal;
 - (v) It is not our usual practice to summons particular witnesses (although there is power to do so in the Procedure Regulations), but to decide appeals on the evidence and argument before the Tribunal;
 - (vi) A caseworker representative who has no knowledge of the property and did not make the assessment can act only as advocate and not as a witness either of fact or an expert. Documentary evidence (including a Statement of Case) prepared by others is admissible but, in the absence of an opportunity for the appellant and the Tribunal to question its author, careful consideration must be given to the weight (if any) to be attached to it; and in accordance with principle (ii) above, the respondent must not derive any advantage and the appellant must not suffer any disadvantage by having such evidence shielded from cross-examination and from questioning by the Tribunal.
4. The panel must decide any factual disputes that arise. Disagreement about the measurements is dealt with in a separate Guidance Note (4/2015).

5. If the caseworker is not an expert, he/she cannot advance expert evidence as being his/her evidence and any such evidence should normally not be allowed.
6. The consequences described above will not necessarily be fatal to the respondent's case: it will depend on the issues in the case and all the evidence and argument advanced by the parties.
7. Guidance has been issued by the VOA to its staff so any representative should be well aware of the role he or she can properly play at the hearing.

20 May 2015



President