



Deloitte Tax Controversy (“DTC”) Newsletter

January 2022

Welcome to the first edition of the Deloitte UK Tax Controversy (“DTC”) Newsletter in which we provide our insights into recent market news and trends as well as showcase some of our DTC offerings.

This first issue contains:

- An introduction to the DTC Network – who we are and what we do; and
- A spotlight on two ‘hot’ topics:
 - The DTC Tax Controversy Workshops; and
 - Privilege Reviews.

We would love to hear from you as regards any feedback on this Newsletter, so please contact [Alisha Tatter](#) or any of our DTC contacts with your comments.

Introducing the DTC Network

The number of tax disputes has risen sharply in recent times. For example, last year alone, in the UK there were c. 7,000 new tax appeals, c.1,000 applications for Alternative Dispute Resolution, c. 23,000 statutory reviews and £107 billion of tax affected by litigation. Many of these



Matt Batham



Steffan Adfeldt



Jamie Bedford



Glen Harling



David J Hume



Mark Kennedy

disputes could create an operational drain on organisations and/ or pose a reputational risk if tax adjustments and penalties are identified by HMRC. As a result, we are seeing more organisations and individuals with complex tax affairs request specialist tax controversy expertise to assist them navigate the disputes landscape.

Partnering with you

The DTC Network offers clients this specialist support. We work with clients during all stages of the controversy lifecycle, using our technical insights knowledge and experience. We can help you set your pre-dispute tax governance strategy; identify appropriate processes for responding to tax disputes; work on voluntary disclosures; help you unlock enquiries that have become entrenched and provide mediation and litigation support where necessary.

The DTC team comprises c. 50 professionals including tax professionals (some of whom are ex HMRC inspectors), solicitors and economists providing a combination of tax and legal support. We frequently work with clients to run a twin-track approach to disputes involving both litigation and negotiation in order to keep all options open. Issues that the team has supported on include COP9 enquiries, indirect tax disputes, transfer pricing matters, unallowable purpose and diverted profits tax enquiries and complex enquiries in respect of individuals, their trusts and businesses.

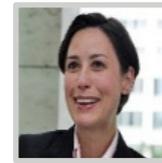
If you have a tax dispute matter you wish to discuss, please get in touch.

DTC Offering: Tax Controversy Workshop

As tax controversy becomes an ongoing matter for large organisations to manage, we see clients looking to develop a comprehensive, balanced and responsive approach to controversy trends. This ranges from addressing sector-specific tax technical challenges to developing tax governance processes for responding effectively to any tax controversy.



Annis Lampard



Judith Lesar



Edward Morris



Samir Yahiaoui



Tammy Arendse



Michael Pape



Stephen Yates



Alisha Tatter

In our Tax Controversy Workshops, the DTC team initially identifies stakeholders in the organisation (typically Heads of Tax, functional and regional tax leads, VPs for Controversy and General Counsel) and works with them to agree what the organisation wishes to focus on around global tax controversy management. This is followed by either a face-to-face or virtual workshop to explore these focus areas in more detail.

As well as the workshop pre-calls, we can review relevant documentation in order to inform discussions on the organisation's current approach to tax controversy and highlight any potential areas where enhancements could be made. The workshops allow organisations to formulate a vision for their future tax controversy strategy that is underpinned by clear actions to take forward.

For more information regarding our Tax Controversy Workshops, please contact [Matt Batham](#), [Samir Yahiaoui](#), [Mark Kennedy](#) or [Reanna Weedon](#).

DTC Offering: Privilege reviews

Tax authorities, including HMRC, are increasingly issuing high-volume data requests that may require an organisation or individual to review and potentially share commercially, personally and legally sensitive data. A question we are frequently asked is whether certain data is covered by Legal Professional Privilege ("LPP"), and whether the review itself can be conducted under LPP to maintain privilege.

LPP may be asserted when faced with requests for mandatory disclosure of legally privileged information to a third party, including the courts, tribunals, regulatory bodies, HMRC and enforcement agencies. However, the scope of LPP remains a complex matter and the DTC team are often asked to: identify whether communications are protected by LPP, conduct document reviews; and make recommendations for processes and best practice on how to maintain LPP.

If you would like further information on LPP, please get in touch with [Glen Harling](#), [Judith Lesar](#), [Stephen Yates](#), [Tammy Arendse](#) or your usual DTC contact.

Get in touch

Get in touch



This document is confidential and it is not to be copied or made available to any other party. Deloitte LLP does not accept any liability for use of or reliance on the contents of this document by any person save by the intended recipient(s) to the extent agreed in a Deloitte LLP engagement contract.

If this document contains details of an arrangement that could result in a tax or National Insurance saving, no such conditions of confidentiality apply to the details of that arrangement (for example, for the purpose of discussion with tax authorities).

Deloitte LLP is a limited liability partnership registered in England and Wales with registered number OC303675 and its registered office at 1 New Street Square, London, EC4A 3HQ, United Kingdom.

Deloitte LLP is the United Kingdom affiliate of Deloitte NSE LLP, a member firm of Deloitte Touche Tohmatsu Limited, a UK private company limited by guarantee (“DTTL”). DTTL and each of its member firms are legally separate and independent entities. DTTL and Deloitte NSE LLP do not provide services to clients. Please see www.deloitte.com/about to learn more about our global network of member firms.

© 2021 Deloitte LLP. All rights reserved.