



Independent
Complaints
Reviewer

Independent Complaints Reviewer
(ICR) for Land Registry
Annual Report 2013/14

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Further information

Full details of the service that the ICR provides can be found in our booklet, *Seeking a fair resolution*, which can be downloaded from the ICR's website at www.icrev.org.uk

Contents

- 1 Introduction
- 2 The ICR service
- 3 Facts and figures
- 4 Casebook



1 Introduction



Elizabeth A Derrington

Complaints have been described as 'like gold dust – the best and most unvarnished source of customer feedback'. My role as Independent Complaints Reviewer is to help Land Registry make sure that it turns the gold dust into solid nuggets so that all customers get the benefit.

This year work in the gold mine has, as always, been immensely varied and challenging, and I am delighted to be able to report some important successes.

The ICR team has investigated a wide range of complex complaints. Where we have found service failures by Land Registry we have made recommendations designed to provide redress for individual customers and also to propose ways for Land Registry to improve its service to customers

and avoid the risk of similar failures in future. More details of the issues investigated and the recommendations made can be found at page 9.

Taking into account the complexity of many of the issues we have looked into it is good to be able to report that we have been successful in bringing closure for complainants and for Land Registry. Even though in many cases it has been beyond our power to achieve the result the customer wanted, we know from feedback that our reports have been appreciated as clear and thorough – setting out the issues in straightforward terms and where appropriate offering options for further action.

We have continued to make real progress in reducing the time taken to complete investigations. Details can be found at page 10. There is no doubt that our ability to turn round cases swiftly has been welcomed by our customers.

We have had positive feedback from the Parliamentary and Health Service Ombudsman (PHSO) who provides final reviews on the most complex and contentious public sector complaints. A decision by PHSO in 2013 to increase dramatically the number of complaints investigated resulted in three cases that we had already reviewed being examined by PHSO. In the two reports so far completed PHSO agreed with our conclusions and expressed the view that the ICR had done 'a good job'. This external endorsement is a welcome recognition of the quality of the work of my office.

It is a source of ongoing concern to me – and I know also to Land Registry – that a very small number of Land Registry's customers remain dissatisfied,

sometimes many years after full reviews by this office and also by PHSO. I know from research that I have read that this experience is shared by complaint handling organisations across the world, but this does not make it any less troubling. Such long-running grievances are inevitably distressing and disruptive for the individuals concerned and their families. I continue to monitor developments both in the UK and abroad in finding effective solutions to such situations.

Although detailed complaint reviews are the core of the office's work, they are far from being all that we do. There are two other aspects that are worth highlighting.

First, there are many cases where, after looking at the details of a complaint, we decide that it would not be appropriate to carry out a formal investigation. This is often because the complaint is about legal issues that are outside our remit. Although this often causes disappointment it is important for us not to raise false expectations about what we can deliver. However, we are often able to provide a clearer understanding to complainants of what has happened and to explain possible options for taking their concerns forward. We also offer advice and assistance to any Land Registry customers who contact us with problems.

Second, we are committed to using our expertise and external perspective to help Land Registry ensure that its complaints process is working properly. Some of the cases we have investigated have pointed to specific problems in spotting complaints and escalating them through the complaints process. This can cause serious

frustration for customers and also prevent Land Registry getting the benefits of their feedback. To address the issue we offered a series of workshops for Land Registry staff throughout the country in which we used real life cases to illustrate how things can go wrong for a customer and what does and doesn't work when it comes to putting things right. The experience was very positive – with an enthusiastic response from staff (see page 11) – but it did confirm our view that the complaints procedure is not always operating as well as it should. I welcome the fact that Land Registry is now reviewing the whole procedure and its guidance to staff and will follow progress with interest.

I was re-elected in May 2013 as a member of the Executive Committee of the Ombudsman Association and had the privilege of being one of the key speakers at the Association's 2013 conference. I am currently closely involved in a full review of the Association's structure and objectives in advance of the implementation in 2015 of the European ADR Directive (which will require all EU countries to have in place a comprehensive system of complaints and redress mechanisms, including arrangements for resolving cross-border disputes).

Complaints handling, especially in Government and the public sector, is under intense scrutiny following the Francis Report on the Mid Staffordshire NHS Foundation Trust which found serious failings in the operation of the Trust's complaints process. The Public Administration Select Committee (PASC) has carried out two inquiries during the year and has now published a report called More complaints please! This stresses the value of complaints for customers (as long as they are handled well), the

need for clear processes and good communication, and the fact that it is vital that the lessons of complaints are used to improve service delivery. I believe that Land Registry, in ICREST (the ICR Evaluation and Study Team), has an excellent system for ensuring that complaints deliver improvements. I am pleased to report that I have already had the opportunity to feed back my thoughts on this issue to the Cabinet Office team responsible for taking forward work on this issue.

As I write this the consultation on the future of Land Registry has recently closed. I naturally welcome the fact that it envisages a clear continuing role for the ICR in providing independent scrutiny of customer complaints and feedback of learning points and recommendations. The major proposals – whichever option is selected – will bring major structural change, but the aspiration is that this change will be largely invisible to customers. As an outsider with an in depth knowledge of Land Registry and its customers I hope that I was able in my response to highlight some of the essential requirements and potential risks involved in achieving this aspiration.

Finally I should like to offer sincere thanks to my small band of staff for their hard work and strong teamwork during the year. The work can be very demanding and sometimes stressful and a close-knit team in which each individual supports colleagues is absolutely vital.

Elizabeth Derrington
Independent Complaints Reviewer for Land
Registry
May 2014

2 The ICR service for Land Registry Customers

Our mission

To seek a fair resolution of complaints.

Our purpose

To provide a free, effective and impartial complaints review and resolution service that settles complaints in a proportionate manner and makes a positive difference for future Land Registry customers.

People can expect from the ICR team:

- courtesy
- honesty
- respect
- objectivity
- plain language.

The principles of good complaint handling

The Ombudsman Association's principles of good complaint handling underpin the process I carry out when reviewing a complaint. They are:

- clarity of purpose: each review includes a clear statement of its purpose, intent and scope
- accessibility: the service is free, open and available to all who need it
- flexibility: procedures are responsive to the needs of individuals
- openness and transparency: we provide public information that demystifies our service
- proportionality: the process and resolution are appropriate to the complaint

- efficiency: the service strives to meet challenging standards of good administration
- quality outcomes: complaint resolution leads to positive change.

When I carry out a review, I also take into account the “FREDA” principles of human rights: fairness, respect, equality, dignity and autonomy.

Our office

It is vital to my independence that I am not part of Land Registry or a civil servant. The service I provide is under the terms of a contract and service level agreement with Land Registry, and I am personally responsible for all conclusions and recommendations that come from complaint reviews. I am supported by a small team of staff seconded from Land Registry but directly line-managed by me. These staff bring to the office the benefit of their knowledge of Land Registry practice and procedure and the legislation under which Land Registry operates.

Our remit

Anyone who has made a complaint to Land Registry and is dissatisfied with the outcome can ask me to review the matter. However, I cannot review or overturn Land Registry's legal decisions, or investigate issues that are subject to proceedings before the Property Chamber¹ or any other court. In addition, I will not generally be able to accept a referral made more than six months after the date of the final complaint response from Land Registry.

¹ From 1 July 2013 the Land Registration Division of the Property Chamber, First-tier Tribunal took over the functions of the Adjudicator to HM Land Registry. It is part of HM Courts and Tribunals Service and, like the Adjudicator, is entirely independent of Land Registry.

Initial enquiries

Before a complaint is accepted for review, a preliminary investigation is carried out to determine whether or not the complaint is one that falls within my remit. This may involve discussion with the complainant to find out more about his or her continuing areas of dissatisfaction, and to gain an understanding of the outcome the complainant is hoping to achieve. It may also be necessary to make enquiries of Land Registry in order to clarify that its internal complaints procedure has been fully completed. If the complaint is not one that I can consider, we will offer advice to the complainant on options for pursuing the matter.

Full review

Where there is a full review, a summary of the issues is sent out to the complainant for agreement. This is to make sure there is a clear, shared understanding at the outset of the areas to be addressed. A copy of the summary is also sent to Land Registry. All the available information is then analysed in detail and I consider whether the concerns that have been raised are justified.

The outcome of the review is a report sent at the same time to the complainant and to Land Registry, giving my conclusions and any recommendations. The aim of a report is to set out, in as clear and straightforward a manner as possible, my opinion on the way in which matters have been handled by Land Registry, and to provide redress in appropriate cases. Both the complainant and Land Registry have the opportunity to comment on a draft before the report is finalised.

Redress

I have three main forms of redress at my disposal and these are:

- that Land Registry should take specific action to help put things right for the customer – for example by apologising or providing extra information or explanation
- that Land Registry should make a consolatory payment (maximum £7,500) in recognition of distress and inconvenience experienced as a result of shortcomings in the service provided by Land Registry
- that Land Registry should consider practical changes to improve customer service and reduce the risk of similar problems in future.

In deciding when to consider making a consolatory payment, I have regard to the ICR Office's *Financial Redress Policy*. The sums paid are relatively small sums to reflect distress and inconvenience an individual may have suffered. They are fixed according to the seriousness of any service failures identified, as well as the particular circumstances of the individual complainant.

3 Facts and figures

My office is represented at the “Cross Government Complaints Forum” which was set up to develop and maintain high levels of complaint resolution within public services and which has been carrying out work on ways of standardising the way in which statistical information about complaints is presented. Until such time as this work has been completed, I have decided to adopt the Parliamentary and Health Service Ombudsman’s approach in her *Statistical report on complaint handling by government departments and public organisations 2012-2013* as a better way of reflecting the work carried out by my office.

2013/14

Complaints received	Complaints resolved through intervention	Complaints accepted for investigation	Investigated complaints reported on	Investigated complaints reported on: fully upheld	Investigated complaints reported on: partly upheld	Investigated complaints reported on: not upheld
127	13	29	22	1	12	9

The following table compares the number of specific complaint issues and their outcomes with those of previous years.

Year	Investigated complaints reported on	Total issues	Issues upheld or partially upheld	Issues not upheld
2013/14	22	55	18 (33%)	37 (67%)
2012/13	29	57	14 (25%)	43 (75%)
2011/12	30	97	24 (25%)	73 (75%)
2010/11	30	110	35 (32%)	75 (68%)

Recommendations

My recommendations to Land Registry are designed, as I have already said, to provide redress to individual customers and also to help Land Registry improve its systems and procedures to reduce the risk of similar complaints recurring in future. During 2013/2014, I made 26 recommendations to Land Registry and the categories in which they fall are set out in the table below.

Recommendation type	2013/14	2012/13	2011/12	2010/11
Apology	35%	45%	34%	54%
Consolatory payment	23%	37%	23%	21%
Review procedures/guidance	11%	7%	11%	10%
Remind staff of existing procedures/guidance	16%	7%	7%	2%
Review/improve public information	11%	4%	14%	10%
Other	4%	0%	11%	2%

Land Registry responded positively, giving serious consideration to all my recommendations – even where, in the case of recommendations for systemic improvement, it has ultimately decided that the action proposed would be impracticable. ICREST continues to facilitate and monitor the implementation of systemic recommendations and I pay tribute to its determination to ensure that lessons are learned and that service to customers is continuously improved.

Feedback for customers

We are committed to receiving and acting on feedback, good or bad, and we have continued to send out customer questionnaires with every completed review. The response rate for questionnaires was lower than I would have wished at 20% (18% 2012/13) though we have also received thank you cards and letters. Most responses indicated that the complainants were satisfied with the service they had received:

“Well beyond the call of duty”

“Thank you for your diligence and the time taken investigating this case”

Negative responses mainly related to dissatisfaction with the conclusion of reports or the fact that the remit of my role was not as wide as the complainant would have liked. The following comments are representative of this view:

“We thank you for all your effort and your in-depth response to our complaint and have read with interest the conclusions together with their respective clear reasoning and explanation. We are disappointed in the result but partially understand your response...Although you have intimated that you understand our position we appreciate that the law and your terms and conditions limit your response.

“Again, please accept our thanks for your efforts. We do intend to take this case further but this is not in any way to be taken as an aspersion on your efforts which we found faultless”.

In another case, the complainant was initially

disappointed with the outcome of my report and asked his MP to refer his complaint to the Parliamentary Ombudsman. I was extremely pleased to learn from him that my report nonetheless assisted in bringing resolution of the matter both for him and for Land Registry:

“I can confirm that my MP’s office have reviewed your draft report and they have concluded that the evidence indicates that you were correct in your opinion that the Land Registry were not negligent in their assessment ...I confirm that I am happy to follow their recommendations and the contents of your draft report”

Responses such as those I have quoted – coming at the end of complex and difficult investigations – give real job satisfaction to the ICR team.

Our speed of service

While we seek to provide a swift response to all enquiries, formal investigations can be extremely time-consuming. We look at all the paper and electronic files relating to a complaint; they are often considerable and extend over many years. We also need to allow time at each stage of the process to allow for the complainant and for Land Registry to provide comments. Our target is to complete a formal investigation within 26 weeks of receiving a complaint within our remit. In 2012/13, we had reduced the average time taken to complete an investigation to 22 weeks and in the last year this fell further to 20 weeks. I am pleased to report that all but two of our investigations were completed within the target. The two exceptions arose from delays in securing the complainants’ agreement to the complaint summaries.

Financial information

As already mentioned my office is managerially independent from Land Registry.

The following table compares expenditure over the last three years and demonstrates our continuing efforts to manage our budget as effectively as possible and provide good value for money.

ICR running costs	2013/14	2012/13	2011/12	2010/11
Staff costs	£181,857	£178,358	£174,858	£167,407
Administration	£42,556	£47,355	£50,801	£53,704
Total	£224,413	£225,713	£225,659	£221,111

ICR workshops

As I mentioned in my introduction, I completed during the year a programme of visits, with members of my team, to each Land Registry office to hold a workshop for customer-facing staff. The aim of the workshops was to help staff understand the work of my office and to give them an opportunity to work through real case studies and look at experiences from the public's perspective.

I was extremely impressed by the professionalism of many of the staff I met and their commitment to providing a high level of service. The following comments are representative of the feedback that we received:

"Elizabeth's examples really brought home the importance of managing our customers' expectations, being clear about LR's role and

following our procedures properly. I found it very interesting and a good insight into what ICR do."

"It was great to have examples of how things had gone wrong and how it could have been avoided. It would be great to deliver something similar to team members to encourage early identification of complaints? Both of the guests were extremely informative and delivered the information well."

"[Some of the case studies] seem to start from a point of us being over helpful and raising expectations that we then can't hope to meet. It was a timely reminder that whilst I may not always find our advisory policy very customer friendly, it exists for a reason and is there to be used and referred to."

Several of the case studies focussed on the importance of recognising dissatisfaction at an early stage and ensuring that Land Registry's complaints procedure was followed rather than entering into prolonged and often fruitless correspondence. Discussion in the workshops did confirm the suspicion (mentioned in the introduction) that some staff are not as familiar with Land Registry's complaints policy as others. I look forward to continuing to support Land Registry in developing its staff in this area so as to ensure that Land Registry's customers find the complaints process clear and easy to use, and the responses they receive sympathetic and fair.

4 Casebook

Each year I try to identify the main themes that have emerged from the cases I have reviewed. I think that it is fair to say that in 2013-14 there have been two main problems underlying the complaints I have investigated – first, unrealistic expectations by customers of what Land Registry can deliver, and second failure by Land Registry to identify and respond effectively to customer dissatisfaction.

Unrealistic expectations of Land Registry

The satisfaction customers feel is directly related to their expectations. If customers come to an organisation with unrealistic expectations they are very likely to be dissatisfied with the outcome. Managing customer expectations to ensure satisfaction is therefore a priority for all organisations and businesses. For Land Registry this can be especially tricky as the organisation's role is complex and not at all well understood by the general public. As a result people often approach Land Registry with quite unrealistic expectations – that it will help them resolve a boundary dispute, for example, or that compensation or costs will always be paid if a customer has suffered loss. If Land Registry does not act swiftly to correct the unrealistic expectations then it is likely to end up with a dissatisfied customer. I will give some examples of cases I have considered this year where mistaken expectations have caused problems.

Expectations about security of title and compensation

In a number of cases I reviewed this year customers

had formed their expectations from reading the brief information about Land Registry's role given on its website – particularly about '*security of title*' and the compensation available if mistakes are made in the register. Some felt, as a result of what they had read, that Land Registry was responsible for securing the actual boundaries of their land, and others expected Land Registry to pay compensation for every alteration of the register.

Mr A made an application for alteration of his neighbours' title to remove a strip of land which he believed was his. His neighbours objected and, as Land Registry had no power to resolve the dispute, it was referred to the then Adjudicator (now the First-tier Property Tribunal) for a decision. Mr A was urged by Land Registry to get legal advice and did so. Before there was any hearing before the Adjudicator, the neighbours' objection was withdrawn and Mr A's application was then granted. Mr A applied for re-imburement of his legal costs, but Land Registry refused on the basis that there had been no actual mistake in the register. Mr A complained, amongst other things, that he had employed solicitors at Land Registry's 'instigation' and that Land Registry's website promises that, '*Anyone who suffers loss because of an error or omission in the register, or because the register needs to be corrected, will normally be compensated.*' I concluded that Land Registry had, on the whole, dealt with the matter fairly and appropriately and that it had been appropriate for Land Registry to tell Mr A to consider getting legal advice. I was however concerned that Mr A had felt pressured into employing a solicitor and that the information on Land Registry's website had raised false expectations regarding compensation. To

improve customer understanding and reduce the risk of similar complaints in future I recommended that Land Registry should consider producing advice for members of the public on the reasons why Land Registry may recommend that a customer should get legal advice, and also review the statement on the website about compensation.

Mr A's feedback following the review was very positive. He described the service by the ICR's office as excellent and commented that the report included very good explanations of its conclusions and reasons and *'made many matters clear and on reflection it seems to me that the current legislation does not adequately cover the situation in which I found myself'*.

Expectations that Land Registry verifies all the details in an application

Customers also may have unrealistic expectations about the checks Land Registry carries out when it receives an application. In fact Land Registry's responsibilities to check and verify information are quite limited. Applications are usually made by conveyancers and they have specific responsibilities to make appropriate checks and enquiries and to assure Land Registry, on the application form, that these have been completed. Land Registry is then entitled to rely on these assurances and is not expected to carry out checks itself. In a number of cases I looked into during the year it was apparent that the complainant was under the impression that Land Registry was responsible for verifying all the information given in an application form.

Mr and Mrs B complained that Land Registry had failed to carry out proper checks when it registered

the transfer of their property and that this had resulted in a neighbour obtaining a right of way over their land. I found, however, that Land Registry had simply recorded a right of way that was already in the register, and that it had had no option but to do this. If there are obvious errors in an application, then Land Registry must point them out, but it has no power to look more deeply into whether those documents accurately reflected the parties' original intentions – that is a matter for the buyer and the seller and their legal advisors. It was therefore a matter for Mr and Mrs B's conveyancers rather than for Land Registry to advise on rights affecting the registered title.

In another case, Mr C was very critical of Land Registry's handling of an application for registration made by solicitors acting for his neighbour. He argued that if Land Registry had carried out proper checks it would have found out that there was an ongoing boundary dispute. I was satisfied, however, that Land Registry had fulfilled its responsibilities. Land Registry is entitled to accept applications at face value. The firm of solicitors making the application had given a *'certificate of title'* which included confirmation that the neighbour was in *'undisputed possession'* of the land and that they were not aware of *'any question or doubt affecting the title or of any claim to possession of the land adverse to the interest of the applicant'*. I was satisfied that Land Registry was entitled to rely on these statements and had no duty to carry out independent checks.

Expectations that Land Registry can simply correct mistakes

There have also been several cases where

customers have been disappointed that Land Registry has not been able to correct the register straightaway when a mistake is identified. The difficulty is that any change in the register is likely to have an impact on other registered owners.

Mr D complained that his property had been transferred fraudulently and that Land Registry had refused to correct the situation. Where offences of dishonesty are committed there are always innocent victims and unfortunately even when stolen property is identified, it is not always possible to restore it to the original owner. In the case of registered land, Land Registry has only limited power to restore a property to the original registered owner, especially if a new owner has been registered and appears to be in occupation. The Government has, however, given Land Registry power, where the property cannot be restored, to pay compensation – known as '*an indemnity*' – to the original registered owner. In Mr D's case I was satisfied that Land Registry had handled the matter appropriately. A new owner had been registered as proprietor of the property and there was no evidence that the new owner was dishonest or otherwise at fault, so it was not possible simply to restore the property to Mr D. Land Registry had already suggested to Mr D that he should apply for an indemnity payment, but he had been reluctant to do so. While I had every sympathy with Mr D's situation, I could only urge him to follow Land Registry's suggestion so that at least he would receive financial compensation.

Expectations about title plans and the Ordnance Survey map

Another issue that can cause misunderstanding for customers is the relationship between Land Registry title plans and the Ordnance Survey map.

Mr and Mrs E complained that Land Registry had included land belonging to them in a neighbour's title. When Land Registry investigated it became clear that the titles were not correct. The root of the problem appeared to be that the Ordnance Survey map available at the time of the neighbour's registration was out of date and did not reflect the layout of the two properties on the ground. The title plans were eventually amended by agreement between Mr and Mrs E and their neighbours. Mr and Mrs E complained, however, that the whole problem could have been avoided if Land Registry had sent a surveyor to look at the site before completing the registration. I did not uphold this complaint. Land Registry has no option but to use the current Ordnance Survey map as the basis for its title plans, and there had been nothing in the application to alert Land Registry to the fact that the Ordnance Survey map available in this case might be out of date. I also found that, once the problem had come to light, Land Registry actively worked to promote an agreement to enable the register to be altered. Unfortunately there was then a series of errors in completing the necessary alterations, and also delay in identifying Mr and Mrs E's expressions of dissatisfaction as a complaint. I recommended that Land Registry should apologise for these shortcomings and offer a small consolatory payment in recognition of the avoidable distress caused.

Mr and Mrs E, while not happy with the outcome of my review, expressed thanks for the patience shown by the ICR team and the trouble we had taken to explain matters.

In another case Mr F asked Land Registry to amend his title plan to bring it up to date. Land Registry sent a surveyor who identified that the Ordnance Survey map did not reflect the current layout and updated it. Land Registry then proposed to amend Mr F's title plan to reflect the updated Ordnance Survey map. Unfortunately Mr F did not agree with the changes that had been made to the Ordnance Survey map and so was not happy with the proposed changes to his title plan. It was not within my remit to say whether the revised Ordnance Survey map and title plan based on it were technically correct, but I was satisfied that neither the updated map nor the replacement plan had had any practical effect on the size of Mr F's property and therefore that he had not suffered any disadvantage. I was, however, critical of Land Registry for not making clear the significance of the new plan and the fact that it was not, as Mr F feared, giving away part of his land. I recommended that Land Registry should apologise for these communication failures and should offer a consolatory payment in recognition of the fact that better communication could have reduced the distress he had experienced. To reduce the risk of similar misunderstandings in future I recommended that Land Registry should look again at its guidance for staff on the procedures for replacing title plans, and at the wording of the standard letter sent to customers when it is proposing a replacement title plan.

Mr and Mrs G complained, amongst other things, that Land Registry had failed to inform them of an application by a neighbour for adverse possession (or 'squatters rights') in respect of a piece of land next to their property. They also complained that Land Registry had failed to respond to a number of questions – about the application by their neighbours, about the registration of their own property, and about the significance of field numbers shown on their title plan.

Land Registry had already admitted failing to notify Mr and Mrs G of the application for adverse possession. This had clearly put Mr and Mrs G at a disadvantage as it meant they had no opportunity to object before their neighbour's application was granted. I could appreciate the sense of unfairness that this had created. But I pointed out that even if Mr and Mrs G had objected this would probably not have put a stop to the application; unless the neighbours had simply withdrawn, the dispute would have had to go to the Adjudicator (now the First-tier Property Tribunal) for a judicial decision. As I was not clear that the outcome would have been significantly better from Mr and Mrs G's point of view if Land Registry had notified them as it should have done, and as Land Registry had already offered a consolatory payment to reflect the understandable sense of unfairness created by its failure, I decided not to recommend any further redress.

I was however concerned about some of the answers and explanations given by Land Registry, particularly about the field numbers on their title plan. When I looked at Ordnance Survey's website I

found there a very clear explanation of the whole matter, and was able to quote this in my report so as to assist Mr and Mrs G. I suggested that Land Registry could improve its service to customers by helping them understand the significance of the field numbers that appear on some title plans – for example by providing links to the Ordnance Survey website.

Mr and Mrs G said that, although they had been hoping for a different outcome, they had read the conclusions with interest and had been impressed by the *'clear reasoning and explanation'*.

Land Registry's responses to customer dissatisfaction

It is inevitable, even in the best organisations, that things will go wrong from time to time. The test of good customer service is whether it promptly identifies and responds to expressions of dissatisfaction and whether it ensures that – so far as possible – matters are put right. Several cases I reviewed during the year highlighted issues relating to the effectiveness of action taken to respond to concerns and to put things right and also to the operation of Land Registry's complaints process.

The importance of a prompt and effective response

In the case of Mr H Land Registry had, many years before, given a completely mistaken assurance that a piece of land would not be registered without Mr H being informed. Part of the land was later registered as part of two other properties. Mr H did not become aware of this until 2011 when he registered his own property, and part of the land he applied to register was excluded on the basis that it was already registered to someone else. It then

took over 12 months for Land Registry to respond to Mr H's concerns and identify a way forward to resolve the situation. In the end, the register was corrected by agreement between Mr H and his neighbours.

I found that Mr H had spent a great deal of time seeking answers and assistance from Land Registry in getting the register corrected and that Land Registry had not provided prompt answers – partly because it did not have a full record of the reasons for all the registration decisions. Land Registry had fully accepted that the original assurance given to Mr H had been a mistake and had apologised and offered a consolatory payment. I concluded, however, that Land Registry had not fully appreciated the frustration Mr H had experienced as he had struggled to get answers and to find a solution. I recommended that Land Registry should make a formal apology and offer an additional consolatory payment for the delay in putting matters right.

Mr H thanked me for my diligence and time investigating the matter and described the service provided by the ICR office as excellent.

Meeting customers to discuss problems

Many aspects of Land Registry's work, and many of the questions asked by customers, are legally complex and very difficult to explain in non-technical language. A face to face meeting can sometimes help clarify issues. Land Registry's guidance for staff, recognising this, says that when a customer requests a meeting this should only be refused in exceptional circumstances. At the same time a meeting will only be successful if it is planned

carefully so that both the customer and Land Registry staff know the scope and aim of the discussion. Two cases I reviewed this year illustrated these points.

Mr and Mrs I had long-standing issues about an area next to their property which they believed should be included in their registered title. A meeting was arranged at their request, but the letter informing them of the scope and aim of the discussion was not sent until the day before the meeting, and it was not delivered until Mr and Mrs I had set off for the appointment. As a result they arrived at the meeting hoping that Land Registry staff would look with them in detail at the measurements of their property. The Land Registry staff said they could not do this and Mr and Mrs I became frustrated and angry. The meeting was a complete failure and caused distress to all involved. I recommended that Land Registry should acknowledge that it could have done more to ensure that Mr and Mrs I did not come to the meeting with false expectations, and that it should remind staff of the importance of planning meetings in advance.

In Mr and Mrs J's case the background was complicated by the fact that the original deeds of the property in question had been lost in a fire, and that there was disagreement within the family about the terms of ownership of the property. In addition Land Registry failed to follow its own guidance when it prepared the register for the property. Land Registry, when the mistake was pointed out, amended the register. Mr and Mrs J – though they gave formal consent to the amendment - were very disappointed as they continued to believe that the

original register had been correct. I concluded that Land Registry had made a mistake that needed to be corrected and that Mr and Mrs J's protests had been misconceived. I was, however, critical of the way in which Land Registry had attempted to explain the reasons for its actions and decisions. I was also critical of the fact that, when Mr and Mrs J made repeated requests for a meeting to help them understand why the register needed amending, Land Registry refused, saying that it would serve no useful purpose. I found that this refusal was contrary to Land Registry's staff guidance. I also concluded that if a meeting had been held there would have been a reasonable prospect that Mr and Mrs J would have understood the situation better and would have recognised that Land Registry had had no real option but to act as it had done. This could have significantly reduced the time they had spent pursuing their complaint, and the distress they had experienced. I recommended an apology and a consolatory payment.

Recognising dissatisfaction as a complaint

Mr and Mrs K were in correspondence with Land Registry for over four years regarding the effectiveness of steps they had taken to protect the security of loans they had made to members of their family. I concluded that Mr and Mrs K, in spite of the lengthy correspondence, had not appreciated the significance of changes there had been over the last 20 years in legal arrangements for protecting loans. I found that Land Registry could have done more to explain the position in clear and simple terms. I was also critical of the fact that, in spite of the very evident dissatisfaction expressed by Mr and Mrs K, the correspondence had continued for some years without being treated as a complaint. As a result

there was very little progress and a great deal of frustration and wasted time and effort, both for Mr and Mrs K and for Land Registry staff.

By the time of my review both of these points had already been recognised by the Land Registrar, who found that Land Registry should have recognised Mr and Mrs K's repeated letters as a formal complaint and should have had "greater regard to (their) lack of legal background and understanding". She had apologised and had offered a consolatory payment, and I was satisfied that this represented appropriate redress.

Escalating a complaint

In the case of Mr and Mrs L there was a failure to follow Land Registry's published complaints process. The complaint was identified in August 2013 but the response did not refer to the option of a review by a senior manager, nor, in spite of Mr and Mrs L's evident dissatisfaction, was the complaint escalated in accordance with the procedure described in Land Registry's leaflet 'Putting things right'. It was only when Mr and Mrs L threatened to refer the complaint to the ICR that Land Registry offered to arrange for an internal review. Even then it took some further months for the internal complaints process to be completed. I concluded that failures to follow the complaints procedure had added considerably to the length of time it took for Mr and Mrs L to get a final response, and caused them confusion and frustration. I asked Land Registry to remind staff of the importance of (a) following the published complaints procedure (b) ensuring that at each stage of the process the complainant is informed of the options available if he or she remains dissatisfied.



Independent Complaints Reviewer

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