

Independent Complaints Reviewer (ICR)
for Land Registry
Annual report 2015/16





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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



Elizabeth A Derrington

Introduction

I have two main tasks as Independent Complaints Reviewer for Land Registry – first, to investigate and resolve individual complaints about Land Registry, and second to make recommendations to Land Registry, based on the lessons of those complaints, on how to improve the service it delivers to all its customers. To succeed in the role I have to tread a fine line – remaining firmly independent of Land Registry, while also making sure that I am up to date with Land Registry procedures, policies and strategy. From this position I am able to make fair and objective findings on the cases I investigate, and also to make proposals for change that are realistic and practical from Land Registry’s point of view. I have the opportunity to build up an in-depth understanding of what is important to Land Registry’s customers. It is unusual for anyone who is not actually part of an organisation to have this level of insight into the experience of a sample of the organisation’s customers. It means that I am unusually well placed to comment on the impact of proposed changes on customers. As we embark upon a year which promises many changes for Land Registry and its staff, this report will look back at the issues that customers have raised during the last 12 months and also offer some thoughts on how to make sure that the interests of customers remain central in the future.

Land Registry’s own measures show that the great majority of customers are happy with the service they receive. The complaints that reach me therefore are unusual. But unusual cases are the ones that reveal the strengths and weaknesses of an organisation. Each one offers a valuable opportunity to look in detail at what has happened and to identify what has gone well as well as what may have gone wrong.

I have commented in past Annual Reports on the fact that Land Registry staff are strongly committed to customer service. On the evidence of 2015/16, this

remains the case. In my experience the cases that produce justified complaints involve human error, difficulties in communicating complex legal points, or weaknesses in procedures or guidance, rather than any intention to be unhelpful.

The complaints I investigated during the past year covered many aspects of Land Registry's work. Some shone new light on points that I have highlighted before – for example the fact that many people still do not appreciate what Land Registry can and can't do. Other complaints raised new issues – regarding the use of online services by non-professionals, and what customers are hoping for when they make a complaint of delay. There have also been some systemic problems with Land Registry's complaints procedure. I have come across cases where clear expressions of dissatisfaction have not been treated as a complaint, and others where there has been a breakdown in the escalation process. These problems cause delay, and often also considerable frustration and distress for the customer. Although the number of customers affected has been small, it is clearly important for Land Registry to understand what has been going wrong and to find solutions. More details of the specific issues I have encountered and my findings and recommendations are in the Casework section of this report.

I am held accountable for the quality of my work in two main ways.

First, of course, I produce this annual report, addressed specifically to Land Registry's Chief Executive and Board Chair, also supplied to the responsible Minister in the Department of Business Innovation and Skills, and publicly available on my website. During 2015 I introduced, as a supplement to the annual report, quarterly reports for Land Registry's Board, to give more immediate feedback on the complaints I am receiving and their outcomes.

The second mechanism for accountability is that individual complainants who are dissatisfied with the result of my investigation can ask for a final review by the Parliamentary and Health Service Ombudsman (PHSO). This is a rigorous process involving thorough scrutiny of my investigations and conclusions, and I am delighted to be able to report that once again in 2015/16, in those cases it reviewed, PHSO supported all of the findings and recommendations that I had made.

There is little point in my making recommendations unless there is an expectation that Land Registry will implement them. Land Registry's Independent Complaint Reviewer Evaluation and Study Team (ICREST) plays a vital role here – examining every report and recommendation and deciding how to take them forward. 2015 saw the agreement of new targets for ICREST, effective from April 2016. These say that Land Registry will respond within 2 weeks to any recommendation for an apology, and that ICREST will agree action plans for implementation of systemic recommendations within 4 weeks of its next meeting, and then complete the agreed actions within 10 weeks where possible. This is a very welcome development, providing assurance that the lessons of complaints will make a real difference for Land Registry's customers.

My terms of agreement with Land Registry provide for me to recommend consolatory payments when I find that service failures by Land Registry have caused significant inconvenience and distress. These are not designed to reimburse specific expenses or losses – which are matters for Land Registry to consider under its statutory powers – but are relatively small sums designed to add weight to an apology. Other public sector external complaint reviewers have similar powers. In autumn 2015 at a Cross Government Complaints Forum, it was highlighted that public authorities need specific authority in relation to payment of consolatory payments and this resulted in suspension of my power to recommend a consolatory payment. A proposal has now been made that will allow me to recommend

payments again. In the meantime, in the interests of consistency, I have continued to indicate those cases in which I would otherwise have proposed a consolatory payment, explaining the reasons why I cannot at present make such a recommendation. I am naturally concerned that this restriction has operated to the disadvantage of a number of complainants and hope that a way forward will be agreed soon.

Although it is vital for me to remain firmly independent of Land Registry, I must also make sure that I keep in touch with developments in Land Registry policy and procedure and that I communicate effectively to everyone in the organisation who I am and what I do. In September 2015 I visited Land Registry's Citizen Centre in Swansea, which specialises in handling applications and enquiries from customers who are not professional conveyancers. This gave me excellent insight into the way in which Land Registry is working to respond to the needs of this customer group, and also enabled me to talk to managers and staff about my role and some of the issues emerging from current complaints. Then in October 2015 I was invited to talk about my work to Land Registry's Strategic Leadership Network and also to Land Registry Board (LRB). This was a very welcome demonstration of the commitment from LRB and senior management to take customer complaints seriously and to value the lessons they offer.

As I write this report two major consultations on Land Registry are in progress. First, the Law Commission has made proposals to update the Land Registration Act 2002. The fact that the consultation runs to nearly 500 pages is a sign of the legal and practical complexity of the subject matter! My interest, as always, is in helping make registration processes as clear and simple as possible and so tackling the roots of customer complaints. Looking at the consultation with this in mind, I have found some very welcome ideas – for example to make it easier for customers to understand what is meant by Land Registry's "guarantee of title", to distinguish between a property dispute (for

which compensation may be claimed) and a boundary dispute (for which compensation is not available) and to understand the significance of "notices" recorded on titles. I have a few extra suggestions aimed at promoting wider public understanding of Land Registry and what it does and does not do.

Second the Government is consulting on privatising Land Registry. It is not for me to express an opinion on Government policy, but I feel that I am well placed to spot areas which will need careful attention to avoid practical problems and to maintain public understanding of, and confidence in, registration processes.

Finally I should like to thank the dedicated members of the ICR team for their consistent commitment to providing the best possible service to all those who contact our office. The team has worked with imagination to improve our access to the full range of office facilities even though we continue to operate from a temporary base. Given the challenges the office has faced I am delighted to be able to report that we have received consistently positive feedback on the professionalism and speed of service that we have delivered to complainants and other stakeholders.

Elizabeth Derrington
Independent Complaints Reviewer for Land Registry
April 2016

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.

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.

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.

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 Registry²
- 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 the 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.

² As mentioned in the introduction, my power to recommend consolatory payments has been suspended since autumn 2015. During 2015/16, I made seven recommendations that Land Registry should make consolatory payments totalling in all £5,000. At the time of writing, I understand that Land Registry has not yet been able to make three payments - of £300, £800 and £900.

Facts and Figures 2015/16

The table below gives an overview of the work of my office in 2015/16, comparing it with the figures for the two previous financial years.

	Complaints received	Complaints resolved through intervention	Complaints investigated	Investigated complaints reported on	Investigated complaints reported on: fully or partly upheld	Investigated complaints reported on: not upheld
2015/16	142	6	59	29	16	13
2014/15	139	11	42	28	15	13
2013/14	127	13	29	22	13	9

As can be seen from the above table, most initial contacts do not lead to an investigation and fewer still proceed to a full review. The reasons for this include:

- the complainant may not have received a final response from Land Registry. In these circumstances, we will refer the complaint back to Land Registry to provide one
- the outcome sought by the complainant may not be one that the ICR can provide and may be achievable only by taking action in the courts
- the complainant may have referred the complaint for review after the normal six-month time limit has expired, or
- we may be able to secure an acceptable outcome for the complainant without the need for carrying out a full review (resolved through intervention).

We also receive complaints that are not about Land Registry. In those circumstances my staff use their knowledge of the wider complaints resolution sector to guide the complainant to the most appropriate organisation that may be able to assist.

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

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	Investigated complaints reported on	Total issues	Issues upheld or partially upheld	Issues not upheld
2015/16	29	68	20 (29%)	48 (71%)
2014/15	28	72 ³	23 (32%)	45 (63%)
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%)

³ No decision was made on four complaint issues – either because there was insufficient information to make any finding or, on one occasion, because the ICR did not consider the matter within her remit but carried out a review in order to enable a referral to the Parliamentary Ombudsman.

Recommendations

My recommendations to Land Registry are designed 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 2015/16 I made 35 recommendations to Land Registry and the categories in which they fall are set out in the table below.

Recommendation type	2015/16	2014/15	2013/14	2012/13	2011/12
Apology	37%	36%	35%	45%	34%
Consolatory payment	20%	32%	23%	37%	23%
Review procedures/guidance	14%	14%	11%	7%	11%
Remind staff of existing procedures/guidance	9%	7%	16%	7%	7%
Review/improve public information	9%	7%	11%	4%	14%
Other	11%	11%	4%	0%	11%

Land Registry has continued to respond positively and has given 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. I have been impressed by ICREST's ability to draw lessons from all aspects of my reports, even regarding issues which had not formed part of the actual complaint.

During the past year ICREST has confirmed that, as a result of some of my recommendations:

- Land Registry has prepared new guidance for the public to answer questions about its requirements when applicants have to provide evidence of their identity
- notices have been rewritten to include information which I considered helpful and which was formerly included on GOV.UK
- wording on GOV.UK regarding feedback on price paid information has been clarified
- staff have been reminded of the importance of addressing all points raised in correspondence and, where appropriate, explaining why Land Registry cannot provide an answer on a particular point
- new training on how to identify and deal with complaints will be provided to all members of staff
- new guidance for the public has been prepared to answer questions about general boundaries.

Feedback from customers

Feedback for us – as for Land Registry – is extremely important in improving the quality of the service we provide. With all completed reports we provide feedback questionnaires but, unfortunately, they are rarely returned. As I mentioned in last year's report, we have been looking at new ways to record feedback on the service our office provides and I am very pleased to say that as part of our new website launched in February this year, our service users are now able to complete an interactive form to give feedback online - I look forward to this being a new way to gather information so that we can improve what we do.

It is often the case that levels of customer satisfaction reflect the extent to which I have been able to assist in achieving the customer's desired outcome. One customer in 2015/16 said: "It is with some relief that the injustice I felt in the way that the Land Registry handled the issues relating to my mother's matrimonial rights have now been recognised in this draft report. I can confirm that I am happy to endorse the findings and welcome the recommendation of a consolatory payment of £1500. I will as you suggest also respond to the Local Land Registrar and answer the questions that she raised regarding any financial loss⁴ my Mother may have incurred." The penultimate point made by the customer reflects that I have no power to award compensation for any financial loss a complainant may have suffered – that is a matter for the courts (if the complainant is unable to reach agreement with Land Registry).

Another customer, whose complaint I did not uphold, said that she still felt Land Registry could have handled matters differently but acknowledged that was "easy to say after the event". Nonetheless she said that the report had helped her understand what had happened and concluded, "I would like to thank you as I have been very grateful for your help."

⁴ I cannot recommend the payment of compensation for specific losses or expenses. Land Registry has power under schedules 4 and 8 of the Land Registration Act 2002 to make "indemnity" payments in some cases and to pay discretionary compensation in others. Decisions on such payments can only be challenged in the courts (whether under statutory rights or by application for judicial review depends on the type of payment involved).

As I have said we also try to help by intervening more informally. As with last year, more people than usual have contacted us with concerns about delays in processing their applications. We have assisted both individual members of the public and legal firms who have found it difficult to find the appropriate people at Land Registry to speak to. Sometimes, we have found that Land Registry has failed to record or properly consider requests for applications to be “expedited” but following my staff’s involvement, the matter has been resolved without the need for a formal investigation. One professional customer said, “Whilst we still have other registrations outstanding we are satisfied on the occasion of Mr X’s registration that this has now been effected. Thank you for your assistance in this matter which is much appreciated and Mr X has asked us to pass on his thanks for your help in resolving the situation.”

In another case, where we did not need to carry out a full review, Mr and Mrs Y expressed their thanks for the assistance they received from our office and said it was because of our intervention that Land Registry had decided to review the matter regarding a title plan again “as well as considering the complaint about the behaviour of the caseworker”. They expressed gratitude for the time we took and “the understanding and patience” we showed especially with regard to Mr Y’s disability.

As I mentioned in the introduction, we have also received positive feedback from the Parliamentary Ombudsman who has investigated reports referred to it by customers who, unfortunately, remained dissatisfied with the outcome.

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 for the complainant and for Land Registry to provide comments. Our target is to complete a formal investigation within 26 weeks from the date that I have agreed the complaint is within my remit. In 2012/13 we had reduced the average time taken to complete an investigation to 22 weeks; this was reduced to 20 weeks in 2013/14 and to 19 weeks in 2014/15. I am pleased to report that the average completion time for 2015/16 has decreased still further to under 17 weeks.

Financial information

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

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

ICR running costs	2015/16	2014/15	2013/14	2012/13	2011/12	2010/11
Staff costs	£199,753	£190,547	£181,857	£178,358	174,858	£167,407
Administration ⁵	£20,035	-£276 ⁶	£42,556	£47,355	£50,801	£53,704
Total	£219,788	£190,271	£224,413	£225,713	£225,659	£221,111

⁵ Includes accommodation costs.

⁶ This includes a refund of rent paid for our former office.

Casebook

I hope that these case studies will help bring to life the points made elsewhere in this report. Several illustrate the fact that there are still areas of basic misunderstanding about Land Registry's role – what is meant by the “guarantee of title” that registration gives, and what Land Registry can do to help sort out a dispute or a mistake. The fact that these complaints continue to arise highlights the need for Land Registry to:

- keep looking for ways to make the information it publishes as clear as possible
- work to identify and respond to the roots of misunderstanding in individual cases.

Other cases point to issues raised by current events or relatively new systems. In principle these should be easier for Land Registry to address, producing speedy benefits in terms of improved customer satisfaction and reduced risk of complaints in future.

There are also cases that serve as reminders that some customers are vulnerable and disabled. It is important that Land Registry's systems should be flexible enough to make its services as accessible as possible to all.

Finally, as I have already mentioned, a number of cases have pointed to weaknesses in the operation of Land Registry's complaints process. This is unusual. Land Registry has for many years set a high standard in complaints handling and served as an example to other organisations. But even sophisticated systems can develop glitches. In Land Registry's case the problems have fallen into two main categories. Some customers have been trying to complain, but have had difficulty getting their complaints recognised by Land Registry. They have approached my office but we have been unable to help - at that stage at any rate - because we have to give Land Registry the opportunity to respond before we can investigate.

Other customers have managed to make a complaint to Land Registry, but Land Registry has failed to tell them of the options available if they remain dissatisfied. Both these situations naturally cause delay and frustration for the customers concerned.

General boundaries and the guarantee of title

The Law Commission's 2016 paper on updating the Land Registration Act discusses the extent of the “guarantee of title” provided by registration – that registration is conclusive evidence of ownership of land, but, because of the “general boundaries rule” does not guarantee the position of the boundaries. The Law Commission proposes action to clarify the situation. I very much welcome this move. As already mentioned, the complaints I have reviewed in the past year have continued to show how difficult it is for Land Registry's customers to understand the concept of “general boundaries” and what the “guarantee of title” offered by registration means in practice.

Mr A and his solicitors asked Land Registry for help because a 9 foot strip of land that Mr A believed he owned was shown in his neighbour's title. Land Registry said that the properties had been correctly registered and that the boundaries shown on the title plans were general rather than exact. It also, however, at one stage, invited Mr A to use the Ordnance Survey map to check the dimensions of the two plots. Correspondence with Mr A and his solicitors on the same issue continued on and off for nearly 10 years. Mr A complained that Land Registry had not given the help he was entitled to expect. His solicitors raised concern, in addition, that Land Registry seemed to have simply recorded the fact that Mr A had lost land, rather than doing anything to prevent it. After looking at the whole complex history, while recognising that Land Registry is not responsible for guaranteeing the position of boundaries or for policing them, I concluded that there had been a number of service failures. Land Registry had risked raising false hopes by inviting Mr A to use his title plan to work out the measurements of his property. It had also allowed

the correspondence to go on for far too long and had failed to recognise Mr A's dissatisfaction and to supply information about the complaints process. I partially upheld the complaint and asked Land Registry to make a formal apology to Mr A. I also recommended that Land Registry should review its guidance for staff on the limits of Land Registry's role and the dangers of using a title plan to calculate the size of a property.

Mr and Mrs B, who were already involved in a court case with their neighbours, contacted Land Registry regarding the measurements of their property and whether their title plan was correct. Land Registry stated categorically in one of its letters that a specific piece of land was not included in their neighbour's title. There was no mention of the fact that the boundaries shown on title plans are general rather than exact. Mr and Mrs B complained that Land Registry's assurance led them to defend the court case, which they had eventually lost. Land Registry accepted that the statement had been misleading, and said that the letter should have made clear that the title plan showed only general boundaries. It offered to pay 25% of the costs of the court case. Mr and Mrs B responded, quoting from GOV.UK, that a title plan "shows the general boundaries of the property, unless the previous owners supplied exact boundary information" and they argued that as the dimensions were shown on their title plan general boundaries did not apply. I agreed that the categorical statement about the neighbour's title had been misleading, but decided that Land Registry had already acknowledged its mistake and offered appropriate redress. I suggested, however, that Land Registry should look at the guidance published on GOV.UK and consider how to make it clearer.

Disputes

Land Registry's role is to consider applications to register estates and interests in land, and to grant the applications if it is satisfied that the relevant legal criteria are met. If there is a dispute about an interest, Land Registry's duty is to remain impartial. It has no power to decide the dispute and if the parties cannot reach agreement it must refer the matter to the Land Registration Tribunal. This limitation on Land Registry's role is not well known by the public. Complainants often suggest that Land Registry has simply "passed the buck" to the Tribunal causing unnecessary delay and expense.

Mr C raised concerns with Land Registry on behalf of his local Parish Meeting that an area of land previously unregistered and open to the public had been claimed by adverse possession by Mr and Mrs X. Mr C argued that the registration had been a mistake because the land was in fact part of the public highway. Mr C, at Land Registry's suggestion, made an application for the title granted to Mr and Mrs X to be cancelled. Land Registry informed Mr and Mrs X of the application and they objected. Land Registry then said that it would have to refer the dispute to the Tribunal for a full hearing of the evidence. At that point Mr C decided that he could not risk incurring the costs of a hearing and withdrew the application. He complained that Land Registry should have considered the evidence he had provided, recognised that a mistake had been made, and acted itself to cancel the application. I recognised that Mr C was acting purely in the public interest and I could fully appreciate why he had decided that he could not risk the cost of a Tribunal hearing. However, I concluded that Land Registry had had no option but to refer the case to the Tribunal. There was clearly a dispute about the status of the land and Land Registry simply had no power to decide the dispute.

Mistakes

Relatively small human errors by Land Registry staff can unfortunately store up serious problems for the future. When the error is spotted, sometimes years later, undoing it can be difficult or impossible. The Law Commission consultation on updating the Land Registration Act 2002 discusses some of the practical problems. More often than not undoing the mistake would affect a third party – for example an innocent purchaser of a property transferred by fraud. Land Registry has very limited scope to correct a mistake of its own initiative. Even when Land Registry is satisfied that there has been a mistake and is very clear about what needs to be done to correct it, it may not be able to make the correction unless it can get the agreement of the property-owners affected. If Land Registry takes the initiative, there are no arrangements for any dispute to be resolved. Because of this, where there appears to be a risk that a correction will not be agreed, Land Registry generally asks the customer requesting the correction to make a formal application, or in straightforward cases treats the customer's request as a formal application. If there is a formal application and the correction is not agreed, then the dispute can be resolved by the Tribunal. Not surprisingly, however, customers can find it hard to see why they should have to make a formal application to correct a mistake that is not their fault.

Mr D pointed out to Land Registry the fact that his mother's "home rights" in her matrimonial home had been omitted from the register. Land Registry treated this contact as a formal application for the register to be altered to correct the mistake, and wrote to Mr D's father to inform him that an application had been made. Mr D complained that he had not made a formal application and that Land Registry's letter to his father had caused upset in the family. I concluded that Land Registry staff had been trying to be helpful, but also that they had failed to pay enough attention to staff guidance which sets out the factors to take into account before treating an informal approach as a formal application. I asked Land Registry to acknowledge that it should have

contacted Mr D to check whether he wished to apply for the register to be altered and should apologise for the distress caused by its failure to do so. This was a case in which it would have been helpful if Land Registry had been able to take the initiative – to point out the mistake and to offer to correct it – rather than needing someone to make a formal application. That was certainly what Mr D expected it to do. As explained, however, if Land Registry had chosen this option, and the correction had been disputed, there would have been no way of settling the matter. The Law Commission has proposed changes to the law on alteration and rectification of the register to make it clearer when compensation (indemnity) can be claimed. I intend to suggest to the Law Commission that it would also be useful to consider bringing alterations proposed by Land Registry itself within the scope of the disputes procedure.

Ms E contacted Land Registry in February 2015 to ask whether a strip of land on the opposite side of the road from her house was included in her registered title. In September 2015 she contacted Land Registry again and complained that it had not answered her question. Ms E finally referred the matter to me, expressing considerable frustration with the service she had received. I found that Land Registry had made a mistake by failing to point out 20 years earlier, when the property was first registered, that it had decided to exclude the strip of land in question from her title. This was not a mistake in the register, but a mistake in the registration procedure. If the first purchaser of the house had been informed at the time that the strip of land had been excluded she would have been able to consider the situation with her legal advisers and decide what to do. 20 years later, however, there was nothing that could be done to correct the mistake. To make matters worse, when Ms E raised the issue in 2015, Land Registry did not spot the earlier mistake or respond directly to the question she asked. Ms E was obliged to refer the complaint to me in order to get a clear answer. I recommended that Land Registry should apologise for its omissions and offer a consolatory payment in recognition of the frustration,

distress and inconvenience caused to Ms E.

Land Registry is entitled to change its mind

As a rule, if there is an objection to an application, and no agreement is reached, Land Registry has no option but to refer the dispute to the Tribunal. However Land Registry is not obliged to put the parties to the trouble and expense of a Tribunal hearing if it decides that it has made a mistake either in accepting the application in the first place or in accepting the objection as potentially valid.

Mr F argued that Land Registry had accepted his application for adverse possession of a field adjoining his garden and that it therefore had a duty, when objections were received, to refer the dispute to the Tribunal. Land Registry said that after receiving a number of objections it had realised that it had made a mistake in accepting the application in the first place, and had therefore decided to cancel the application rather than sending it to the Tribunal. I could understand why, in view of what had happened, Mr F might have suspected that it was because of the objections that Land Registry had decided to cancel the application. If it had done this Land Registry would have gone beyond its powers. It cannot decide disputed cases, but must send them to the Tribunal for decision. When I investigated, however, I found that what had happened was that a senior member of staff had re-evaluated Mr F's application and decided that it had no chance of success and should have been rejected at the outset. The objections had not had any effect on the decision. I concluded that the decision to cancel the application, even though it had initially been accepted, was one that Land Registry was entitled to make. If Land Registry had allowed the application to go to the Tribunal even though it had no prospect of success it would have caused pointless expense and stress both for Mr F and for the objectors.

Online services

The plan for the future of land registration services is that they will be delivered online without the need for paper applications. Land Registry has already made progress towards this goal, but at present access to land registration online services is reserved for "business customers".

Mr G had carefully considered the information on GOV.UK and had concluded that he should be entitled to sign up for e-services and take advantage of the savings available to online customers. He complained that Land Registry had unfairly refused him access. After reviewing the information published by Land Registry and also its guidance for staff on e-services, I found that there was no clear definition of "business customer". I concluded that this made it very difficult for customers to know whether they could use the services and for Land Registry staff to explain the position clearly and consistently. I asked Land Registry to acknowledge that Mr G had reason to feel that he had been treated unfairly, and apologise for this. I also recommended that Land Registry should consider how to improve its published information and internal guidance to make sure that both customers and staff are clear about the current arrangements for access to e-services.

Customers with disabilities

All organisations must make sure that disabled customers, as far as possible, have equal access to their services. A complaint I investigated this year served as a reminder to Land Registry of the need, when it adopts a policy, to make sure that the policy is flexible enough to allow staff to respond to the needs of disabled customers. Ms H wished to object to an application and telephoned Land Registry to discuss the matter, explaining that she had mental capacity issues. Ms H understood that a member of staff would call back, and she complained that this had not happened. She said that she had called again and spoken to another member of staff, but still not received the return call

she wanted. Land Registry maintained that staff had followed proper procedures for handling requests for a call back. I found that Land Registry staff had been following telephone handling procedures, but I was not convinced that Land Registry had responded as positively as it should have done to the information Ms H had supplied about her disability. I expressed the opinion that once Ms H had mentioned her disability, this should have been taken into account in all later contacts, and that this should have led Land Registry staff to check at the end of each call that Ms H was clear about what would happen next. I recommended that Land Registry should apologise for not responding more positively to the information Ms H had given about her disability and also that it should review its policy on handling calls to make sure it was flexible enough to respond positively to the needs of customers with disabilities.

Land Registry's complaints procedure

Land Registry complaints can be very difficult to respond to. The issues are often complex and contentious. There is rarely a simple answer and there is a risk of correspondence continuing for far too long without progress or resolution. It is important for Land Registry to follow a clear complaints procedure which provides for prompt investigation and response and a clear escalation process if the complainant is not satisfied.

Mr J sent several plans to Land Registry and asked why over the years his property had become narrower and his neighbour's property had become wider. Land Registry made some general comments in rather technical language but did not answer Mr J's specific questions. He complained and then asked for the complaint to be escalated to a manager. The complaint was not escalated and it was only after Mr J had contacted the ICR office that the complaint was referred to a senior manager. I was satisfied that Land Registry could not answer the questions Mr J had raised, but was critical of the fact that it had not said so clearly at

the start, and also that it had not followed its complaints procedure, with the result that it had taken much longer than it should have done for Mr J to get a final response. I recommended that Land Registry should remind staff of the importance of trying to understand and respond directly to questions raised by customers and of following its published complaints procedure. I also proposed a small consolatory payment to recognise the avoidable delay and frustration Mr J had suffered.

Mr K asked Land Registry to help him by explaining to his local council that he was not responsible for a wall which needed repair. Land Registry could not in fact supply the explanation Mr K wanted because it does not have power to decide disputes about boundaries. I found, however, that Land Registry had produced two title plans (for Mr K's property and for the land retained by the developer of the site) that could well have caused misunderstanding about ownership of the wall, but in spite of correspondence which continued, on and off, for over 10 years, Land Registry had failed to recognise this fact. In addition, although it had been clear from the repeated correspondence that Mr J was not satisfied with Land Registry's responses, it was only in 2015, after Mr K hired a solicitor to help, that the complaint had been escalated in accordance with Land Registry's complaints process and Mr K had been informed of the option of asking for an external review by the ICR. I concluded that if Land Registry had handled matters better Mr K and his solicitors would have spent much less time and trouble pursuing Land Registry for help and explanations. I recommended that Land Registry should apologise and offer a small consolatory payment in recognition of the unnecessary distress and inconvenience Mr K had experienced.

Delay

Land Registry's published service standards say that it aims to deal with applications within 5 weeks. Customers are naturally keen for their applications to be completed promptly, so it is important that Land Registry should have systems in place to make sure that, if there is delay, the customer receives regular updates and progress reports.

Mr L complained that Land Registry had failed to respond properly to his complaint about delay in dealing with an application. He said that Land Registry had not explained the reasons for the delay and that it had not provided any timescale for finalising the matter. On investigating I found that Land Registry had explained the reasons for the delay – partly relating to Land Registry's own resources and partly relating to the application itself – but that it had not explained what Mr L really wanted to know, which was what would happen next and when he could expect progress with the application. I partially upheld Mr L's complaint and asked Land Registry to apologise for the frustration he had experienced as he tried to get clear answers to his questions. I recommended also that Land Registry should look at the information published on timescales and its arrangements for updating customers to consider whether they helped staff manage customers' expectations and reduce the risk of complaints of delay.

