

SEEKING A FAIR RESOLUTION

THE ROLE OF THE INDEPENDENT COMPLAINTS REVIEWER

- (a) My role as Independent Complaints Reviewer is to give an independent opinion on complaints about the service provided by HM Land Registry. My aim is to achieve a fair settlement of complaints, making a positive difference for HM Land Registry's customers now and in the future. If you remain dissatisfied with HM Land Registry's final response to your complaint, you can refer it to me at no cost to you.
- (b) I am not part of HM Land Registry or a civil servant. My terms of reference are set out in a Service Level Agreement with HM Land Registry.
- (c) The ICR office is managerially independent of HM Land Registry.
- (d) This leaflet explains my role in more detail and how to go about referring your complaint. If you have a general enquiry you can write or telephone for advice or further information.

Jodi Berg

Independent Complaints Reviewer

The Independent Complaints Reviewer

If you believe that there has been a failure in HM Land Registry's standards of service or that you have been treated unfairly and been caused unnecessary problems or concerns, you can ask the Independent Complaints Reviewer (ICR) to investigate your complaint. The ICR will look into your complaint in an objective and impartial way.

Examples of poor service or unfairness can include:

- **Failure to follow proper procedures**
- **Discourtesy**
- **Discrimination or injustice**
- **Excessive delay**
- **Not answering your complaint fully and promptly**
- **Failure to apologise for mistakes**

Are there complaints the ICR can't investigate?

There are a number of complaints that she cannot investigate which are summarised below: -

- **Complaints that have not been through HM Land Registry's complaints process and received a final response.**
- **Complaints about the actual decisions made by HM Land Registry on land registration matters including complaints about a refusal to pay indemnity. These decisions can be challenged only in the courts. The ICR can, however, investigate complaints about the way in which decisions were made, and whether the procedures followed were fair and appropriate.**
- **Complaints made by HM Land Registry employees concerning their employment or by applicants for employment about recruitment procedures.**
- **Complaints that have become the subject of court proceedings, or have been referred to the Property Chamber, First-tier Tribunal (formerly known as the Adjudicator for HM Land Registry before 1 July 2013). The ICR will usually wait for the decision of the court or the Property Chamber before starting a review.**
- **Complaints which have been investigated or are under current investigation by the Parliamentary and Health Service Ombudsman.**
- **The ICR will not usually consider any complaint later than six months after HM Land Registry has completed its own investigations and offered a final response.**

How do I go about making a complaint to the ICR?

You can get in touch by writing, telephone, e-mail or through our website.

The following information will be needed to help the ICR deal with your complaint more quickly: -

- **The HM Land Registry office involved and any reference number(s).**
- **The reason for your complaint as clearly and precisely as possible**
- **What you would like HM Land Registry to do to resolve your complaint**

There is a Complaints Referral Form at the back of this leaflet to assist you

Important things to know about confidentiality

We aim to treat the information we receive from you with appropriate care and sensitivity but it is important to note the following points: -

- In order to deal with your complaint effectively, we will need to handle personal details about you, which may include sensitive information. We will try to do so considerately, but as part of our enquiries we will need to discuss the details of your complaint with HM Land Registry.
- We are able to see all of the relevant information about your complaint, including HM Land Registry files and other data. Although we have the right of access to this information for the purposes of our investigation, we have no authority to release it to you or any other third party. All requests of this kind must be made directly to HM Land Registry.
- The ICR or HM Land Registry may receive applications under the Freedom of Information Act or Data Protection Act for a copy of the ICR's report on your complaint. Personal information will be removed before any report is disclosed.
- The ICR publishes annual reports that contain brief anonymised summaries of completed cases.

What will happen once I have made my complaint?

- We will acknowledge your complaint within three working days.
- If the ICR cannot investigate or decides not to, we will explain why.
- Once the ICR is satisfied that she can proceed, she will obtain HM Land Registry files.
- We will **usually** prepare a summary of your complaint for your agreement. This will include all the issues you have raised unless there are any that the ICR is unable to investigate (see page 2). In appropriate cases, the ICR may decide to proceed directly to a draft report.
- The ICR examines complaints informally. This means that we handle complaints in a different way from courts and tribunals, and we do not hold hearings which people are required to attend. The ICR does not have judicial powers and cannot comment upon or change decisions made by HM Land Registry or the Property Chamber, First-tier Tribunal.

- We look at all available documents and correspondence as part of our review and produce a report of our findings. Occasionally we hold informal meetings with complainants to understand a complaint better, or to find out more about HM Land Registry's response to it.
- The ICR will deal with your complaint as quickly as possible, but the length of time it will take can vary from case to case depending on its complexity. Our advertised completion times are 18 weeks from the date of the agreement of the summary.
- On completion of her review, the ICR will send you and HM Land Registry a draft report. This is the opportunity for both parties to comment upon any factual inaccuracies of the report. Two weeks are generally offered for comments to be sent in.
- A final report is then issued to both you and HM Land Registry's Chief Executive taking into account the comments received from you and HM Land Registry.

If your complaint is upheld the ICR may make recommendations for action by HM Land Registry to put things right, and to improve its procedures and guidance and reduce the likelihood of similar problems arising in the future. The ICR also has power, where there have been service failures, to recommend that HM Land Registry should make a consolatory payment (a payment in recognition of inconvenience and distress experienced by a complainant). However, the ICR has no power to recommend HM Land Registry pay statutory compensation known as indemnity.

Will HM Land Registry take notice of the ICR's report?

HM Land Registry will give serious consideration to the recommendations made by the ICR in her report on a complaint. Only in exceptional circumstances will HM Land Registry refuse to act upon these recommendations. In this event, the Chief Executive will write to you and to the ICR giving a full explanation.

Giving your views

The ICR welcomes all comments about her service, whether complimentary or critical. If you have any comments to make, please complete our customer feedback form. If you want to complain about the way we have dealt with you, please let us know immediately, and we will respond to your concerns promptly. Further information on how to make a complaint and the way we will respond can be obtained on our website and on request.

What should I do if I remain dissatisfied after the ICR has investigated my complaint?

Should you remain dissatisfied with how the ICR has investigated your complaint, you can ask an MP to refer your complaint to the Parliamentary and Health Service Ombudsman. Further information about the Ombudsman's service can be obtained from:

Office of the Parliamentary and Health Service Ombudsman
Millbank Tower
Millbank
London SW1P 4QP

Website: www.ombudsman.org.uk
Helpline: 0345 015 4033

NB: The provision of an independent complaints review process does not affect your right to seek to have your complaint considered by the Parliamentary Ombudsman at any time, however, the Ombudsman will usually expect you to have referred your complaint to the ICR first. It will not usually be possible to refer your complaint to the ICR during or following investigation by the Ombudsman.

Need more help?

This leaflet is also available in alternative formats on request.

HM Land Registry's website address is:

<https://www.gov.uk/government/organisations/land-registry>

The Independent Complaints Reviewer

1 Victoria Street,
London, SW1H 0ET

Telephone: 020 7930 0749

E-mail: enquiries@icrev.org.uk

Website: www.icrev.org.uk



Complaint Referral Form

This form should only be completed after reading the leaflet explaining the role of the ICR

Your details

1. Name

2. Address and postcode

3. Telephone Number

4. Email address

5. Are you referring the complaint on behalf of someone else?

YES NO

If "no" please go to question 9

Details about any person or organisation on whose behalf you are referring the complaint

6. Name

7. Their address and postcode

8. Are you referring the complaint with the agreement of the above person/organisation?

YES NO

Details about your complaint

9. Have you received a final written response to your complaint from HM Land Registry?

YES NO

10. Date of final written response from HM Land Registry

11. Address of property concerned and relevant Title Number(s) if known

12. Please explain your complaint as clearly and precisely as possible

13. Has your complaint been referred to any other organisation?

YES NO

If "yes" please provide details

14. Are you taking court action in respect of your dispute with HM Land Registry?

YES NO

15. Please explain as clearly as possible how you would like the matter to be put right

Please read the following information and then check the box to confirm that you want to refer your complaint to the ICR

*I would like the Independent Complaints Reviewer to consider my complaint. I understand that:

- You will need to handle personal details about me, which could include sensitive information, in order to deal with my complaint effectively.
- You will need to exchange information about my complaint with HM Land Registry (for example to find out important facts about my case).
- You handle complaints in a different way from the courts, not requiring people to attend hearings in person, but resolving disputes by correspondence.
- You may publish examples of where things can go wrong, based on real cases, but you will always respect my privacy and keep my personal information confidential.
- You will only retain information that is pertinent to the investigation of my complaint.

* (Please confirm)

I would like the Independent Complaints Reviewer to consider my complaint and understand the above terms and conditions.