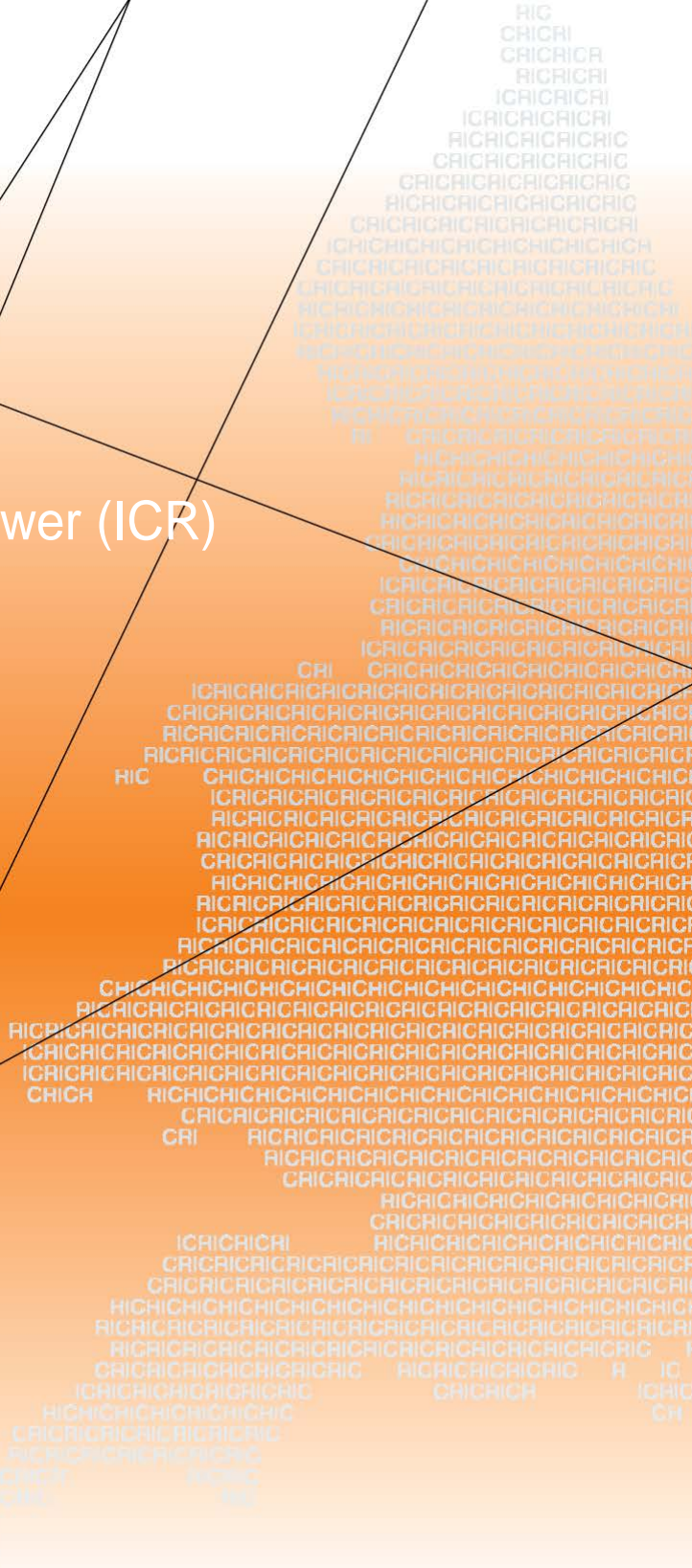


Independent Complaints Reviewer (ICR) for HM Land Registry

Annual Report 2018/2019





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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

Foreword by Jodi Berg OBE

I am pleased to present my annual report as the Independent Complaints Reviewer for HMLR. During the year I have held this position on an interim basis following the retirement of my predecessor, Elizabeth Derrington, whilst the Department for Business, Energy and Industrial Strategy (BEIS) has carried out a recruitment exercise for an ICR to take the service forward. This will be a ministerial appointment which will change the relationship between the ICR and HMLR and create new accountability for the ICR. At the time of writing this report, this appointment has not yet been announced.

This report outlines the activities of the ICR office during the last year and gives some examples of complaints referred to me.

During my tenure, I have tried to settle complaints for people who referred them to me, bringing matters to an end for them and for HMLR. I have recommended redress where appropriate and sought to identify ways in which HMLR's service could be improved. I am pleased to say that HMLR has been responsive to my reports and to learning from the independent focus that I am able to bring.

People who refer complaints to me often have to demonstrate determination to get through the internal complaint process, to try to achieve an outcome they consider to be a fair response to problems they have faced. It must be borne in mind that most people do not want to complain as this can be a troubling, time consuming and distressing experience, so those who turn to me probably represent only a few of those who remain unhappy with HMLR's response. So, having finally referred their complaint to me, understandably it can be even more disappointing when the outcome is not what they had hoped for. Often this is because people hope that I will be able to obtain for them a change in a registration decision. However, my role is limited to scrutiny of how HMLR handled matters and whether it provided a reasonable standard of customer service, in line with its own policies and procedures. Decisions taken by HMLR under statutory authority can only be challenged by way of judicial process and do not fall within my remit. Even when people are unhappy with the ICR review decision, my hope is that they understand the reasons for it and that their complaint is finally settled.

When I agreed to take on the interim ICR role, it was a renewal of a relationship I had with the Agency 10 years previously. It has been interesting to see the progress that has been made by HMLR since then in the ways that it manages its huge workload. HMLR is at the forefront of the technological revolution and this has had an immense impact on working practices. In simple terms, the agency I previously worked with, which comprised individual offices around the country dealing with their own workloads, has become an integrated organisation where, save for specialist areas, work is managed on a national basis.

Much of this change is to the benefit of HMLR customers in terms of speed and efficiency, but new systems and the supporting changes in organisational structures have not always been helpful in underpinning the customer service culture that HMLR supports. For example, it is no longer possible for a customer to telephone an individual handling a particular matter, as the telephony system will not allow for this; nor can conveyancers know which team their application will be allocated to and they can no longer rely on dealing with staff they know or on staff familiarity with a particular area of the country.

I have sensed in my visits to agency offices that this has resulted in a feeling amongst HMLR staff of remoteness from their customers. When people have no personal contact with their customers it is hard to retain the customer service ethic that was so embedded within HMLR when I was last ICR. At that time this culture was supported by a team of Customer Service Managers around the country. That team no longer exists and has been replaced by a central small, dedicated Customer Service Team, whose task it is to cover this very large area of work for the whole agency. It seems to me that something valuable has been lost in not having customer service staff available more widely, to spread the message of the importance of keeping the customer in mind at all times, and to help individual members of staff to deal with customer concerns and complaints. If this is everyone's responsibility, in practical terms it becomes no-one's. I would strongly suggest that new ways of working make it all the more

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important that HMLR invests in staff who can make this real and positive difference to organisational culture.

Another area in which improvements in efficiency have not been universal is in HMLR's complaints handling. Complaints should be registered on the system on receipt before a member of staff responds to them directly or refers them on for a 'first stage' response. However, the IT recording process has in simple terms not been fit for purpose. Staff have been confused as to when to record a complaint or have been reluctant to do so and the result has been that HMLR's recorded complaint figures are unreliable. Indeed, most complaints referred to me, even though they may have had a final complaint response, have never been recorded on the system. I am pleased to note that this issue is understood by HMLR's central Customer Service Team and work is underway to amend, clarify and simplify this process. My hope is that this will assist HMLR staff to identify both complaints and compliments and record them accurately to give management confidence in the data provided.

In addition, there has been a great deal of confusion around how many responses to a complaint a customer should receive before referral to the ICR. HMLR has a two stage internal complaints policy but, in nearly all cases we have seen this year, additional stages have been added to the process, sometimes several. In the main this is because complaints may incorporate dissatisfaction with decisions taken by HMLR as well as dissatisfaction with the way that matters have been handled, and it is often difficult to separate the two. Current HMLR policy is that a final response to challenges to registration decisions must be provided by a Land Registrar, one of the agency's most senior lawyers. On the other hand, complaint responses may be given by any senior employee and do not always have to wait for a response by a Land Registrar. However, in cases I have seen this year it is apparent that some staff members are reluctant to pass things on to more senior staff, as they may feel qualified to deal with matters themselves and fail to recognise that it is unhelpful to everyone to prolong correspondence unnecessarily. Also, there is a tendency to pass any challenges to registration decisions through the 'usual' channels of team lawyers. The result of this is that complaints may pass through several hands, particularly those of HMLR lawyers, before a final complaint response and signposting to the ICR is given.

This problem could be addressed by greater clarity on the part of HMLR staff about which stage of the complaints process has been reached, and how to ensure that people are not passed from pillar to post before a final complaint response is issued. Again, I am aware that the Customer Service Team is revising the Complaints Policy and, no doubt, steps will be taken to implement the changes made with information and training for staff. It would be helpful if these issues can be borne in mind when delivering such materials.

Over the course of the year, I have made a number of systemic recommendations which have been taken forward by HMLR's ICREST team which is charged with ensuring recommendations are implemented. However, the customer service and complaint handling issues raised in this annual report represent the major issues that I hope HMLR will take into account going forward.

I should like to express thanks to the Chief Land Registrar, his executive team, the Customer Service Team and all HMLR staff who have supported and assisted this office in the delivery of a fair and thorough review service. My intention has been to resolve problems for HMLR and its customers and to add value for the future. I am grateful to all those who have expressed appreciation to the ICR team for our work.

Finally, I must pay tribute to the small ICR team who every day approach their work with a 'can do' attitude and look for ways to help HMLR and its customers. Their support has been invaluable.

Customer feedback: "I cannot thank you enough for your tremendous support in bringing this complaint to a highly satisfactory conclusion. I feel sure that this will endeavour to help improve HMLR's timings and procedures in the future. An excellent and very supportive organisation that I can fully recommend."

The ICR service for HM Land Registry's 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 HMLR customers. People can expect from the ICR team: courtesy, honesty, respect, objectivity and straightforward language.

The principles of good complaint handling

The Ombudsman Association's principles of good complaint handling underpin the process of ICR review. 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.

We also take into account the 'FREDA' principles of human rights:

- fairness, respect, equality, dignity and autonomy.

ICR office

It is vital to my independence that I am not part of HMLR or a civil servant. The service I provide is subject to a service level agreement with HMLR, 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 HMLR but who are directly line-managed by me. These staff bring to the office the benefit of their expert knowledge of HMLR's practice and procedure and the legislation under which HMLR operates, as well as their commitment to customer service.

ICR remit

Anyone who has complained to HMLR and is dissatisfied with the outcome can ask me to review the matter. However, I cannot review or overturn HMLR's legal decisions, or investigate issues that are subject to proceedings before the Property Chamber 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 HMLR. Complainants are signposted to me in all final complaint responses that HMLR provides.

ICR process

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 their continuing areas of dissatisfaction and to gain an understanding of the outcome they are hoping to achieve. It may also be necessary to make enquiries of HMLR 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.

Having ascertained what the complaint was about and that it falls within the ICR remit, we explore the possibility of an agreed settlement between the complainant and HMLR. If there is none, we carry out a review by way of a thorough examination of HMLR's records and with reference to information provided by both the complainant and HMLR.

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The ICR report includes a summary of the background to the complaint and my conclusions on whether or not the complaint was justified, supported by reasons for my decision. Where complaints are upheld, I can make recommendations to HMLR, either for personal redress, such as an apology or consolatory payment up to £7,500, or for practical improvements to HMLR's systems and processes to reduce the likelihood of similar complaints arising in the future. Both the complainant and HMLR have an opportunity to comment on a draft before the report is finalised.

ICR office business plan

Objectives from the annual action plan have been incorporated into individual ICR staff objectives. As a result, in the reporting period we have:

- Reviewed and revised all of our internal policies, procedures and guidance to ensure they appropriately meet the needs both of our office and of complainants;
- Reviewed the information that we retain and make available and published new policies on data handling and information access;
- Fostered co-operative working relationships with other complaints handling bodies and organisations;
- Improved our internal compliance procedures for meeting speed of service targets;
- Streamlined the complaint handling process;
- Successfully managed the transition to a new complaints database;
- Reviewed the resource needs of our office;
- Planned for the effect on our office of HMLR's new responsibility for Local Land Charges.

Case Digest

Clarifying process and delivering a message

It is very difficult to separate dissatisfaction with a casework decision from complaints about the way that it was made. For some people, the very fact that their grievances have not been accepted as being justified leading to action on the part of HMLR to 'put things right' means that their concerns were not taken seriously enough, their evidence was not considered carefully enough, 'proper' enquiries had not been made, and no empathy had been shown to the problems they faced.

For this reason, it is essential that people understand the differences between HMLR's casework activity, the route for reconsideration of a registration decision, and the internal complaint process. Without this clear distinction, people will continue to hope for a change of registration decision from a complaint response. The responsibility for ensuring that complaints are recognised, recorded and acknowledged, and that people are aware of the differences in process and the respective routes for redress, lies with HMLR staff. It is important for HMLR staff to remember that the final stage of complaint response need not always be the same as that of decision review.

Below are examples of cases referred to the ICR in the reporting period.

Ms A complained that HMLR had given her inaccurate and inconsistent information that had caused her confusion and delay. She had initially contacted HMLR because she believed that the registered plan of her leasehold property was incorrect. She had been sent Practice Guide 28 regarding title amendment but said that she found this incomprehensible and that later correspondence from HMLR was even more muddling. She asked for "plain English advice" but without success as HMLR said that legal advice could not be given. She tried to complain about responses she received but found the complaints procedure was unclear and this led to delays in escalating her complaints to the ICR.

The ICR noted that responsibility for ensuring that the lease accurately reflected Ms A's intentions rested not with HMLR but with her solicitors. However, once contacted about her concerns, it was HMLR's responsibility – and well within its advisory policy – to check that staff understood what she was saying and then to check whether any mistakes were made when registering the lease. It was unhelpful to Ms A, a member of the public, to refer her to a practice guide drawn up for professional conveyancers, although the ICR recognised that this was intended to help. Although Ms A had been offered a telephone conversation, due to the HMLR telephony system, she could not phone the staff member direct as she would have liked, so this never happened.

The ICR found that HMLR staff had tried to be helpful and the content of their responses was broadly accurate and consistent. Despite this, overall HMLR did not handle matters well: contact was allowed to continue for too long with no clear benefit to anyone concerned; inconsistent application of the advisory policy led to complex technical procedural information being given in a way that encouraged Ms A to believe she could sort matters out herself with help from HMLR, if only she understood what she was being told. When she complained, the signposting in the final response was not effective, so she assumed that HMLR would be referring her complaint to the ICR. Her complaint was partially upheld. Recommendations were made including an apology for not explaining at an earlier stage what HMLR could and could not do to help her and for not bringing correspondence to a timely close. The ICR also recommended that HMLR consider how it could help staff understand the advisory policy; consider when it might or might not be appropriate to direct customers to technical guidance; consider how to apply guidance on managing lengthy correspondence to current working practices; and consider whether it was necessary to make the complaints procedure clearer to customers.

Mr B's solicitors submitted an application for first registration of an absolute freehold title based on adverse possession to land adjoining plots on an estate, which was supported by a statement of truth. They said that the matter was urgent as a sale was pending. When contacting the ICR, Mr B

complained that HMLR failed to follow appropriate procedures when it handled the first registration application and then failed to provide timely and consistent responses to queries and to his complaint.

The ICR noted that HMLR had responded to the request to expedite the application by explaining that it was unable to do so, and had implied that this was because it was working through a backlog of pending applications which had to be managed on a first come first served basis. The ICR accepted that delays can occur due to heavy workload and lack of staff resources and was satisfied that appropriate and consistent explanations for this were given. She appreciated that delays can be frustrating for customers but noted that, in this case, where apologies had to be given more than once, it would have been helpful to update the complainant's solicitors on progress from time to time as suggested by HMLR guidance. Overall the ICR found that there was no unacknowledged maladministration in HMLR's dealings with Mr B and, for this reason, the complaint was not upheld.

Although the ICR found that procedures for dealing with adverse possession applications had been followed, it was unfortunate that Mr B had initially been led to believe that, if the registered proprietors who were sent formal notices consented to his application, then absolute title for the land would be approved. Understandably, this raised his expectations and caused disappointment when a decision to grant only a possessory title was granted. This led to an appeal for reconsideration of HMLR's decision and caused a complaint that the initial information given had been incorrect.

Mr C accessed land he owned through a strip of land within the title registered to a third party. He complained that HMLR did not follow appropriate procedures in its registration of that property, then failed to provide to him a copy of any deed proving ownership of land within the title number and did not respond appropriately to his concerns. In making his assertions about this matter, Mr C said that he was relying on over 60 years knowledge of the area, on affidavits from neighbours, on historic plans, on his pre-registration documents and on discussions with Council Highways, to demonstrate that HMLR's registration of the land was based on conjecture, not documentary evidence. The ICR explained that she has no authority to express a view on the merits of HMLR's registration decisions, however she agreed to consider the way in which HMLR dealt with the application for registration looking at HMLR's policies and procedures.

The ICR found that HMLR staff had looked carefully at the application and supporting documents and had asked solicitors to submit a new plan and to exclude certain land from it. The ICR noted that HMLR was entitled to rely on the solicitors' assertion of ownership at the time and did not uphold the complaint that procedures were not followed. In respect of the failure to provide requested documentation, the ICR noted that HMLR was required to keep a copy of the most recent document of title, which in this case was an Assent that was retained, although Mr C did not agree that this proved ownership. This complaint was not upheld.

The ICR found that HMLR failed to follow its complaint procedure. It was clear from the outset that Mr C's was complaining about HMLR's service as well as its legal decision. Indeed, early on he said that he wanted to take matters to the Ombudsman. Despite this, HMLR officers dealing with matters did not record his complaint, although there were several opportunities to do so. As a result, issues were not addressed as quickly as they might have been, and Mr C's complaint was not properly addressed until he received HMLR's final response signposting him to the ICR. This part of the complaint was upheld and an apology was recommended, together with a consolatory payment of £100. The ICR recommended that HMLR remind staff of the importance of recording complaints when an expression of dissatisfaction is received and of following the complaints procedure.

Mr D had made complaints against HMLR over the years. In dealing with his new complaint, in line with her remit the ICR made clear that she would not revisit the findings of earlier reports or issues that HMLR had addressed more than 6 months previously. Mr D now complained about more recent responses received from HMLR in response to his representations and concerns about HMLR's past handling of applications. He asked for the titles to be transferred to their original status and threatened court action if this was not done. A Land Registrar had responded to him explaining that he had

previously been given a final response on the issues raised and there was nothing further to add. Whilst future correspondence would be read, in accordance with its final response policy, HMLR may not respond if no new issues were raised.

Mr D then raised with HMLR further queries about the registration of property owned by a family member. He believed that the transfer had been unlawful. A response from another Land Registrar explained HMLR's position on the matter and gave reasons why HMLR had dealt with the registration as it had. The Land Registrar acknowledged that Mr D had strong feelings on the matter but said that HMLR had investigated his concerns as far it could. He was advised that if he remained dissatisfied, he might be able to seek a review in the Court of how HMLR had made its decisions and he was signposted the ICR regarding escalation of his complaint.

The ICR did not uphold Mr D's complaint. She noted that there was little she could usefully add to the comprehensive responses given by the Land Registrars. She found no evidence that HMLR failed to follow appropriate procedures or failed to provide an appropriate level of service. She said: *"In my view, they have answered the questions you have raised - except where those questions related to earlier reviews: in those instances, I consider that it was appropriate for them not to have reopened issues that had already been fully dealt with."* The ICR was satisfied that responses to his complaints were appropriate to the circumstances.

Mr E complained that HMLR failed to follow appropriate procedures and act with due diligence when it registered property to the local Council, and then failed to respond appropriately to his concerns and requests for information. The ICR noted that the evidence of title provided was in the form of statutory declarations and HMLR sought further information from the applicants before notice was sent to the neighbours, including Mr E's sellers. They had objected but, following negotiation, the ownership dispute was settled; they withdrew their objection and the first registration application was completed. The ICR found no evidence of failures by HMLR staff to follow procedures and she was satisfied that HMLR had not acted unfairly or without proper care. She did not uphold this complaint.

The ICR found that there had been maladministration in the way that the complaint was handled by HMLR. Mr E had tried to have his complaint escalated but this had been refused and he contacted the ICR's office in order to seek help and advice about this. The ICR's intervention facilitated the escalation he had been seeking for a long time. In reviewing this complaint, the ICR found that the considerable correspondence between Mr E and HMLR was to no real purpose. As matters became more entrenched, the tone of some of HMLR's letters was not only frustrated but patronising and inappropriate. HMLR's refusal to comply with its own complaints procedure had resulted in a state of deadlock. Once the matter was referred to the Land Registrar matters moved on and the internal processes of both decision review and complaint response were completed. The ICR explained that the outcome of the decision review was not a matter that fell within her remit. However, she noted that the Land Registrar had acknowledged that HMLR had failed to retain copies of relevant statutory declarations which had delayed matters and hindered resolution; had not handled requests for official copies well resulting in confusion; and that previous handling of Mr E's complaint and the refusal to follow HMLR's complaints policy were inappropriate. Apologies were offered for these process failures.

The ICR recognised that this final response was written in a spirit of openness, trying to put things right. However, as ICR intervention had been necessary to unlock matters, the complaint was upheld. The ICR was critical of HMLR's multiple failures to follow its complaints policy in identifying, recording and escalating evident demonstrations of dissatisfaction. The ICR recommended that additional apologies should be offered for the tone and content of some of HMLR's communication, and for delay, inconvenience and frustration caused to Mr E. She recommended that HMLR recognise the anxiety and distress caused by its poor service by underpinning its apologies with a consolatory payment of £500. Finally, she recommended that HMLR issue a reminder to staff of the importance of following the Complaints Procedure in a timely way.

Mr F engaged in protracted correspondence with HMLR with regard to his dissatisfaction with registration decisions that followed HMLR's receipt of a court order. He alleged that HMLR and its

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staff members were negligent regarding consideration of evidence he had submitted; HMLR processes were useless and had failed to identify fraud that had taken place and he suggested a racist or discriminatory motivation to what had occurred. He asked HMLR to remove 'errors' from the register and for compensation. He was dissatisfied with HMLR's responses and referred his complaint to the ICR.

The ICR found that HMLR followed the steps outlined in its practice guidance and did not uphold the complaint. She found that HMLR quickly recognised Mr F's concerns as expressions of dissatisfaction and followed its complaints procedure thereafter. The responses received from the HMLR lawyers provided detailed information about HMLR's role and set out the relevant information fully. The ICR was satisfied that this demonstrated that appropriate consideration was given to his concerns and a comprehensive explanation had been given for HMLR's actions and decisions. The Land Registrar in his final response had also responded to Mr F's claim of discrimination and his request for indemnity.

In her report, the ICR noted that some of Mr F's allegations, particularly relating to discrimination, had been made in pejorative terms. She found nothing in the extensive evidence reviewed to support any such allegation. She gave her view that staff members had gone the extra mile to try to explain HMLR process and the reasons for decisions, and had shown considerable restraint in the way they responded to some of Mr F's derogatory comments. She noted that people who work in public service are expected to demonstrate courtesy in their dealings with members of the public and, in turn, they should be able to expect similar courtesy from those they deal with.

Mr G owned a leasehold property which had the benefit of rights over private drives and communal space in land registered under three other titles. Whilst this was noted on the registered title of one of these properties, it was not included on the others. He contacted HMLR about this in Spring 2017. He explained that he was secretary of the management company of the estate and owned three properties, and he had noticed that others were in the same position as him. He wanted HMLR to confirm that a clerical error had occurred when the deeds were first drawn and to explain whether it was HMLR's responsibility or the management company's to make the necessary alteration. After protracted correspondence, he contacted the ICR in May 2018 requesting a review of the service received from HMLR when trying to have a mistake corrected. His complaints included delay; failure to say whether HMLR had made a mistake in registration; being inflexible and process-bound in dealing with matters; suggesting that Mr G was responsible for delays that had occurred; and failing to consider his request for financial compensation for the poor standard of service he had received.

After investigation, the ICR found that HMLR took a blinkered approach to dealing with his queries and that the failure to consider matters in the round had resulted in delays and frustration for Mr G. Delays in response were significant on each of the occasions he contacted HMLR and, although for some of these he had received apologies, delays had continued to occur. As a result, he involved his MP and received a response from HMLR only after the MP wrote on his behalf. The response he received from HMLR implied that he was responsible in some way for delays and the ICR was critical of this, as it was clear from her review that this was not the case. The ICR found that there was confusion in both recording of the complaint and in following the complaints procedure; the process was not properly explained to Mr G and his enquiry about compensation was not addressed at all. His complaints were upheld and the ICR recommended an apology and a consolatory payment of £500.

Customer feedback: "I am very grateful for the thorough and professional way this has been investigated and the insight and clarification on how the original error seems to have been made. A consolatory payment as compensation for the enormous effort it has taken to reach this point is therefore appropriate."

Learning from complaints

Most of my systemic recommendations this year have focused on improving HMLR's complaints procedures, with a view to ensuring that complaints are identified and recorded, responded to and escalated appropriately. My aim in making these recommendations is to assist HMLR to respond more effectively to customer dissatisfaction. It is notable and regrettable that even in cases where I have not upheld any of the complaint issues, I have still had cause to be critical of complaint handling and to recommend that apologies be offered for this.

HMLR's dedicated team for this purpose – ICREST - continues to facilitate the consideration of systemic recommendations and monitor their implementation. An example of a change made as a result of an ICR recommendation is that:

- HMLR internal guidance has been strengthened and improved e.g. guidance on handling adverse possession applications in order to reduce the likelihood of people not receiving notice of applications that might affect them.

I am grateful to all those who serve on ICREST for the serious way in which they consider my reports and recommendations I have made and for their efforts to facilitate changes within HMLR which result in a better service for future HMLR customers.

Customer feedback: "Please extend my thanks to the ICR for being patient in receiving my comments / questions, I do find this matter incredibly stressful. Firstly, thank you once again to the ICR for undertaking this investigation. I have re-read over the document again and feel more confident that I understand the content and each decision by the ICR, of which I respect the reasoning and appreciate the explanation for each."

Facts and Figures 2018/19

The small number of service complaints referred to me shows that by far the majority of people and organisations having contact with HMLR are satisfied with the service they receive. Even when they have cause to complain, HMLR resolves most complaints within its internal complaints process.

The table below gives an overview of the work of my office in 2018/19 compared with the previous financial year. We have received a greater number of complaints in the past year and, of those, 29 proceeded to a full report compared to 22 in 2017/18.

Complaints referred to the ICR

	Complaints received	Complaints considered by ICR	Investigations resulting in findings of maladministration	Investigations resulting in findings of no maladministration	Complaints resolved through conciliation
2018/19	109	100%	11	18	7
2017/18	99	100%	7	15	5

As can be seen from the above table, most initial contacts do not result in findings regarding maladministration. The reasons for this include:

- the complainant may not have received a final response from HMLR. In these circumstances, we will refer the complaint back to HMLR 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 not be able to secure an acceptable outcome for the complainant through intervention or conciliation.

We also receive contacts that are not about HMLR. In those circumstances, my staff use their knowledge of the wider complaints resolution sector to guide the complainant to the most appropriate organisation.

Recommendations

My recommendations to HMLR are designed to provide redress to individual customers and also to help HMLR improve its systems and procedures to reduce the risk of similar complaints recurring.

In terms of personal redress, apologies are recommended in most cases where maladministration or poor service has been identified. Consolatory payments can be for sums of up to £7,500. In general, they are for smaller amounts that 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 to the particular circumstances of the individual complainant. Specific action recommendations may include for example that HMLR should address issues such as rights to compensation not previously considered, or check the records for additional information that can be provided to help the customer.

Systemic recommendations may be that HMLR provide or improve public explanations for process or decisions. They may also be for HMLR to consider changes in procedures or provide training or further guidance aimed at helping HMLR staff to follow appropriate procedures.

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Recommendations made in the reporting year were as follows:

	Apologies for service failures	Consolatory payments	Specific action recommendations	Systemic recommendations
2018/19	9	7	6	10

HMLR continues to respond positively to all my recommendations and I am pleased to report that HMLR accepted and implemented all of my recommendations for personal redress made in the reporting period.

Customer feedback: "I have received the confirmation from Land Registry earlier this week and I can confirm that the matter has now been resolved. Thanks a lot for the support and much appreciated. It's not my intention to raise the issue through ICR but the outcome proved the value you have added, and I cannot speak highly enough about your support."

ICR speed of service

We seek to provide a swift response to all enquiries and contact from complainants. Whilst we can settle most complaints without the need for extensive investigation, when we do need to do so it can take a considerable time to examine the paper and electronic files relating to a complaint which are often large and can extend over many years. We also need to allow time at each stage of the process for the complainant and for HMLR to provide comments.

Our published target is to complete a formal investigation within 26 weeks from the date of agreement that the complaint is within remit. We have met that timescale on 100% of our investigations this year. I am pleased to record that the average completion time remains at 13 weeks this year as compared with last - notwithstanding an increased referral rate and the increase in the number of formal reports completed.

A more streamlined process designed to be adopted in appropriate cases where the complaint issues are clear, should result in further improvement in speed of service in the current year.

Financial information

While the ICR office is managerially independent from HM Land Registry, the overall running costs of the office are met by HMLR. We continue to manage our budget as effectively as possible.

ICR running costs	2017/18	2018/19
Staff costs	£231,404	£212,193
Administration ¹	£17,232	£15,736
Total	£248,636	£227,929

¹ Includes accommodation costs.

Customer feedback

Feedback for the ICR office – as for HMLR – is fundamental to improving the quality of the service we provide. Since we relaunched our website in February 2016, our service users have had the opportunity to complete an interactive form to provide online feedback although we still provide paper questionnaires to those who prefer not to use computers.

Our customers often comment on the detail and work that goes into our investigations. Complaints about HMLR can stem from underlying conveyancing problems and ICR reports seek to unpick and explain what has happened as well as provide my opinion on whether HMLR's actions may have contributed or added to a complainant's problems.

Customer feedback: "I am very grateful for the thorough and professional way this has been investigated and the insight and clarification on how the original error seems to have been made."

It is fair to say that some customers are disappointed that my remit does not extend to investigating legal decisions themselves (which can be challenged only in the Courts) and this may be reflected in their comments on the outcome of investigations.

Customer feedback: "[The ICR] was very thorough and courteous throughout. It seemed she was anxious not overtly to criticise HMLR or me. I think she could have been more critical of HMLR's misinterpretation of dimensions and location of subject narrow strip. ... I requested a further site visit. This was denied by HMLR and the ICR could have criticised this decision more forcefully. Also since the primary purpose of our application was to eliminate a historical anomaly affecting a trivial strip of land in order to make things easier for future owners of [the Property] again I think the ICR could have been more critical of the lack of discretion exercised by HMLR, rather than slavishly following their book of rules. Overall, a thorough and courteous assessment was made, but with a marked reluctance to bare teeth."

Customers dissatisfied with my conclusions can ask for a final review by the Parliamentary Ombudsman's office. These reviews involve expert external scrutiny of the ICR office's work. I am pleased to report that once again the Ombudsman has not had cause to investigate any complaints about HMLR reviewed by my office.



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