

The role of the Adjudicator

The Adjudicator considers complaints about how HM Revenue & Customs (HMRC) or the Valuation Office Agency (VOA) have dealt with you.

The Adjudicator's role is to consider whether or not HMRC, or the VOA have handled your complaint appropriately and have given a reasonable decision. Where the Adjudicator thinks they have fallen short, she will recommend what they need to do to put matters right. This may include making suggestions for service improvements where she thinks this could be of benefit to the wider public.

The Adjudicator can look at complaints about:

- Mistakes.
- Unreasonable delays.
- Poor or misleading advice.
- Inappropriate staff behaviour.
- The use of discretion.

But she cannot look at:

- Matters of government or departmental policy.
- Complaints where there is a specific right of determination by any court, tribunal, or other body with specific jurisdiction over the matter.
- Valuation decisions of Statutory Officers in the VOA.
- Complaints about whether HMRC, or the VOA have complied with the Freedom of Information Act 2000 and the Data Protection Act 1998.
- Complaints about an ongoing investigation or enquiry.
- Complaints that have been or are being investigated by the Parliamentary Ombudsman.

How to make a complaint

The Adjudicator's Office will not consider a complaint until the customer has completed both Tier 1 and Tier 2 of the complaints process.



If customers are unhappy with the service they received, they can ask the department for a formal review of their complaint.

If the complaint is still not resolved, the customer can ask the department for a second review. This is a fresh look at their complaint and gives them the department's final response.

If the customer remains dissatisfied they can now approach us. The complaint will be investigated to draw together a full and impartial summary of details from the customer and the department. The Adjudicator provides an independent review of the details and makes a recommendation to resolve the complaint.

Customers who believe their complaint has not been resolved can ask an MP to put their complaint to the Parliamentary Ombudsman. The Ombudsman will decide whether to investigate the complaint and, if they do, the investigation may also look at the way the Adjudicator's Office reviewed the complaint.

The process in the Adjudicator's Office

Assistance Cases

We assess the complaint to see if it ready for our office. We refer many initial customer contacts back to the departments because they have not gone through both Tier 1 and Tier 2. We call these Assistance Cases.

Cases ready for investigation

We ask the department to provide a report into their handling of the complaint and the reasons for their decisions. We review the letter the customer sent to us and all relevant evidence alongside the department's records, guidelines and procedures.

Resolution by Mediation

Mediation is the process where both the customer and the department reach an agreement on how the complaint can be settled. Our investigator will review the complaint and if there is any scope to propose a mediated resolution they will work with the customer and the department to achieve this on behalf of the Adjudicator.

Resolution by Recommendation

Where mediation is not appropriate, the details of the investigation will be presented to the Adjudicator. The Adjudicator will review the case and write to the customer and the department setting out her decision and any recommendations.

Making your complaint to the Adjudicator

When making your complaint to the Adjudicator you should detail in writing the reasons why you are complaining about the service you received. You must also enclose a copy of the Tier 2 decision letter from the department you are complaining about. If you are unable to contact us in writing please telephone to discuss your needs. We do not usually accept cases that are received more than six months after the date of the Tier 2 response from the department.

How likely is it that the Adjudicator will uphold your complaint?

The Adjudicator considers every complaint on its own merits, so it is not possible to predict an outcome beforehand. However, it is possible to describe some situations where the Adjudicator may not uphold a complaint:

- Where you have already received an adequate remedy from the department for their shortcomings.
- Where it seems the department has applied its rules and procedures correctly. The Adjudicator cannot ask the organisation to modify its rules and procedures.
- Where there is insufficient evidence to enable the Adjudicator to reach a safe conclusion on disputed areas.

The Parliamentary Ombudsman

If you believe your complaint has not been resolved you can ask an MP to put your complaint to the Parliamentary Ombudsman.

Further information

www.adjudicatorsoffice.gov.uk

(We are unable to accept complaints by e-mail)

Tel: **0300 057 1111** (Typetalk facilities are available)

Fax: **0300 059 4513**

Write to us at:

The Adjudicator's Office
PO Box 10280
Nottingham
NG2 9PF