

# The role of the Adjudicator

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

The Adjudicator's role is to consider whether or not HMRC, the VOA or The Insolvency Service 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:

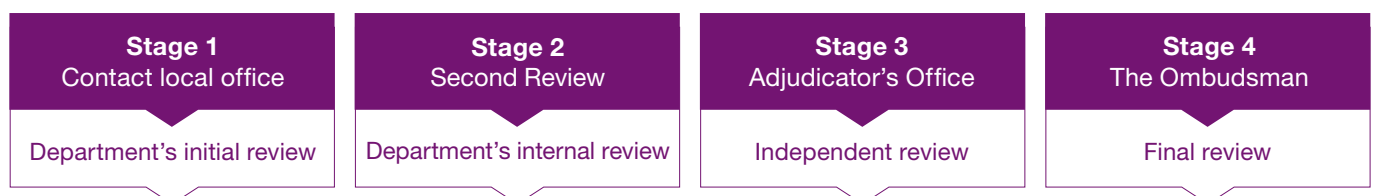
- Mistakes.
- Unreasonable delays.
- Poor or misleading advice.
- Inappropriate staff behaviour.
- The use of discretion.

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, VOA, or The Insolvency Service have complied with the Freedom of Information Act 2000 and the Data Protection Act 1998.
- Complaints about an ongoing investigation or enquiry.
- Decisions, or omissions by an Official Receiver, or an Insolvency Practitioner when acting as trustee or liquidator.
- Matters concerning the professional conduct of an Insolvency Practitioner not licensed by the Secretary of State.
- Complaints that have been or are being investigated by the Parliamentary Ombudsman.

## How to make a complaint

The Adjudicator's Office cannot consider a complaint until you have completed both Stage 1 and 2 of the complaints process.



If customers are unhappy with the service they have received they may ask for a formal review of their complaint.

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

If the customer remains unhappy then they may approach the Adjudicator's Office. 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 her recommendation.

Customers who remain unhappy can ask an MP to put their complaint to the Parliamentary Ombudsman. The Ombudsman will decide whether to investigate the complaint and, if she decides to do so, her investigation may also look at the way in which the Adjudicator's Office has reviewed the complaint.

## The process in the Adjudicator's Office

### Assistance Cases

We assess the complaint to see if it is ready for our office. Many initial contacts are referred back to the departments because they have not exhausted their internal complaints process. We call these Assistance Cases.

### Cases ready for investigation

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

### Resolution by Mediation

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

### Resolution by Recommendation

Where mediation is inappropriate, the investigated case will be presented to the Adjudicator. The Adjudicator will review the case in detail. She will write to the customer and the department outlining her views and any recommendations.

### The Parliamentary Ombudsman

If a customer remains unhappy they can ask an MP to put their complaint to the Parliamentary Ombudsman.

## 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 final 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 take on cases that are received more than six months after the date of the final 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 organisation for their shortcomings.
- Where it seems the organisation has applied its rules and procedures correctly. The Adjudicator cannot ask the organisation to modify its rules and procedures, no matter how sympathetic she is to your situation.
- Where there is insufficient evidence to enable the Adjudicator to reach a safe conclusion on disputed areas.

### Further information

[www.adjudicatorsoffice.gov.uk](http://www.adjudicatorsoffice.gov.uk)

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

Tel: **0300 057 1111** or **020 7667 1832**

(Typetalk facilities are available)

Fax: **0300 057 1212** or **020 7667 1830**

### Write to us at:

The Adjudicator's Office  
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Euston Tower  
286 Euston Road  
London  
NW1 3US