



Department for Business, Innovation & Skills

Introduction of a Land Registry service delivery company: Consultation response form

This consultation response form is available electronically on the consultation page:
www.gov.uk/government/consultations/land-registry-new-service-delivery-company

Alternatively, this form can be submitted by email or by letter to:

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Email: bis.lr.consultation@bis.gsi.gov.uk

This closing date for this consultation is **20 March 2014**.

The Department may, in accordance with the Code of Practice on Access to Government Information, make available, on public request, individual responses.

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Please tick the box from the list below that best describes you as a respondent. This allows views to be presented by group type.

	Business representative organisation/trade body
√	Central government
	Charity or social enterprise
	Individual
	Large business (over 250 staff)
	Legal representative
	Local Government

	Medium business (50 to 250 staff)
	Micro business (up to 9 staff)
	Small business (10 to 49 staff)
	Trade union or staff association
	Other (please describe)

Question 1

Do you agree that by creating a more delivery-focused organisation at arms length from Government, Land Registry will be able to carry out its operations more efficiently and effectively for its customers?

☐ Yes

☒ No

☐ Not sure

Comments:

The land registry is widely acknowledged as being very delivery focused. The proposal is unclear as to how an arms length (from Government) body would or could improve on this. We do not think the Land Registry is a failing or inefficient organisation. It is unclear what are the benefits are going to be.

The business strategy at paragraph 25 is recognised as a desirable outcome. The benefits set out at paragraph 26 do not explain why the service delivery company would be able to produce results greater than the current model could supply, if given the opportunity.

Question 2

Do you agree that the OCLR should retain exclusive responsibility for the functions set out in paragraph 49?

☐ Yes

☐ No

☒ Not sure

Comments:

We consider that allowing the service delivery company its own powers to recruit staff is likely to remove the principles of fair and open competition and appointment on merit which are a statutory requirement of recruitment to the Civil Service. This could impact on the quality of staff who are recruited by the service delivery company and have an effect on the possibility of achieving the envisaged efficiency of service which is a key tenet of establishing the company.

The requirement to isolate the function is only necessary as a result of creating the private non government service delivery arm.

Question 3

Are there additional functions that should be retained in the OCLR? Please explain what and why.

Comments:

It does appear that the case for separation is only triggered by the desire to create private sector delivery solution.

Question 4

What are your views in respect of the proposals for shared functions set out in paragraphs 50-51?

Comments:

We have no comment on this point.

Question 5

What are your views on the proposed approach to service delivery company functions in paragraph 52?

Comments:

In general the detailed plans to make the Land Registry a commercial enterprise are unclear, which then introduces questions regarding the ability of the new body to deliver.

Many functions of the registration process are administrative but that does not mean they are not important to the integrity and confidence of a central register.

The proposal is uncoded, so we do not know whether any savings (referenced at 26) would result. A key consideration for any user or consumer of the service is what impact there would be on charges.

Question 6

Do you agree that the overall design provides the right checks and balances to protect the integrity of the Register and safeguard the provision of indemnities and state title guarantee? If not, please state your reasons why not.

☐ Yes

☐ No

☒ Not sure

Comments:

Unknown – not proven.

Question 7

Would you be comfortable with non-civil servants processing land registration information provided they do so within the framework set out by the OCLR through the service contract? If not, please explain your reasons why not.

☐ Yes

☒ No

☐ Not sure

Comments:

Civil servants are contractually bound by the Civil Service Code to undertake their duties with honesty, integrity, impartiality and objectivity. Information processed by the Land Registry can be sensitive and so handling it requires discretion and confidentiality. Whilst we are not suggesting that non-civil servants would not observe these requirements, it is imperative that they are made explicit in both the service contract itself and in individual contracts of employment of staff of the service delivery company. One way of safeguarding against this might be to make the service delivery company 100% Government owned.

Question 8

Are there any situations, other than those set out in this consultation, in which you would want to see an escalation process to the OCLR? Please explain what and why.

Comments:

We have no comments on this point.

Question 9

Do you agree with the proposed approach for handling complaints, as set out in paragraph 56? If not, please explain your reasons why not.

☐ Yes

☐ No

☒ Not sure

Comments:

The process chart for complaints includes a bubble that suggests “certain” complaints go to OCLR others are dealt with by the delivery company. What are the criteria?

The objections process chart is more certain but no time line has been included.

Question 10

Do you agree with the escalation process set out for objections in paragraph 56? If not, please state your reasons why not.

☐ Yes

☐ No

☒ Not sure

Comments:

As per our response to question 9 above

Question 11

Do you think the Rule Committee should include a representative from the service delivery company? Please explain why or why not.

☐ Yes

☒ No

☐ Not sure

Comments:

If we have understood the proposal correctly, the rules are to administer delivery by the service company. It would seem inappropriate that the rules are influenced by the organisation over which the rules apply?

Question 12

The Data Protection Act will protect personal data that is provided to the service delivery company. Would you like to see any protections beyond this, and if so please explain what and why?

☒ Yes

☐ No

☐ Not sure

Comments:

A complete bar on making commercial profit from data that people and organisations are legally required to provide should be a consideration.

Question 13

What are your views on the proposed system for safeguarding customer service issues and the continued role of the Independent Complaints Reviewer?

Comments:

We have no comments on this point.

Question 14

Do you think there is a difference between the opportunities and risks depending on whether operational control over the service delivery company is entrusted to Government or a private sector company? If yes, what?

☒ Yes

☐ No

☐ Not sure

Comments:

We believe there are risks inherent in entrusting operational control to a private sector company. This is because the Civil Service Code principles of honesty, integrity, impartiality and objectivity and the inherent awareness of the requirements for confidentiality and security of information may not form part of the culture and ethos of a private sector company. This could give rise to a risk of information being disclosed inappropriately unless requirements for confidentiality and data protection are made clear in the service contract and individual contracts of employment. As stated in response to question 7, we believe this risk presents a clear argument for the service delivery company being 100% Government owned.

Question 15

Do you think there is a difference between the opportunities or risks depending on whether the service delivery company is owned by the Government or a private sector company or both? If yes, please explain your reasons.

☐ Yes

☒ No

☐ Not sure

Comments:

The land registry is valued for its impartiality and expertise; it possesses a strong reliable brand. There could be accusations that a private sector monopoly would lead to a bias toward data sales rather than effective and safe registration. The recording of land and property ownership is vital and has to be done with integrity and professionalism.

Question 16

What do you think are the constraints and dependencies for Land Registry's successful delivery of the business strategy?

Comments:

We have no comments on this point.

Question 17

Do you have any other comments on the proposals contained in this consultation?

Comments:

The proposals are explicit about the fact that the majority of current Land Registry staff would move out of the Civil Service (paragraph 68). We are concerned about a number of issues arising from this fact:

- There is an emphasis throughout the consultation document on efficiency. This will inevitably be interpreted as alluding to 'efficiency savings' i.e. job losses. We are concerned about the impact this will have on the local economy surrounding Land Registry offices, particularly the economically deprived area around the Swansea office, as well as the personal impact on the 437 staff who presently work there and their families (figure provided by Land Registry as at February 2014).
- Paragraph 69 refers to engagement with trade union representatives throughout the transition. There is no reference to whether engagement would continue post-transition or whether the service delivery company would recognise trade unions representing current Land Registry staff post-transition. Not providing recognition or, at the very least continuing to engage with trade unions recognised by the Land Registry, will erode the rights that current staff have and could lead to lower levels of engagement which are likely to inhibit the potential for efficiency which the proposals are seeking to achieve.
- Reference is made at several points in the consultation to the fact that the service delivery company would be able to determine pay rates and recruit staff. We are assuming that staff who transfer from the current Land Registry would enjoy protection of their terms and conditions of employment as if the Transfer of Undertakings (Protection of Employment) Regulations 2006 and the Amendment Regulations 2014 applied (as required by the Cabinet Office Code of Practice on Staff Transfers in the Public Sector). This includes protection of their pension arrangements as well as all other terms and conditions of employment.
- The fact that the service delivery company can determine its own pay rates has the potential to introduce a two-tier workforce in the company in the future. We are opposed to such a development and would expect to see all staff of the company, regardless of whether they have transferred from the current Land Registry or been recruited directly by the service delivery company being treated equally. Not only would this ensure more positive staff

engagement and avoid employment relations issues in the future but would also avoid the potential for equal pay claims arising.

- We would be concerned that the profit requirement of a private service delivery arm would result in an additional fee burden for consumers. Given the very real cost efficiencies already delivered what guarantees are there that a private solution would provide benefits?
- It would be essential that safeguards are in place to ensure that registration of property holdings in Wales is retained in Wales. The geography and language do require detailed local understanding. Wider offshoring (outside UK) of the service element would be extremely detrimental to consumer confidence.

Question 18

Do you have any other comments that might aid the consultation process as a whole? Please use this space for any general comments you may have. Comments on the layout of this consultation would also be welcome.

Comments

There will be an impact on SMEs providing support services and market data from existing land registry information. The consultation period appears quite short for such a significant decision.

Thank you for your views on this consultation. We do not intend to acknowledge receipt of individual responses unless you tick the box below.

Please acknowledge this reply ☐

At BIS we carry out our research on many different topics and consultations. As your views are valuable to us, would it be okay if we were to contact you again from time to time either for research or to send through consultation documents?

✓ ☒ Yes ☐ No

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