

Valuation Tribunal Judicial Complaints Policy

Valuation tribunal members are committed to providing a quality service and want to get things right, but we accept that sometimes they do go wrong. Wherever possible we hope to be able to settle complaints quickly and informally at your first point of contact.

This policy **only** deals with complaints about:

- a valuation tribunal member's **personal conduct**, for example where you think that they did or said something that was inappropriate; and
- procedural matters arising **during** a valuation tribunal hearing, for example where you believe that you were treated unfairly or not allowed to give all of your evidence.

Other types of complaints

Complaints because you are unhappy with the decision that the tribunal has reached cannot be dealt with under this policy and you need to pursue this matter by making an appeal to a superior court. Please contact the Clerk of the Tribunal for further information.

Complaints against the actions of the tribunal clerk, the tribunal office or the facilities offered by the hearing room are dealt with under our administrative complaints procedure. Please contact the Clerk of the Tribunal if you would like a copy of this policy.

Our commitment

We aim to deal with any complaint as speedily as possible. Every complaint is important to us and will be dealt with appropriately.

Our overall aim is to respond to any judicial complaint within **28 days**. We will write to you if we cannot meet any of our targets; often delays occur because people may not be immediately available to answer any requests for information and some complaints will take longer to decide than others. You may contact the relevant office at any time to ask about the progress of any complaint.

It is important that complaints are made as soon as possible after the event. Complaints will not normally be considered if they are made more than **three months** after the incident about which the complaint is made. Making a complaint soon after the event means that the matter is fresh in the memory of the tribunal member(s) and all others present at the time. We also believe that fairness demands that a copy of the complaint should be shown to the person whose conduct is criticised. To ensure that the judicial decision making process of a tribunal is unaffected; we will not normally investigate a complaint until after the tribunal's decision has been issued.

Who investigates the complaints?

Complaints are investigated by the President of a Valuation Tribunal. However, if the complaint is about the President, the complaint will be referred to the Deputy President or the most senior chairman available. In this document we refer to the person who investigates the complaint as 'the Investigator'.

How to make a complaint

Any complaint about the conduct of a tribunal or a member(s) must be made in writing and signed and dated by the person who is making the complaint (complainant). We ask you to do this, so that we may fully understand the detail of your complaint. However, if you cannot write it down, for example, because you have difficulty writing in English or have a disability, we will accept your complaint in another format. More details on making complaints are shown below and on the last page of this policy.

To allow the Investigator to look into the case, we ask you to give:

- your signature, name and address;
- the name of the tribunal member(s), where known, about whose conduct you are complaining;
- when and where the alleged misconduct occurred;
- what the member(s) did or said to cause offence;
- permission for your complaint to be shown to the member(s) who is/are the subject of your complaint; and
- any other matters that you think will help in the investigation and dealing fairly with your complaint

Your complaint should be sent to the Clerk of the relevant tribunal, whose address is shown on the last page.

What happens next?

When the valuation tribunal receives a complaint, the Clerk of the Tribunal will acknowledge your complaint within **five working days** and enter details about it in the Judicial Complaints' Register. In cases where a complainant has raised matters relating to racist or sexual behaviour, conflict of interest or serious misconduct, a copy of the complaint will be sent to the Chairman of the VTS and if it is decided that the complaint needs to be dealt with differently, you will be sent details of how the complaint is to be dealt with. Otherwise the Clerk will pass the complaint directly onto the Investigator.

Stage 1

The Investigator will consider the written complaint and decide whether:

- to reject the complaint; or
- to investigate the complaint.

If the Investigator decides to reject the complaint, they will write to you giving their reasons within **14 days**. Normally, complaints are only rejected if:

- the complainant has not given adequate reasons;
- the complainant will not let us disclose details of the complaint to the tribunal member(s) concerned; or
- if the tribunal member has retired, resigned or died.

Stage 2

Where the Investigator decides to look into the complaint, they will send a copy of the written complaint to the member complained about and either:

- invite his/her comments, normally, in writing within 14 days; or
- arrange a meeting with the member(s) to discuss the issue(s), within 14 days

The Investigator may then decide that they need:

- the complainant to give further information about the complaint;
- further information from the tribunal member(s) concerned; and/or
- information from somebody else who was present at the time the conduct complained of occurred, such as the chairman, other tribunal members or the clerk.

Stage 3

The Investigator will send a copy of their findings, with reasons, within **28 days** of the initial complaint to:

- The complainant in all cases;
- In cases involving personal conduct, to the tribunal member(s) who is/are the subject of the complaint;
- In cases referring to matters arising out of the hearing itself, to the chairman and members who heard the case in question.

Please note that if the investigator is likely to take longer than 28 days to investigate your case, he will write to you to let you know.

What outcome can be expected?

- Except in cases where the Investigator finds no substance to the complaint, a copy of their findings will be placed on the personal file of the tribunal member(s) until an appraisal has taken place.

- Where a complaint against a member(s) is/are found to be justified, the President of a Tribunal will consider whether any further steps should be taken in relation to the member(s) concerned. This may include recommendations for the member(s) to undergo further training, asking the member(s) to proffer an apology to the complainant or inviting the member(s) to resign from the tribunal.

Making a complaint

Complaints against a tribunal member's conduct or a procedural matter arising during a valuation tribunal hearing must be addressed to:

The Clerk of the Valuation Tribunal

xxx Valuation Tribunal

Address

Address

Address

Tel No

Fax No

Email address

Please remember

Your signed complaint should include:

- your name and address;
- the name of the tribunal member(s), where known, about whose conduct you are complaining;
- when and where the alleged misconduct occurred;
- what the member(s) did or said to cause offence;
- permission for your complaint to be shown to the member(s) who is/are the subject of your complaint; and
- any other matters that you think will help in the investigation and dealing fairly with your complaint.