

2.2 Our findings

Level of complaints upheld

The following tables illustrate the extent to which we find complaints upheld and justified. We collected the data in respect of the resolution process for the first time in 2000/01 and we are now in a position to assess our findings on all of the cases cleared.

In those cases requiring a full report we found that 92 per cent of complaints were either fully or partially upheld. We subjected more cases to full investigation this year than last, and such cases are usually more complex. This might explain why we have recorded a higher percentage of complaints fully or partially upheld.

The resolution cases, however, also show 93 per cent of complaints to be fully or partially justified.

Full report cases						
Fully upheld, partially upheld, not upheld						
	1998/99		1999/2000		2000/01	
	No. of cases	%	No. of cases	%	No. of cases	%
Fully upheld	75	32	44	20	68	24
Partially upheld	150	64	155	71	197	68
Not upheld	8	4	21	9	23	8
TOTAL	233	100	220	100	288	100

Resolved cases						
Fully justified, partially justified, misconceived						
	1998/99		1999/2000		2000/01	
	No. of cases	%	No. of cases	%	No. of cases	%
Fully upheld	*		*		157	54
Partially upheld	*		*		115	39
Misconceived	*		*		20	7
TOTAL	*		*		292†	100

Types of complaints received

Complaints continue to cluster around the three recurring themes – delay, communications and error. The Agency's own internal complaints analysis identified the same issues as the principle causes of the complaints they handled.

Some delays are rooted in the past and Agency action to update its work is bringing more such delays to light. The Independent Case Examiner has suggested to the Agency that this trend will continue whilst the Agency is seeking to address issues in preparation for the Child Support Reform Programme (Chapter 2.7).

Areas of complaint (by percentage)								
	Delay				Error			
	1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001	1997/ 1998	1998/ 1999	1999/ 2000	2000/ 2001
Undertaking a review	20	26	15	16†	10	10	6	6
Making a maintenance assessment	27	21	25	25	16	20	14	19
Enforcement action	13	16	18	12	15	10	7	22
Replying to correspondence	12	9	9	6 ††	9	10	4	22 †††
Taking action on a change of circumstances	11	6	10	16 *	9	3	4	6
Implementing a Tribunal decision	4	5	4	3	7	6	9	3 **
Deciding compensation	3	4	7	4	2	4	4	3
Departures	–	1	3	3	–	1	2	1
Central Appeal Unit/Special Payments Team	–	1	2	0	–	1	5	0
Other	10	11	7	15	32	35	45	18

† We are unable to differentiate figures pre/post the Agency's Decision Making and Appeals process introduced June 1999, to help the Agency deal with customers requests for a review more efficiently. Further analysis will be undertaken 2001/02.

†† It is encouraging to note the reduction in the number of delays replying to correspondence, as this has traditionally been an area for complaint.

††† However, problems with errors contained within correspondence have increased significantly.

* The percentage of complaints about Agency delays in taking action on a change of circumstances continues to be a cause for concern.

** It is encouraging to note the reduction in the number of errors when the Agency implements a Tribunal decision.

– Figures not recorded during 1997/98.

Communication issues (by percentage)				
	1997/98	1998/99	1999/2000	2000/01
Failure to respond to communications	29	24	24	13
Misleading information provided to the client	18	24	21	24†
Inadequate replies provided to correspondence	18	16	12	24†
Piecemeal approach to a case	10	12	15	14
Failure to supply information	10	12	14	18†
Repeated requests for the same information	6	5	7	5†
Inconsistency	2	4	4	0
System failure/computer error	7	3	3	2

† The numbers of complaints arising as a result of poor communications issued by the Agency remains a cause of concern for this office.

Statistically, it is interesting to note that, while the percentage of complaints about failure to respond to communications has more than halved over the past year, complaints about inadequate replies to correspondence have doubled. It might suggest that although the Agency is replying promptly to communications, sufficient attention is not being paid to the content of the reply.





2.2.1 Delay

Delays in completing reviews and assessments

The following cases illustrate the difficulties faced by some of our clients.

Example 1

Mr A complained that the Agency first contacted him in December 1994, but he heard nothing until January 1999, when he received a letter stating that he owed over £25,000 in back payments.

We found that this was so and that his initial assessment was not completed until January 1999. This had indeed resulted in arrears of £25,000 accruing.

Following his complaint to this office, the Agency contacted Mr A and his arrears were subsequently reduced to take account of voluntary payments he had made direct to the parent with care, and arrears of £4,055.78 were also deferred, due to the Agency's delay in calculating his initial maintenance liability. This resulted in Mr A's arrears reducing to £1,736.25 as, despite the Agency's delay he remained liable to pay the final 26 weeks arrears.

At the request of this office, the Agency has since apologised for the delay in completing assessments on this case, and has awarded Mr A a consolatory payment of £150 in recognition of the delays. Mr A was happy with the action taken and he agreed that his complaint had been resolved satisfactorily.

However, we also see more recent examples of delays, which adversely affect customers of the Agency.

Example 2

Mr B complained that the Agency had delayed until March 2000, in completing a departure application which he made in December 1998.

Our investigation highlighted that Mr B was required to make three departure applications, as his first two application forms had been lost by the Agency. His third application form was actioned in March 2000 (an overall delay of 15 months).

Following his complaint to this office the Agency apologised for the unacceptable delay and at our request awarded Mr B a consolatory payment of £150.

2.2.2 Communication

Problems with correspondence and telephone contact

The following case illustrates the difficulties faced by one client.

Example 1

Miss C complained that she had not been informed that her case had been moved to another Business Unit.

Our investigation highlighted confusion surrounding the transfer of Miss C's case following a move of home. The case was in fact transferred between centres on a number of occasions, however Miss C was only informed on one occasion, and even then she was given the incorrect centre. We found that the case was transferred unnecessarily and there was a delay in returning the case to the correct centre. Our investigation also highlighted poor correspondence from the Agency and that the Agency had failed to reply to some of Miss C's telephone calls. As a result of our investigation, the Agency apologised to Miss C and awarded her a consolatory payment of £100 for inconvenience.

2.2.3 Error

Errors within maintenance assessments

The following cases illustrate the difficulties faced by some of our clients.

Example 1

Mr D was a non-resident parent who complained that despite him advising the Agency that the parent with care had children with two other men as well as him, his maintenance liability had been calculated based on just two non-resident parents. He said that he was concerned that this matter was not investigated by the Agency when he first reported it.

We found that the initial assessment only took account of there being two non-resident parents, despite Mr D informing the Agency in 1993 that there were three. As a result of his complaint to this office, the Agency advised us that Mr D had in fact reported the anomaly to the Agency in 1993, but as he did not provide evidence no further action was taken. Mr D subsequently provided evidence of the third non-resident parent in October 1999 and his maintenance liability reduced as a result.

Following our involvement in the case, the Agency accepted the error and agreed to rationalise (not collect) outstanding arrears of over £6,000, in recognition of the error.

Example 2

Mr E a parent with care, complained that; his initial assessment was based on two children when he only had one; and his maintenance was incorrectly reassessed because of a departure and a shared care calculation.

Our investigation highlighted that there was confusion surrounding how many qualifying children Mr E had living with him, as the Agency had confused him as the non-resident parent when he was in fact the parent with care. However, despite the confusion the maintenance assessment was correctly based on one child.

We found that Mr E had appealed against a departure decision, and also a shared care decision. These were overturned on appeal, but further errors were then made when the Appeals direction was applied to the assessments.

As a result of our investigation, the Agency corrected its errors, and awarded Mr E an advance payment of £549.30 (arrears owed to him following the correction of errors). In addition Mr E was awarded a consolatory payment of £100 for the inconvenience he had suffered.

2.2.4 Chief Executive replies

Inaccurate or inadequate replies from or on behalf of the Chief Executive

In previous annual reports we have drawn attention to the importance of the Agency's own complaints procedure and the need to ensure that it is working effectively.

As explained in Chapter 2.1, an investigation by this office cannot begin until the Agency's own complaints procedures have been exhausted.

Clients receiving a letter signed by or on behalf of the Agency's Chief Executive should be confident that it contains reliable information. The structure of the CSA complaint handling procedure means that in most instances, the Chief Executive's letter is the final opportunity to address a client's concerns.

Regrettably, we have seen a small number of cases where this opportunity has been missed. The volume of correspondence addressed to the Agency's Chief Executive means that it is impractical for all letters to be dealt with personally by the office holder. Consequently, some clients receive replies signed by the Chief Executive whilst other complaints are dealt with by the appropriate Business Unit and signed "on behalf of the Chief Executive".

We accept this is standard business practice but must emphasise that the quality of correspondence should be maintained whoever signs the letters. In fact, our examination of the standard of Chief Executive replies showed that when mistakes occurred, it made little difference whether the Chief Executive had signed it personally or not. As the following examples demonstrate, incorrect or inadequate replies from the Chief Executive can add to a client's sense of grievance.

The following cases illustrate the difficulties faced by some of our clients.

Example 1

A clear breach of confidentiality occurred when the client's address was disclosed to the non-resident parent. Although the manager of the unit, which had made the error, sent a letter of apology, the client's MP also raised the issue with the Chief Executive. The letter of reply signed by the Deputy Chief Executive said that disclosure of the client's address would have been a breach of the Child Support Regulations and went on to deny that any breach of confidentiality had occurred. This was incorrect and a further letter of apology had to be issued on behalf of the Chief Executive.

Example 2

The client had received two replies from the Chief Executive both of which contained inaccuracies. The most serious error was to credit the client with a child that she did not have and resulted in an investigation by the centre's security team into possible Data Protection infringements. A later letter from the Chief Executive incorrectly told the client that enforcement action was proceeding, although checks completed for legal action had shown there was an appeal outstanding which prevented further action.

Example 3

The Chief Executive's response contained three serious errors, in that it gave inaccurate information about the client's daughter, quoted an incorrect amount of deferred debt and referred to the wrong number of attempted contact calls.

This problem was discussed with the Agency's new Chief Executive and we were pleased to see that he requested a review of the way in which letters addressed to him are handled. We will report our findings next year.