



Independent Case Examiner
for the Northern Ireland Child
Support Agency

Annual Report
2002/03

Headline Summary

Judging the issues by
not taking sides

The Independent Case Examiner (ICE): provides a free and impartial complaints review and resolution service for customers of the Child Support Agency, who remain dissatisfied with the response and/or redress provided by the Agency.



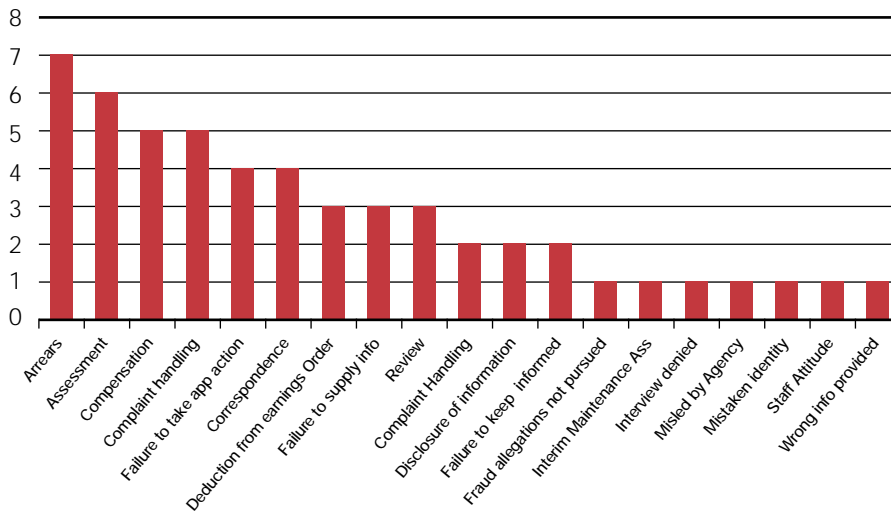
Complaints process: Once we accept a complaint, we establish whether there is scope for resolving the complaint without the need for investigation, given that this generally represents a speedier outcome for the client. This will usually involve contacting the Agency to establish whether an agreed course of action can be reached. If this is possible, a report of the agreement will then be prepared for the benefit of the client and the Agency.

If resolution cannot be achieved an investigation will be undertaken and a report of our findings will be given to the client and the Agency. If appropriate, this will include recommendations about putting matters right. The Independent Case Examiner can also make a difference to the Agency's performance through systemic recommendations. Such recommendations highlight areas where improvement in the Agency's operational procedures will have a positive impact on the experience of users of the service.

Complaint referrals: In the 2002 / 2003 business year, ICE received 25 complaints about the Agency, 15 of which were accepted for investigation.

Areas of complaint: Most complaints we accept for investigation include a number of allegations of maladministration, which often pertain to entirely different issues or events. In this reporting year, we have for the first time, presented information on the individual allegations of maladministration made in each case we cleared.

The most common areas of complaints referred during 2002/2003 involved: arrears; assessment; compensation; and, failure to take appropriate action.



Total Cases Cleared: During 2002/2003, we resolved only 3 complaints about the Agency. In contrast, we investigated 17 complaints. During the reporting year we have provided information to the Agency about the action taken to resolve these cases. In most cases, the Agency has tried to put matters right, before the client complained to us. The small number of people who have complained to us during the past year have tended to require an investigation.

The ICE target for clearing cases: is “within an average of 34 weeks”. During 2002/2003 the average time it took us to clear complaints about this Agency was 39 weeks. Whilst we are disappointed with this, it was a direct result of focussing on dealing with our oldest cases. We have taken steps to speed up case handling for the current year.

Findings: In last year’s Annual Report we heralded a change in the way in which we express our findings. ICE will not uphold a complaint if, at the time of acceptance, we find that the Agency has already fully addressed the complaint and appropriate redress has been provided, offered or instigated.

Although it is disappointing that 12 of the 17 complaints that we investigated were upheld or partially upheld, it is encouraging that 5 cases were not upheld. In addition, in another 4, the majority of the points of concern were not upheld.

The 20 cases we cleared contained 53 elements of complaint, 6 of which were resolved, 21 of which were fully upheld, 24 of which were not upheld and 2 of which were outside our jurisdiction.

Redress: The Independent Case Examiner is able to recommend that the Agency gives an apology, an explanation of what has happened or takes action to put matters right. In addition, recommendations of redress have been made in some cases. Where we establish that failures in service have amounted to maladministration, we can ask the Agency to consider awarding the client a consolatory or a compensatory payment. Such payments are governed by guidance produced by the Department for Social Development (formerly the Department of Health and Social Services). The Independent Case Examiner is not able to direct how much the Agency should award, However, we can consider whether the Agency has considered all the information available when reaching such decisions.

Complaint handling by the Agency: During the reporting year, we have sought evidence that information contained in our previous report has been understood, accepted and acted upon. The evidence suggests that the Agency is addressing clients’ concerns before they contact ICE.

In cases we investigate, we routinely comment on the quality of the Agency’s complaint handling. Where this falls short of the required standard, we ask it to recognise this by an apology or, where it is extremely poor to consider awarding a consolatory payment. We have found the handling of complaints to be satisfactory in most cases. Regrettably, we have also had cause to criticise the way in which several complaints were progressed.

The Agency is to carry out a review of its procedures. The report highlights the importance of early ‘escalation’ to ensure that customers and staff are fully aware of how they can take matters forward.

Adherence to legislation and procedures: It has long been acknowledged that the Child Support Agency has operated within an extremely complex statutory and procedural framework that is largely incomprehensible to the average person. As such, it is not surprising that many complaints have their origins in a failure to either correctly interpret or apply procedures and legislation.

We take the view that that the Agency should reasonably be able to detect and address instances where legislation or procedure have not been correctly applied, prior to cases reaching ICE. In doing so, the Agency should consider appropriate redress, in addition to rectification of an error.

Although we often find that the main error has been identified and rectified prior to referral to this office, disappointingly the Agency has not always offered redress, to recognise the consequences of its failure, from the client's perspective.

As a result, in some cases redress was only considered following referral to this office. This is unacceptable from the client's point of view and disadvantaged those who did not have the stamina or ability to pursue the matter to the next stage. In the coming year we shall be looking for evidence that cases are afforded appropriate consideration within the Agency's own complaints handling procedure.

Compliance and Enforcement: In last year's Annual Report we reflected on the continuing difficulties faced in achieving compliance. This issue forms a significant proportion of the complaints that we receive from Child Support Agency clients in Great Britain. The Independent Case Examiner is therefore pleased to acknowledge that only one of the Northern Ireland cases that we investigated this reporting year included a complaint about compliance.

Child Support Reforms: Last year we reported that the delayed Child Support Reforms would be introduced as soon as technology allowed. We are pleased to note that the Reforms became operational in respect of all new cases with effect from 3 March 2003. The timetable for the conversion of existing cases to the new rules has yet to be announced. The Case Examiner has engaged in discussions with the Agency about the implementation and effect of the Reforms. The Agency has expressed a determination to meet any problems head on and deal with them in a proactive manner. It has a policy of customer focus, dealing with customer driven activity as a priority. We will comment on the effect implementation of the Child Support Reforms has had on our casework in next year's report.

Chief Executive's comments: The true impact of the Independent Case Examiner's work cannot be judged only in relation to her pursuit of individual cases. But it comes in the way her conclusions, her recommendations and her interaction with the Agency's staff influence their attitude towards customer service. There is real evidence that her engagement with us has had a positive effect on attitudes which very much reinforces, and adds to, our vision of delivering a first class service to our customers.

Copies of the Annual Report can be obtained from:

The Office of the Independent Case Examiner
PO BOX 1245
Belfast
BT2 7DF

Telephone: 0151 801 8800
Minicom: 0151 801 8888
Fax: 0151 801 8825
E-mail: ice@ukgov.demon.co.uk

Copies can also be obtained from our website at www.ind-case-exam.org.uk

Telephone calls can also be made at local call rate on: 0845 606 0777

This report is also available, on request, in Braille or audio version.