



Independent Case Examiner  
for the Social Security Agency  
Annual Report 2002/2003

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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 Social Security Agency, who remain dissatisfied with the response and/or redress provided by the Agency.

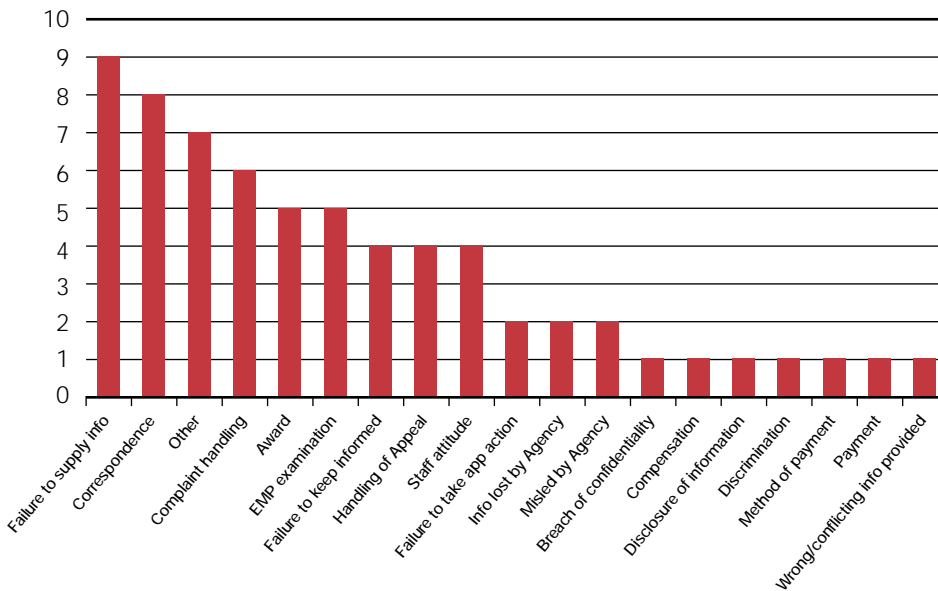
**Complaints Process:** Once we accept a complaint, we establish whether there is scope for resolving the complaint without the need for investigation, given that this generally represents a speedier outcome for the client. This will usually involve contacting the Agency to establish whether an agreed 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 22 complaints, 11 of which were accepted for investigation.

**Areas of complaint:** Most complaints we accept for investigation comprise 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. On average, there were over 5.4 complaints made in each case. This is far more than is usual across our caseload and demonstrates the complexity of these particular cases.

The most common areas of complaints referred during 2002/2003 involved: failure to supply information; correspondence; and, complaint handling.



**Total Cases Cleared:** Only two complaints about the Agency were cleared by resolution during the reporting period. In most cases, the Agency has made strenuous efforts to put matters right, before the client complained to us. The small number of the Agency's clients that do refer complaints to ICE demonstrate that this happens only in exceptional cases. These clients usually require an investigation.

**The ICE target for clearing cases:** is “within an average of 34 weeks”. We are pleased to report that during the 2002/2003 business year, our average clearance time for complaints received from clients of the Social Security Agency was 17.3 weeks. This speedy turn-around of cases would not have been possible without the active co-operation of the Agency and we acknowledge its proactive response to our investigations.

**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 we fully upheld only one case, this year as last we have partially upheld a significant proportion of the complaints we investigated. Although this is disappointing for the Agency and its customers, it should be noted that in most of these cases, few allegations were actually upheld. Four cases were not upheld.

During the reporting year, the 12 cases we cleared contained 65 elements of complaint, 3 of which were resolved, 14 of which were fully upheld and 48 of which were not upheld.

**Redress:** If we find that maladministration has occurred, the Case Examiner can ask the Agency to issue an apology and provide financial redress to the client. She is unable to direct the Agency how much compensation a client should receive, given that such payments are made in accordance with guidance given by the Department for Social Development (formerly the Department of Health and Social Services). However, we can consider whether, in awarding compensation, the Agency has had regard to all the relevant facts.

During the business year 2002/2003, we asked the Agency to consider awarding consolatory or compensatory payments to several clients. It subsequently awarded consolatory and compensatory payments totalling some £1,349.02. At our request, it also agreed not to pursue an overpayment of £1,628.95

**Complaint Handling:** In those cases that we investigate, we routinely comment on the quality of the Agency's complaints handling. In the majority of cases we investigated during the year, the Agency adhered to its internal complaint procedures and invariably explained how complainants could take matters forward. Although the Agency does not always get it right, given the nature of its work and the potential for complaints, the Case Examiner considers that the Agency takes a customer focussed approach to client comments.

The fact that the Agency records all complaints demonstrates its commitment to taking account of feedback from its customers. The complaints we have received have concerned both complex and sensitive issues. Some have required in-depth investigations that have taken several months to complete. Our investigations provide reassurance for Agency staff that they have done everything possible to resolve the complaint, or give feedback on how their response could have been better.

**Complaints about Examining Medical Practitioners (EMPs):** A common theme in the complaints we have received from the Agency's customers has been the handling of medical examinations by Examining Medical Practitioners (EMPs). Although it is not within the Case Examiner's remit to comment on complaints about medical opinion, of the 10 cases we investigated, 5 included specific complaints about EMPs.

These mainly concerned the alleged attitude of doctors or comments allegedly made by EMPs whilst undertaking examinations on behalf of the Agency. The Case Examiner has taken an interest in the Agency's procedures to conduct investigations into such allegations. She acknowledges the sensitive nature of EMPs' work and the difficult situations in which doctors can be placed in carrying this out.

The Agency has instigated a review into the way in which such cases are handled and the code of practice which sets out the expected standards for Examining Medical Practitioners providing services on behalf of the Agency.

This review will seek to identify ways to support doctors in their important tasks and to improve customer satisfaction levels. We will take a continuing interest in this area of the Agency's work.

**Complaints about named members of staff:** On occasions, we have received complaints from Agency customers about the behaviour of a named member of staff. In these cases, we are not able to comment on any disciplinary action taken, but we can and do seek evidence that the Agency has adhered to its disciplinary procedures.

**Chief Executive's comments:**

The role of the Independent Case Examiner within our complaints process is a pivotal one which, I hope our customers agree, allows for an independent and impartial view on the quality of the service we provide. I am pleased that the report endorses the effectiveness of our approach. As we continue to work in partnership with others, such as the Department for Employment and Learning and the Inland Revenue to deliver services, it is really important that we develop a harmonised complaints procedure in which our customers can have confidence. I firmly believe that ICE's input and advice during this time will help us do that. Our ultimate aim must be to provide the high standard of service our customers now expect and are entitled to receive.

Copies of the Annual Report can be obtained from:

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Copies can also be obtained from our website at [www.ind-case-exam.org.uk](http://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.