

Independent Case Examiner For the Child Support Agency

Annual Report 2003/04

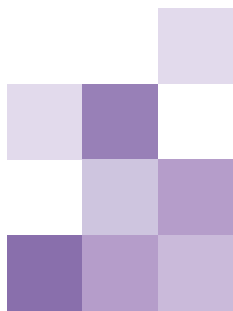
Judging the issues by
not taking sides





ICE Annual Report 2003/2004

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1.

Foreword

Who is the Independent Case Examiner?

Jodi Berg is the Independent Case Examiner for the Child Support Agency. She was appointed by the Department for Work and Pensions to investigate complaints about how the Agency works, but is not a civil servant. Mrs Berg is also the Independent Case Examiner for the Northern Ireland Child Support Agency and Social Security Agency and Independent Complaints Reviewer for Land Registry, The National Archives, the Charity Commission and the Housing Corporation. Mrs Berg is a solicitor with extensive management experience in both the private and public sectors and is a Fellow of the Chartered Institute of Arbitrators.



I am pleased to present my third Annual Report as Independent Case Examiner. Since the establishment of this office seven years ago, much has changed. The process of independent review is now the established final step of the Child Support Agency's response to complaints. People are routinely advised about this service in the Agency's final letter and about a third of them then choose to refer matters to me. In the reporting year, we received 2,150 referrals.

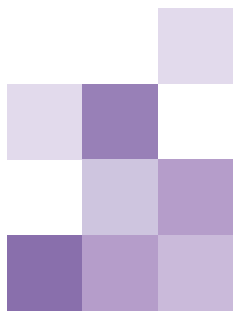
There have also been welcome improvements to the Agency's internal complaints procedures, following recommendations made by my predecessor and myself.

On the other hand much has stayed the same. The Agency continues to generate a large number of complaints across the whole of its service. Often this is the result of the contentious nature of its work, but too frequently it is the consequence of poor customer service, bad decision-making or failure to adhere to procedure.

People turn to my office for an independent and impartial view of the way that the Agency has dealt with them. My role is to resolve complaints by agreement or, failing this, by investigation and decision. I am assisted in this task by a dedicated team at the office in Liverpool. In many cases we were able to settle matters by getting the Agency to apologise for what had happened, to provide information or an explanation that should have been given earlier. These cases demonstrate that there is still considerable scope for improving the Agency's own response to dissatisfied customers.

As in previous years, I have fully or partially upheld most of the complaints that we investigate. Disappointingly, this rose to 86% of cases in the reporting year. I will be looking for improvements in the Agency's handling of complaints this year.

During the year, we made numerous recommendations to the Agency about what it should do to put matters right for individual clients. In general, I have been satisfied with the Agency's implementation of these recommendations. However, there have also been occasions when its response has met neither the aspirations of clients nor my own expectations. In a number of these cases it has fallen to the Parliamentary Ombudsman to negotiate a reasonable outcome and it is disappointing that it has been necessary for people to take this extra step.



I have also asked the Agency to consider making a number of changes to procedures, so that problems that have arisen in one or more cases can be avoided in the future. I am pleased to report that the Agency has responded positively to these recommendations. This demonstrates a welcome commitment to learn from complaints.

I make annual visits to each Child Support Agency Centre and meet regularly with the Agency's Chief Executive and other Senior Managers. Twice a year I attend the Child Support Agency Board to report on complaints referred to my office and problems we have identified. I have a constructive working relationship with the Agency, which allows us to engage in meaningful dialogue about problems that I see and how things could be improved.

During the reporting year my office dealt with more complaint referrals than ever before. As the year started, the Child Support Reforms had just come into effect. It is not surprising that the major legislative, system and organisational changes faced by the Agency in implementing the Reforms have engendered a variety of problems and resulting complaints. Given the time delay between the initial recording of a complaint by the Agency and its subsequent referral to my office, we saw few complaints about new scheme cases until the last quarter of the year. However, the spiralling numbers of these referrals gives me cause for concern. These cases serve as an early warning of problems, which are likely to generate further complaints unless urgent measures are taken. I am continuing to update the Agency on these matters on a regular basis.

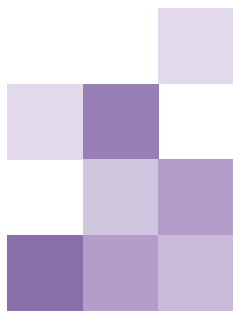
Nevertheless, most complaints referred to my office during the reporting year concerned old scheme cases, where the inefficiencies of the past and the difficulties of the present continue to have a damaging effect on these Agency customers and their children.

There are still many complaints about the Agency's apparent inability to obtain regular or any maintenance from unwilling non-resident parents. I am able this year to highlight some welcome improvements to the Agency's enforcement procedures. However, the specialist enforcement teams deal with only a small proportion of these cases and do not become involved until things have gone badly awry. Until the Agency is able to establish the right relationship with people from the beginning and strengthen its early response to failures to pay, these problems will continue. I hope to see some of the new resolve of the specialist teams filter down to front-line staff.

My own office has continued to attract high levels of customer satisfaction from complainants. Despite the increase in our work, we reduced our average case clearance time by approximately 8 weeks and we have reviewed our procedures to ensure that we give as timely and efficient a response to complainants and the Agency as possible. I am particularly pleased to report that we were one of only twelve organisations chosen to be considered, by the Cabinet Office, under the revised Charter Mark criteria. We achieved Charter Mark accreditation in October 2003. This is a tribute to the enthusiasm and commitment of my staff and reflects our determination to provide a first rate service. As always, my Case Director Phil Latus and Operations Director, Elspeth Cooper have made an invaluable contribution and I thank them for their ongoing support.

This report describes the service we provide and the progress made during the reporting year. It includes anonymised summaries of some of the complaints that we have reviewed. Finally it reflects on the Agency's progress in some key areas of concern. I hope you find it interesting.

Jodi Berg



2.

ICE Services and Standards

2.1 Independent complaints review:

The Independent Case Examiner's Office investigates complaints from clients of the Child Support Agency (Great Britain), the Northern Ireland Child Support Agency and the Northern Ireland Social Security Agency. This report focuses on our service to clients of Child Support Agency (Great Britain) who complained to the Independent Case Examiner during the reporting year. A separate report is published on our service for clients of the Northern Ireland Child Support Agency and the Northern Ireland Social Security Agency. Copies of all ICE publications can be obtained by contacting our office (contact details can be found at the back of this report) or our website at www.ind-case-exam.org.uk

We provide a free, impartial complaint review and resolution service to customers of the Child Support Agency, which aims to make a positive difference to the service clients receive. Our service is entirely independent of the Agency. It is available to those customers who have exhausted the internal complaints procedure, but remain dissatisfied with the Agency's response and/or the redress provided.

“I was out of my mind with nowhere to turn, it was a relief for someone to listen and agree with me. Very satisfied.”

Extract from client satisfaction survey

“Your personnel are fantastic. They simplified a very complex case to a positive end.”

Extract from client satisfaction survey:

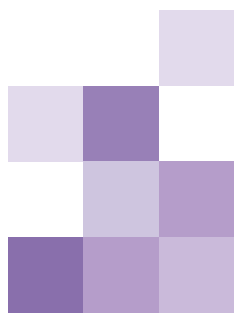
Our role is to consider complaints about maladministration. In doing so, we aim to “judge the issues without taking sides”. We are unable to investigate complaints:

- which have not been referred within six months of the Agency’s final response;
- that have not received the Agency’s final response;
- concerning matters of law or Government policy; or
- which have been or are being investigated by the Parliamentary Ombudsman.

Accessibility: Clients, or potential clients have direct access to this office. People can contact us by telephone, in writing, or on-line (ICE@ukgov.demon.co.uk). A mini-com service is available, and people can also use a local call rate number. Translation services are available on request, and copies of our publications are available in Welsh, Braille or Audio versions.

It is helpful if initial contact is in writing to help us record and identify details of the complaint. To assist people with this, we have devised a complaint proforma, which is available on line or at the back of our leaflet “The Independent Case Examiner’s Office – Our Service and Standards”. However, this is not the only way in which we accept referrals and we will do our best to facilitate access for people who find it easier to deal with us in other ways.

Our final report is also in writing, although all other communications can be conducted by telephone, if preferred. Clients using the service can appoint a named representative to deal with ICE on their behalf, should they wish to do so.



“I would like to thank the Independent Case Examiner for a very thorough and concise report.”

Extract from client satisfaction survey

How clients learned about our service: We look to the Child Support Agency to direct clients and their representatives to this office in all final responses to complaints from, or written on behalf of the Agency’s Chief Executive. During the reporting year 93% of such responses did so, compared with 82% the previous reporting year. This is a welcome increase.

Despite improvements on the part of the Child Support Agency in telling people about our service, our customer satisfaction surveys suggest that just less than half of our clients originally learned about our service from the Child Support Agency. Others do so from the Internet, their Member of Parliament, stakeholder groups and voluntary organisations.

We also receive numerous telephone calls from people, who do not know how to take forward their concerns about the way in which their case has been handled by the Agency. The advice and direction we provide, both on the telephone and in publications, helps people determine what options are available to them if they remain concerned.

2.2 How complaints are handled:

Once we accept a complaint, we establish whether we can resolve the issues raised without the need for investigation, as this generally represents a speedier outcome for the client. This involves contacting the client and the relevant Child Support Agency Centre (of which there are six) to establish whether a course of action can be agreed. If it can, a report of the agreement will be sent to the client and the Agency.

If agreement cannot be achieved to the satisfaction of the client, an investigation will be undertaken. A report of our findings will then be issued to both the client and the Child Support Agency. If appropriate, the report will include recommendations to the Agency. These can include:

- an apology;
- an explanation;
- an assurance;
- specific action to put matters right; and
- consideration of financial redress.



The Agency is expected to implement ICE recommendations other than in exceptional circumstances. Where it is unable to do so, a written explanation will be given to the Independent Case Examiner and the client. We report any such exceptions in our Annual Report.

2.3 Working with the Child Support Agency

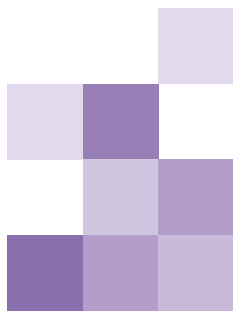
ICE can make a difference to Child Support Agency performance by raising issues which identify areas of weakness, and highlight where changes to the Agency's operational processes can improve the experience of users. These are identified through:



- case related systemic issues being highlighted during investigation of individual complaints;
- offering informed comment on change proposals and internal publications;
- a programme of visits to Child Support Agency Centres, during which the Case Examiner speaks with a cross section of staff and managers;
- attendance at the Child Support Agency's Standards Committee;
- attendance at the Agency's stakeholder forum;
- offering informed comment on Agency initiatives to improve customer service;
- effective working relations with the Agency's Focal Point for communication with ICE and with liaison teams at the Child Support Agency Centres.

Issues are brought to the attention of Senior Managers through:

- presentations to the Child Support Agency Board;
- correspondence between the Independent Case Examiner and Agency Chief Executive;
- regular meetings between the Independent Case Examiner and the Agency's Chief Executive and Operations Director;
- liaison with Agency lead Directors and Child Support Policy Managers.



“The service worked 100% for me and I would not hesitate to recommend or use the service again if I needed to.”

Extract from client satisfaction survey

“I would like to thank everybody who was involved in this case - for listening, seeing my side of the story and doing something about it.”

Extract from client satisfaction survey

Issues are also raised with the Department for Work and Pensions at regular liaison meetings. In addition, feedback meetings are held between the Case Examiner and the Permanent Secretary for the Department for Work and Pensions and with the Minister for Children and Families.

2.4 Our service and standards:

We are committed to providing a first class service to our clients.

Charter Mark recognition: The Independent Case Examiner’s Office was one of only twelve organisations selected by the Cabinet Office to participate in piloting the revised Charter Mark standards. We were delighted to receive recognition of our achievements in October 2003, by being awarded Charter Mark accreditation.

Service standards: These standards are set out in the leaflet “The Independent Case Examiner’s Office - Our Service and Standards”. When we acknowledge receipt of a complaint, we send complainants a copy of this leaflet. Copies can also be obtained from our office, or via our website (www.ind-case-exam.org.uk). The leaflet sets out the standards of service people can expect to receive from this office, our approach to complaints handling, and how to take matters forward in the event that they are dissatisfied with our service.

“We feel the case took too long. Having said that, this was our only concern. The correspondence was clear and we felt at last that someone had taken the time to look at our case and understand our concerns.”

Extract from client satisfaction survey

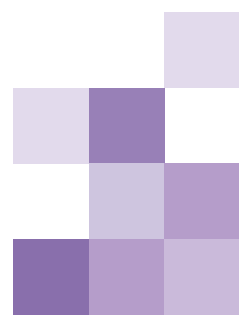
“I feel I received a high level of professionalism, in the way my complaint was dealt with and the responses I received to my queries. The only disappointment I have is the length of time it took ICE to address my complaints.”

Extract from client satisfaction survey

We post details of our performance, month on month, on our Internet site. Our annual performance in respect of our targets is outlined below:

| Target | Performance 2002/2003 | Performance 2003/2004 |
|---|-----------------------|-----------------------|
| Acknowledge letters asking ICE to investigate complaints about the Child Support Agency within 2 working days | 99.8% | 98.6% |
| Respond to clients correspondence within 10 working days of receipt | 97.8% | 99.5% |
| Complete 90% of our gateway checks – from receipt of complaint to formal acceptance or rejection of complaints – within 10 working days | 98.8% | 97.8% |
| Remind clients of their right to approach the Parliamentary Ombudsman at the time of closing their case | 100% | 100% |
| Clear cases accepted for investigation within an average of 34 weeks | 39.37 weeks | 31.87 weeks |

In our last annual report, we acknowledged that our case clearance times were longer than we would like. We are pleased to report a significant improvement this year. Despite this success, some people still wait longer than they or we would wish for our report. We continue our efforts to reduce the length of time clients wait for the conclusion of their investigation.



“I appreciate your mammoth efforts and fully understand why it took so long to complete your investigation.”

Extract from client correspondence

“I found the officer pleasant and helpful. However, I do feel that the Independent Case Examiner is not independent, and has very little power.”

Extract from client satisfaction survey

Customer satisfaction: We are keen to know what people think about our service and monitor this through our customer satisfaction surveys. In addition, during the coming year, we plan to hold a client forum at which current and former clients and key stakeholders will meet with the Case Examiner and other members of the ICE team. Participants will have the opportunity to comment on a range of issues relating to the quality of service we provide to our clients.

We place considerable value upon the views of our customers. Satisfaction surveys are routinely issued to all clients, following closure of their case. Our response rate for the year was approximately 47.5%. This information, together with that gleaned from complaints about our service, is analysed and wherever possible acted upon. For example, in response to concerns expressed by clients about the frequency with which we update people who are waiting for an investigation of their case to begin, we have put in place measures to ensure that everyone in this position receives an update every six weeks.

We continue to enjoy high levels of client satisfaction:

- 95% of clients said they were satisfied with the telephone service provided;
- 96% of clients felt their complaint was handled confidentially;
- 85% of clients were satisfied with the overall service provided.

Complaints about our service: We record any expression of dissatisfaction about the service we have provided, whether written or verbal, as a complaint. Complaints about our service provide a valuable insight into the expectations of our clients and our success in meeting them.

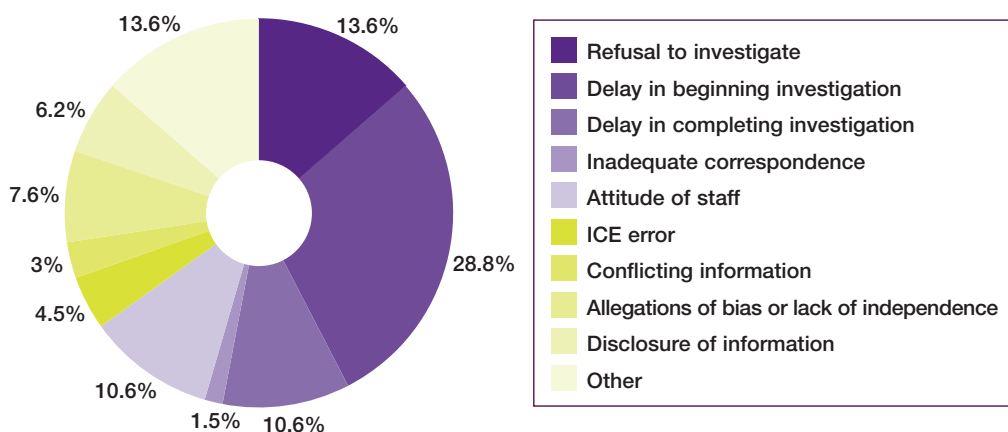
“The time for an officer to be assigned was lengthy, however, I was kept informed of this and I am completely satisfied with the investigation and the thorough report.”

Extract from client correspondence

“Extremely efficient and a much needed service.”

Extract from client satisfaction survey

During the reporting year we recorded 56 complaints about our service. As detailed below the main cause for complaint was the delay in beginning our investigation.

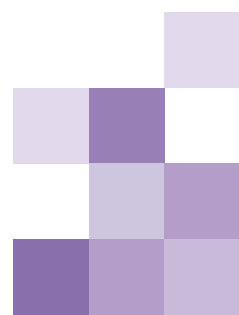


Comebacks: In cases where we do not uphold part or all of a complaint, some people seek to challenge our decision. This is entirely understandable and we respond to every contact of this kind, to try and set people’s minds at rest about the reasons for our decisions. In doing so, we remind people of their right to ask a Member of Parliament to take their complaint to the Parliamentary Ombudsman. During the reporting year we received 66 comebacks.

2.5 Our budget

This office is managerially independent of the Child Support Agency. Funding is mainly directed via the Department for Work and Pensions, Welfare, Strategy and Performance Directorate. The Department is committed to providing the Case Examiner with resources necessary for her to offer an expeditious and efficient service to Agency customers.

| Actual costs | 2003/2004 |
|----------------|-------------------|
| Staffing costs | £1,987,285 |
| Non-staff | £237,089 |
| Total | £2,224,374 |



3.

An Overview of the Child Support Agency in 2003/2004

“It would appear that your intervention has finally raised some sanity within the Child Support Agency ranks to apply some good old fashioned common sense to resolve an issue which was descending into a farce. For an issue to take five years to resolve defies normal reason.”

Extract from client's letter
of thanks

Last year's Annual Report welcomed the introduction of the Child Support Reforms. The new legislation provides a far simpler formula for maintenance calculations. The Reforms were well overdue, given the difficulties that had arisen with assessments in the past, and were generally welcomed by organisations representing Agency customers.

Alongside the legislative reforms, the Agency introduced a new information technology system known as CS2, to support staff in the delivery of a customer-centred service. The Agency promised customers that one team would be responsible for dealing with their case from receipt of a maintenance application to organisation of payment. Agency publications said that this would be achieved within an average of 6 weeks.





As the year progressed, it is fair to say that the Agency has achieved increasing levels of success in calculating maintenance on the new system in record times. However, this has by no means been the experience of all Agency customers this year. Regrettably, problems that have arisen with the computer system have affected every part of the process. In particular, new cases, which have connections to others already being dealt with by the Agency under the old legislative rules, have been subject to persistent system failures.

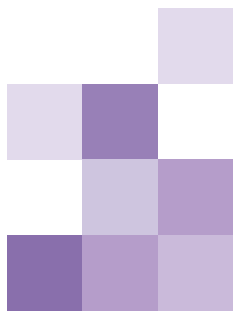
This has been disappointing for customers and staff alike and has resulted in a significant rise in the numbers of complaints received by the Agency. In turn, my office has also faced rising numbers of complaint referrals and this has been particularly marked in the last few months of the reporting year.

Despite facing considerable difficulties, the Agency Executive Team has continued to place a high priority on customer service and has recognised the central part that an appropriate response to complaints plays in this effort.

Whilst the introduction of the Child Support Reforms signalled a significant change for the delivery of service, the key functions of the Child Support Agency's business remain unchanged. On receipt of a maintenance application, whenever possible a maintenance enquiry form should be completed over the telephone in discussion with the non-resident parent (alternatively it may be posted to the non-resident parent), the Agency gathers information about the circumstances of both parents, works out maintenance, secures payment and, where necessary, takes enforcement action. However, many of the difficulties experienced by clients in the past, can still arise under the new scheme.

One of the key concerns arising from the implementation of the new information management system (known as CS2) is the inability of staff to record details of customer contact. Previously staff could record text notes in respect of communications with customers, unfortunately the new information management system does not have this facility.

The result of this is that discussions with customer, details of advice given, action instigated and commitments made by the Agency are not generally recorded. As a consequence, when customers telephone the Agency to check on progress, the person dealing with them is unable to determine this from the management information system. This situation is unsatisfactory to customer and staff, and will undoubtedly result in complaints. In addition, the lack of documented information makes it particularly difficult to investigate complaints. We understand that the Agency is taking steps to address this problem and I hope that the facility will soon be restored.



"I want you to know how very grateful I am for your intervention in this case. I do not believe that I would have reached a conclusion in any area of complaint with the Child Support Agency without your intervention. Agency staff have also worked very hard to bring this to a conclusion and they remained polite and courteous. I have also thanked them all personally."

Extract from client's letter of thanks

Turning to our working relationship with the Agency, I am pleased to report a generally facilitative approach on the part of the Agency. We rely on the Agency to work with us by providing evidence for independent review in a timely way. Delays in doing so have a significant impact on our ability to carry out investigations quickly and give our clients the service they require and deserve. The Agency's ICE liaison Teams are central to this effort and, as our caseload has increased during the course of the reporting year, the pressure mounted on them. I commend their efforts and continue to stress to Agency managers how important it is to ensure these teams have sufficient staff resources to meet time targets. This has not always been the case this year. However, I acknowledge the Agency's commitment to this important area of work.

Although the Child Support Reforms have been in the spotlight of the Agency's performance this year, it would be wrong to ignore the fact that the majority of Agency customers continue to have their cases dealt with under the old legislative rules. Cases we have dealt with this year demonstrate that this area of the Agency's business can be very complex and continues to generate complaints from parents with care and non-resident parents alike. Over 72% of the cases we accepted for 2003/2004 concerned "old" scheme.

Traditionally, the "Cinderella" area of the Agency's service has been its enforcement process. This is an area I have highlighted in previous years for criticism and it is pleasing to be able to report significant improvements in Agency practice and procedures this year. We refer to this in greater detail later in this report.

4.

Facts and figures

4.1 Complaint referrals

During the 2003/2004 business year we received 2,150 complaint referrals, 924 of which were accepted for investigation. A significant increase in referrals was noted in the last quarter of the year, during which we received 671 referrals. This compares with 1,419 and 702 respectively in the previous year and represents an increase in complaint referrals of approximately 52%. These figures need to be set against an Agency caseload of 1,203,405.

Cases we accepted for investigation: Of the 924 cases we accepted for investigation, 255 related to the Child Support Reforms, or issues associated with the new Child Support Agency computer system.

Cases we were unable to accept for investigation: Of the 1,226 cases we were unable to accept for investigation:

- 101 were not appropriate to this office, because they concerned Child Support legislation or policy; and
- 1,125 were cases where the complainant had not yet received a final response from or on behalf of the Agency's Chief Executive in the preceding six months.

“I am very pleased indeed that you have upheld this complaint against the Child Support Agency, and am grateful to you for responding in such a detailed fashion.”

Extract from a Member of Parliament's letter of thanks

If we are unable to accept a complaint because the Agency has not given a final response, we forward the correspondence to the Agency for reply. During the reporting year, 172 such complainants returned to this office because they had not received or were dissatisfied with the response they received from the Agency. This compares with 145 people in the previous reporting year.

If the Agency fails to provide the client with a final response within six weeks, and the complainant wishes to pursue their complaint, we will accept it without further reference to the Agency. We recorded only 27 such cases during 2002/2003 and are disappointed to report that this increased to 97 during 2003/2004.

During the reporting year we contacted 56 complainants, whose complaints we had referred to the Agency for a final response, to establish if a response had been received, and if they were content that it satisfactorily addressed their complaint. Of those we contacted, 10 indicated that they had not received a response, and 15 that they were not satisfied that the response they had received resolved their complaint. As a result 25 of the people we contacted asked us to accept their complaint for investigation.

Whilst this contact clearly increased referrals, the results of this survey and the comments made to us suggests that some Agency customers simply give up trying to progress their complaint further, and that more could be done by the Agency to ensure that a satisfactory and timely response is given to all those complaints referred by ICE.



4.2 Our performance

Details of our referrals and clearances are outlined below.

| Total cases cleared | 2002/2003 | 2003/004 | % change |
|-----------------------------------|------------|------------|---------------|
| Complaints not accepted | 717 | 1226 | +71% |
| Cleared by resolution | 409 | 370 | -9.5% |
| Cleared by investigation report | 390 | 436 | +12% |
| Withdrawn | 81 | 72 | -11% |
| Total cleared | 1,597 | 2,104 | +31.75% |
| Outstanding at end of year | 441 | 496 | +12.5% |

Withdrawn cases: Referrals to ICE invariably involve several issues, not all of which may fall within our remit. Once we have established that we can accept the referral, we contact the client to discuss how we might take matters forward. In doing so, we point out any aspects of the complaint that we cannot investigate and describe the alternative routes that might be pursued. Some clients choose to withdraw their complaint with ICE at this point. Some wish to pursue alternative review and appeal procedures. Others withdraw their complaint as a result of action taken by the Agency following their complaint to this office.

4.3 Our findings

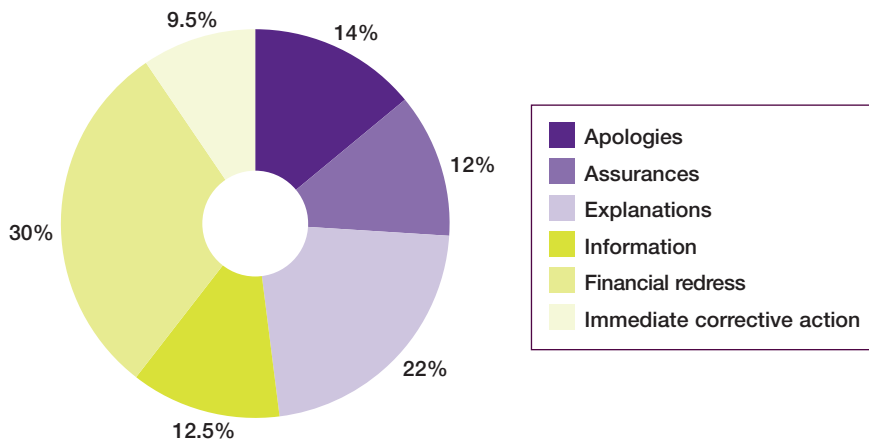
In cases we resolved: Of the 878 cases cleared during the reporting year, 370 were resolved to the clients' satisfaction without the need for further investigation, a reduction of 39 cases on the previous reporting year.

A reduction in the number of complaints we are able to resolve, coupled with a decrease in the number of complaints upheld can be an indication that the Agency is successful in taking or instigating action to resolve complaints and providing redress within its own complaints procedure. We continue to encourage this approach. However, it is disappointing that ICE continues to resolve a high proportion of complaints, which do not require substantial corrective action or financial redress on the part of the Agency to achieve this result. Whilst some clients seek assurances from an independent body, this information suggests that the Agency could still do more to address customers concerns within its internal complaints procedure.



In a number of cases, resolution has not proved possible as a consequence of the Agency’s inability to offer quick solutions to “technical difficulties” associated with the progression of maintenance applications made under the new scheme. Such cases can be “stuck” until a technical solution can be implemented, or the case is dealt with clerically. As a result, it has been more difficult for our Resolution Officers to mediate a satisfactory agreement between clients and the Agency, on action required to resolve complaints. Nevertheless, of the 370 cases we resolved, 52 related to issues associated with the new scheme.

We commend the efforts of the ICE Liaison Teams and Senior Resolution Managers to achieve successful resolution in 370 cases. During the year we gathered information about agreed resolution plans. The results are outlined below.



In cases we investigated: In determining whether to uphold a complaint we consider what action has been taken by the Agency prior to referral to ICE. If we find that the Agency has fully addressed the client’s complaint, and appropriate redress has been provided, offered or instigated, we do not uphold the complaint. Our findings in respect of those cases we investigated are detailed below.

| Investigation report cases | 2002/2003 | | 2003/2004 | |
|----------------------------|-------------|------------|-------------|------------|
| | No of cases | % | No of cases | % |
| Fully upheld | 105 | 27 | 163 | 37 |
| Partially upheld | 214 | 55 | 214 | 49 |
| Not upheld | 71 | 18 | 59 | 14 |
| Total | 390 | 100 | 436 | 100 |

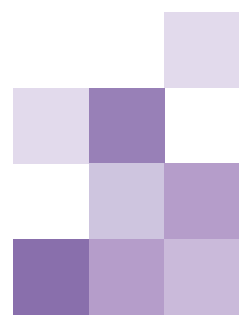
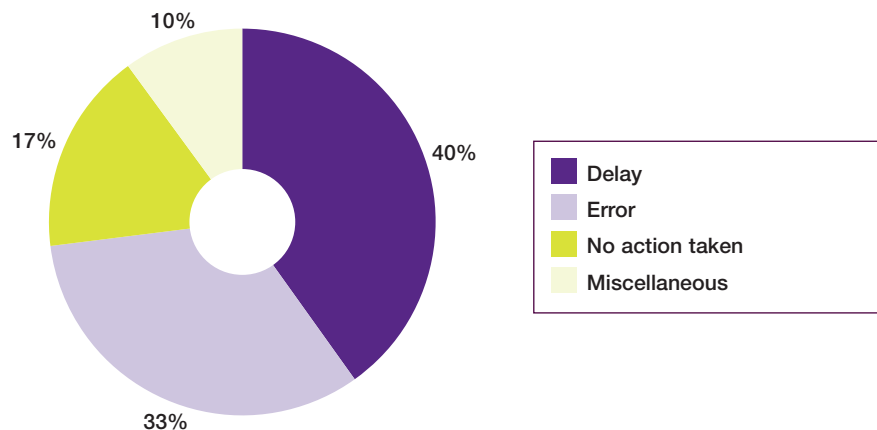
Although there has been a decrease in the number of not upheld complaints, our findings need to be considered in terms of individual complaint elements, as detailed below.

Elements of complaint: The vast majority of cases we accept for investigation comprise a number of allegations of maladministration, which often relate to completely different issues or events. To reflect this, our investigation reports present our findings in respect of each element of the client’s complaint. This allows us to provide both the client and the Agency with a more accurate view of how the Agency dealt with the different issues.

During the reporting year, we recorded that the 806 cases we cleared by resolution and investigation contained 1,939 elements of complaints. 678 of these elements were resolved and 15 were outside the jurisdiction of this office. The table below shows the outcome of our investigations into the remaining 1246 elements of complaint.

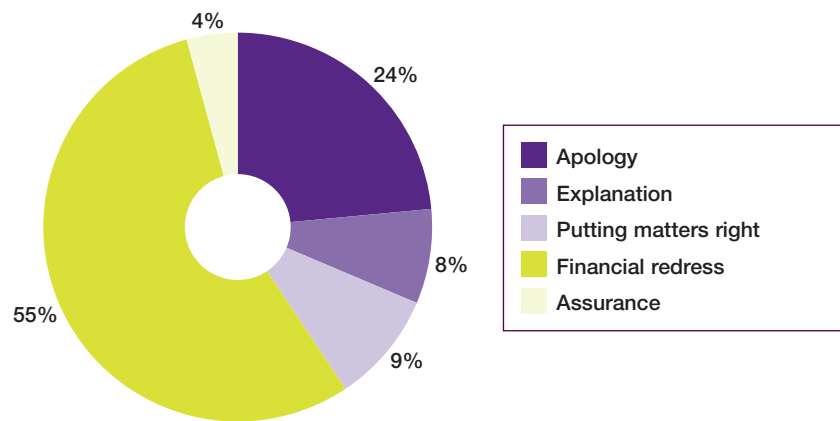
| Investigated complaint elements | 2002/2003 | 2003/2004 |
|---------------------------------|-----------|-----------|
| Upheld | 691 (57%) | 788 (63%) |
| Not upheld | 525 (43%) | 458 (37%) |

Subject of complaint: Details of the 1,939 complaint elements recorded at case clearance are outlined below.



4.4 Redress

One of our key functions is to secure redress for people where we find that the standard of service they have experienced fell below that which they were entitled to receive. We do this by making recommendations to the Agency. These recommendations fall into 5 main categories, apology, assurance, explanation, putting matters right and financial redress. During the reporting year we made 1,796 recommendations. Details of the range and type of recommendations made during the reporting year are outlined below.



Putting matters right: If we identify procedural failings our first priority is to secure commitment from the Agency to put matters right. In the case of maintenance applications processed under the new scheme, the Agency is not always able to promptly address “technical difficulties”. Nevertheless, steps can be agreed which will satisfy the client that the Agency is doing all that it can.

Financial redress: We do not regard financial redress as the only solution when things go wrong. Indeed, prompt and timely recognition and rectification of service failures on the part of the Agency can prevent the need for financial redress. That said, consideration of the appropriateness of financial redress forms a significant aspect of our work. Although we are unable to direct the Child Support Agency as to how much financial redress should be awarded, we can consider whether, in making its decision, the Agency had regard to all the relevant facts and its decision was reasonable in the circumstances. It is for this reason that we take care in our reports, to highlight those issues we think the Agency ought to take into account in deciding on the level of financial redress.

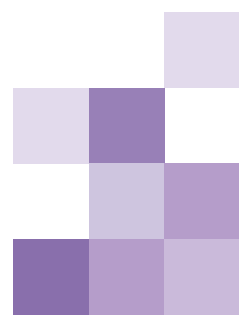


Advance payments of maintenance: In cases where arrears have arisen as a result of maladministration on the part of the Agency, in appropriate circumstances, it can offer a parent with care redress in the form of an advance payment. Before such payments can be made, a set of stringent criteria must be met, one of which is that there must be a reasonable prospect of the Agency being able to recover the arrears from the non-resident parent. We made 97 recommendations for advance payments in 2003/2004.

Deferred Debt: This scheme is operated in accordance with Child Support (Temporary Compensation Payment Scheme) Regulations 2000. It allows the Agency to choose not to collect arrears which have arisen as a result of delay in completing the initial maintenance assessment and reviews, in cases with an effective date of on or before 1 June 1999 (unless the reviews were periodic reviews, in which case the effective date must be on or before 6 December 1998). The scheme, which will remain in operation until 1st April 2005, was limited on the assumption that the Decision Making and Appeal procedures (effective from 1 June 1999) minimised review delays. We made 19 recommendations for deferred debt in 2003/2004.

Levels of financial redress in ICE cases: Our case specific recommendations have, as in previous years, resulted in the payment of significant amounts of financial redress being awarded to individual clients. These included:

- consolatory payments totalling £44,274;
- financial loss payments totalling £198,038;
- collection of maintenance arrears amounting to £48,233 was deferred or suspended;
- advance payments totalling £108,410;
- refunds of maintenance totalling £16,795;
- interest totalling £18,349 to reflect loss of the use of monies (in respect of advance payments and refunds);
- other - £36,272.



5.

Pre-assessment activity

“The case was handled in a caring and professional way. I was informed of progress throughout. The level of service was excellent.”

Extract from client satisfaction survey

The primary activity undertaken by the Agency prior to working out maintenance, relates to gathering sufficient information in respect of both parties' circumstances to inform the calculation of an initial maintenance liability. To do this, the Agency contacts the non-resident parent, which establishes the effective date of the liability. The following example is typical of the type of complaint generated as a consequence of the Agency's failure to progress this activity in a timely manner, or to consider redress when responding to a complaint.

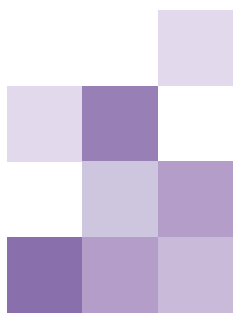
Example: Ms A complained about a six month delay in sending a maintenance enquiry form to her ex-husband. Our investigation revealed that Ms A contacted the Agency in February 2000, to say that she wished it to pursue the collection of maintenance on her behalf, as the non-resident parent had failed to make payments in accordance with a voluntary agreement. She repeated her request in April 2000, however, a maintenance application was not sent to her until 8 August 2000. A maintenance enquiry form was subsequently issued to the non-resident parent on 30 August 2000, which established the effective date of his maintenance liability.

The Agency accepted responsibility for the delay in issuing the maintenance enquiry form prior to Ms A complaining to ICE, but refused compensation in respect of financial loss, on the grounds that the non-resident parent had not established a regular payment pattern. However, we found that the non-resident parent had been making voluntary payments during the period in which the Agency had been dealing with the case, information that had not been considered by the Agency in refusing compensation. We recommended that the Agency re-consider its decision not to award compensation. The Agency accepted our recommendation and has now accepted that a payment pattern is not a pre-requisite for providing financial redress.

In referrals received in the reporting year, delay in completing pre-assessment activity was one of the key causes of complaint, across old and new scheme cases. An example of this is detailed below.

Example: In May 2003, Mrs B complained that despite having made an application for maintenance in March 2003, an assessment had yet to be calculated and as a result she had incurred a financial loss.

Our enquiries revealed that a maintenance application had been received by the Agency on 13 March 2003. Following the representations of an ICE Resolution Officer, the complaint was resolved to Mrs B's satisfaction, following the issue of a maintenance enquiry form to the non-resident parent on 18 June 2003 and the initial calculation of maintenance on 14 July 2003, effective from 18 June 2003. The Agency also agreed to consider awarding a compensatory payment in respect of financial loss resulting from the delay in issuing the maintenance enquiry form and a consolatory payment in recognition of the poor standard of service provided to Mrs B.



“Full credit to my resolution officer, she handled my case, my anger at the Child Support Agency, my absolute frustration with exactly the right degree of sympathy and efficiency, keeping me informed throughout.”

Extract from client satisfaction survey

For some clients, delay in issuing the maintenance enquiry form has resulted in their maintenance being calculated in accordance with the new rules. Some clients believe that they have suffered a financial loss as a result of their application being calculated under the new rules, as illustrated by the example below.

Example: Mrs C complained that having applied for maintenance in October 2002, the Agency had lost her application. She said that despite numerous requests for a duplicate application to be issued to ensure that the assessment could be calculated under the old rules, the Agency had told her this was unnecessary. The Agency subsequently admitted to having lost her application and a duplicate was issued in March 2003. A maintenance enquiry form was issued later the same month and a calculation of £40.20 a week was made, using new rules, in April 2003, effective from 9 April 2003. Mrs C complained that the Agency’s National Enquiry Line had advised her that had her application been assessed under the old rules the assessment would have been in the region of £90. She said that she had suffered a financial loss for the delay in progressing her application.

At the time of report issue the Agency had made a compensatory payment of £50 in recognition of delay. It had refused a payment in respect of financial loss on the grounds that the non-resident parent had made voluntary payments during the period October 2003 to April 2003, which exceeded that which would have been due had an assessment of £40.20 a week been in place.

The Agency subsequently issued guidelines on compensation, in cases of this kind. We accepted that the Agency could not turn back the clock to consider the application under old rules, nor could it compensate Ms C for a potential, un-quantifiable loss. However, we recommended that it consider a further significant consolatory payment to reflect the detrimental impact of its maladministration. Ms C received a consolatory payment of £500.

It is inevitable that the implementation of the Child Support Reforms will give rise to novel complaints, some of which will not have been anticipated. In such cases, a measure of the Agency’s success will be the speed with which it seeks to address new problems that arise and the reasonableness of its response in terms of considering and providing appropriate redress. Additionally, we will be looking for evidence that the Agency is providing clear and timely guidance to its complaint handlers, to help them deal with complaints arising from known service failures or system problems.

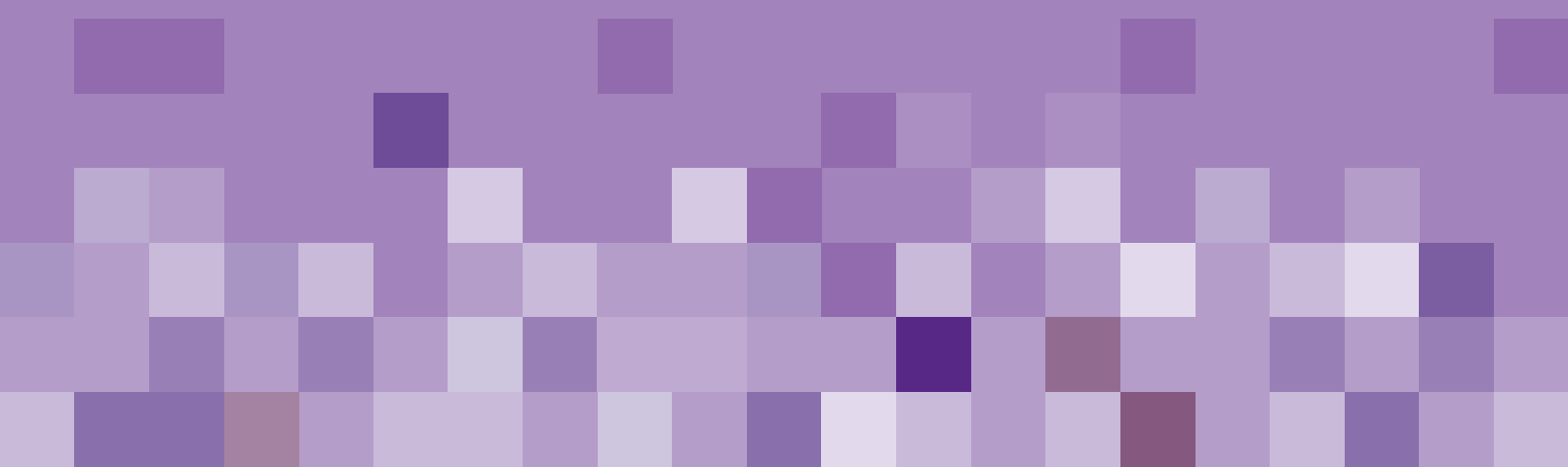
6.

Assessing maintenance and securing compliance:

"I am just writing to say how impressed I was with the thoroughness of your investigation into my complaint. Whilst doing nothing to change the amount of maintenance I am being paid, I do feel I was at least taken seriously."

Extract from client's letter of thanks to ICE

Delays in calculating maintenance liabilities and securing compliance have been a feature in our referrals year on year. Such problems often arise as a result of non-compliance, or delay, on the part of one or other parent in providing information or establishing a regular payment pattern. However, processing delays on the part of the Agency are not uncommon. As illustrated by the following example:





Example: Miss D complained that the Agency had failed to calculate an initial maintenance assessment. An application for maintenance was received in March 1999, and an enquiry form was promptly issued. The non-resident parent failed to respond until September 1999, when he disputed paternity. However, paternity was subsequently accepted in April 2000 and a completed enquiry form was received in August 2000. The Agency made no further attempt to progress the case until February 2001. Throughout this period the Agency had been gathering information to inform the calculation of a linked case. Despite having sufficient information in March 2001 to inform an assessment, nothing happened and the Agency wrote to request further information from the non-resident parent in September 2001. In October 2001, he replied that he was self-employed. A referral was not made to the self-employed team until January 2002. An earnings enquiry form was issued in February 2002, and in April 2002 the non-resident parent was warned of the possible imposition of an interim maintenance assessment. In the absence of a response the Agency failed to instigate follow-up action.

In August 2002 the non-resident parent provided contact details for his accountant. No action was then taken. In November 2002, the Agency acknowledged that the case should be progressed as a priority. In February 2003 a compensatory payment of £100, plus £15 for communication costs was awarded in recognition of delay. The non-resident parent was again asked for information about his financial circumstances and warned that an interim maintenance assessment would be imposed.

The introduction of the Child Support Reforms on 3 March 2003 meant that the case would be calculated under the new rules and the Agency could not impose an interim maintenance assessment. Technical difficulties then delayed the calculation of maintenance until August 2003, four and a half years after the maintenance application was made.

Miss D was in receipt of a prescribed benefit throughout the period. We recommended that the Agency consider the loss of her entitlement to Child Maintenance Bonus* prior to March 2003 and loss of entitlement to Child Maintenance Premium for the period March 2003 to August 2003. We also recommended that the Agency award a further consolatory payment in recognition of the maladministration identified in our report.

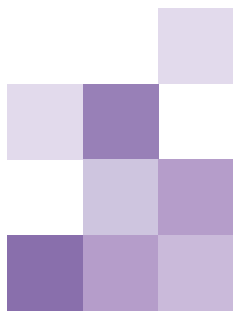
* Parents with care in receipt of a prescribed benefit prior to March 2003, in cases where the Child Support Agency was collecting maintenance payments, were entitled to claim Child Maintenance Bonus on commencing employment.

Prior to the introduction of the Child Support Reforms, the Agency aimed to complete an initial maintenance assessment and make first payment to parent with care within 20 weeks of having received all relevant information from both parents. With the introduction of the Reforms, this target reduced to 6 weeks, by the end of March 2004. In many cases this shorter target has indeed been achieved, particularly in respect of new applications where neither parent has involvement with any other case with the Agency and where the non-resident parent accepts their responsibility to pay maintenance.

For other Agency customers, problems associated with the new and complex computer system have resulted in unforeseen delays. As illustrated by the following examples:

Example: In December 2003, Ms E complained that the Agency had delayed in calculating maintenance and in securing regular maintenance payments, as a result of which she had suffered a financial loss. We established that a maintenance application had been received on 14 March 2003, and maintenance of £115 a week had been calculated on 18 June 2003 effective from 4 June 2003. Following the calculation of maintenance the Agency experienced technical difficulties. On 6 August 2003 the case was referred to a specialist team to be progressed clerically. On 30 October 2003, maintenance was revised to £81 a week effective from 29 September 2003, and a deduction from earnings order was imposed. The first payment was issued to Ms E on 14 November 2003.

As a result of our representations, the complaint was resolved to the client's satisfaction when the Agency agreed to: consider awarding a compensatory payment in respect of financial loss (three month delay in issuing enquiry form, which established the effective date of maintenance liability), consider awarding a consolatory payment in respect of poor customer service and communication costs incurred, consider whether Ms E was entitled to an advance payment of arrears, and finally issue a letter of apology.





Example: In September 2003, Miss F complained that the Agency delayed in calculating a maintenance assessment and securing maintenance payments. Miss F made an application for maintenance in November 2002. A maintenance enquiry form was not issued until 31 January 2003, and the completed form was received on 20 February 2003. In line with Child Support legislation, the non-resident parent qualified for a deferred effective date, for returning his enquiry form within 28 days. The effective date of the maintenance calculation was established to be 28 March 2003. Miss F wrote to the Agency on 29 July 2003 (the Agency was unable to provide a copy of the letter) and the Agency responded on 12 September 2003 explaining that it was experiencing teething problems with its new computer system. Apologies were offered for the delay in progressing the case. Later the same month the case was transferred to the Agency's specialist clerical team to calculate maintenance "off line". A liability of £50.27 a week was calculated on 29 September 2003 effective from 28 March 2003.

Having received notification of the maintenance calculation, the non-resident parent reported a change of circumstance. The first payment was due to be made on 7 November 2003, but no payment was received. At the time of report issue, in February 2004, the Agency had failed to complete the change of circumstance review and had not pursued action to impose a deduction from earnings order.

We criticised the Agency for the delay in issuing the enquiry form and calculating maintenance. We recommended that it award a payment for financial loss, which took account of normal processing times, and recognised the considerable delay in issuing the maintenance enquiry form and establishing the effective date of the maintenance liability. We also criticised the Agency for failing to take prompt action, following notification of a change of circumstance, to bring the case up to date and secure payment. We recommended that it consider awarding a consolatory payment in recognition of delays and failure to enforce the collection of maintenance.

“I have today received a compensatory cheque from the Child Support Agency for £1,459.65. I cannot thank you enough and neither can my kids.”

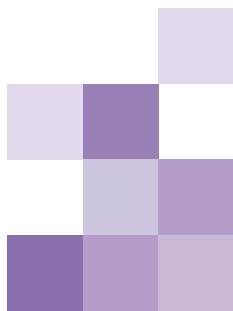
Extract from client's letter of thanks to ICE

Example: Ms G was told that a maintenance payment would be made to her. However, she was subsequently advised that due to a system fault the payment would not be issued. Following our representations the Agency acknowledged that technical problems with its computer system were affecting the issue of payments to Ms G. Having provided details of the payments that had been received and details of when these payments had/would be made to Ms G, the Agency issued an accounts breakdown and gave an assurance that it would monitor payments closely, until the technical problems were resolved. The Agency also asked its special payments team to consider a consolatory payment, in recognition of the delay in issuing maintenance payments. In response, Ms G indicated that the action taken by the Agency resolved her complaint and the case closed.

Whilst delays associated with the implementation of new computer system may not be avoidable in the same way as processing delays brought about by inaction or procedural oversights, they nonetheless have a detrimental impact on customers. The Agency has an obligation to give prompt consideration to appropriate redress in response to any service failures experienced by its customers, and to do its utmost to ensure that money is flowing for the care of children as quickly as possible.

It is not always reasonable to expect people to wait until computer problems are resolved before this happens, particularly when there is no clear indication of when this will be. The Agency has contingency measures to provide a clerical calculation of maintenance if necessary, but this course of action is not taken lightly. The management of the calculation and collection of maintenance without the assistance of a modern computer system is not without risk, and the Agency is currently unable to say how it could return a clerically processed application to the computer-managed system. The Agency is currently considering this issue.

Whilst it is hoped that technical difficulties will reduce over the coming months, the two key features of delays in the old system, namely lack of co-operation from parents and processing delays on the part of the Agency, continue to be a feature of the new system. The former can be minimised by prompt follow up action on the part of the Agency, and the latter by effective case management. We shall be looking for evidence of a proactive response to these problems in future investigations, to guard against the failings of the old system becoming an underlying feature of the new.





Voluntary Payments:

The Agency increasingly encourages parents to make voluntary payment arrangements between themselves, once a maintenance liability has been calculated. In some cases, this continues the arrangements that were in place prior to the calculation. The Child Support Voluntary Payments Regulations 2000, which came into effect in March 2003, defined which payments could be classed as maintenance. During the reporting year we have reviewed a number of cases where the complaint concerned the Agency's failure to accurately take account of voluntary payments. Consideration of voluntary payments can become an issue when parents disagree about payments made to the parent with care during the initial payment period (the period between liability commencing and the non-resident parent being asked to make the first payment to the Agency).

Such payments can be deducted from any outstanding arrears accrued during the initial payment period. Complaints can result from a failure on the part of the Agency to explore fully whether voluntary payments should be taken into account or from its refusal to do so.

When a non-resident parent reports having made voluntary payments during the initial payment period, the Agency should seek confirmation of this from the parent with care. If the parent with care does not confirm receipt of payments, or states that they were made for another purpose, the burden of proof lies with the non-resident parent to provide evidence that payments were made for the purpose of child maintenance.

Example: Mr H complained that the Agency had not taken account of a voluntary payment of £750, which he had made to the parent with care. Our investigation showed that a maintenance application had been received on 5 April 2000, and a maintenance enquiry form issued on 5 May 2000. Mr H returned the enquiry form promptly and the effective date of his liability was deferred until 30 June 2000. The Agency subsequently refused to take account of the voluntary payment of £750, on the grounds that it had been paid in April 2000, before Mr H's liability to make payments via the Agency commenced.

However, Mr H later received contradictory information regarding the date the enquiry form had been issued, which suggested that this was April 2000, rather than on 5 May 2000. Had this been the case, he would not have qualified for deferment and his maintenance liability would have commenced some time in April. We found that the evidence was consistent with the enquiry form having been issued in May 2000, and that the Agency had acted correctly in not taking account of the £750 payment. We did not uphold the complaint.

Dissatisfaction over the way in which voluntary payments have been treated has the potential to influence a non-resident parent's willingness to comply with requests to commence payment of regular maintenance. It is therefore essential that concerns of this kind are addressed in a thorough and timely manner. Of the 17 complaints we reviewed during the reporting year, 3 were resolved to the client's satisfaction, 5 were upheld and 9 were not upheld. In those cases we upheld, we found that the Agency had not properly looked into the matter, resulting in unnecessarily protracted correspondence between the non-resident parent and the Agency.

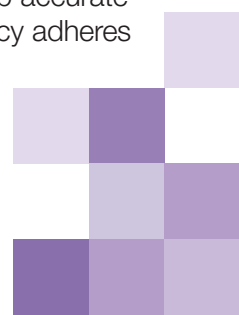
Example: Mr I complained in July 2003 that the Agency had failed to take account of voluntary payments made to the parent with care in 1994, despite proof of payment having been provided. He said he had been told that the parent with care had denied receiving payment, but his MP had been told that he had failed to provide evidence of payments. Where a case is closed, but arrears are outstanding, the Agency should retain all paperwork associated with the case until such times as the arrears are paid. In this case, we found that the case papers had incorrectly been destroyed, hindering the thorough investigation of Mr I's complaint.

We found that Agency involvement in the case started in May 1994, but that the issue of voluntary payments was not raised until March 1997. In April 1997, the parent with care advised that no voluntary payments had been received. As such the burden of proof lay with Mr I.

In general we found that the Agency had undertaken appropriate investigations to establish if voluntary payments had been made. However, we found that endowment payments made by Mr I during the periods January 1994 and January 1995, and mortgage payments made between June 1994 and August 1994, had not been raised with the parent with care. We recommended that the Agency establish if these were acceptable as voluntary payments.

The percentage of complaints concerning voluntary payments that we did not uphold is encouraging. The timely consideration of non-resident parents' assertions regarding voluntary payments would enable us to uphold fewer such complaints and we hope to be able to report this in next years' Annual Report.

We are aware that private clients are encouraged to enter into voluntary agreements until the Agency has worked out maintenance. To prevent subsequent disagreement over what has been paid in respect of a past period, it is essential that clients are properly advised from the outset to keep accurate records and documentary evidence of payments, and that the Agency adheres to established procedures when asked to arbitrate.



7.

Enforcement

In last year's Annual Report we welcomed the introduction of new debt enforcement procedures and guidance. It was expected that their implementation would ensure that those non-resident parents who sought to avoid their responsibility, were unable to do so.

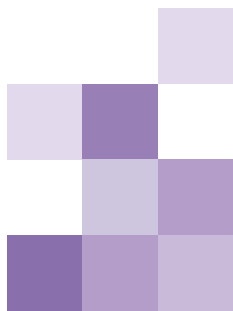
The Agency's new "children can't wait" initiative is at the very heart of the impetus for effective and timely enforcement action. It holds that enforcement must be instigated promptly, before a pattern of non-compliance has been established, and a sizable debt has been allowed to accrue. Key to the success of this objective will be the timely referral of cases for enforcement action by the Agency's business teams, and the ability of the enforcement teams to keep abreast of the volume of cases being referred for action. This is particularly pertinent as the number of staff dealing with enforcement represents in the region of only 2% of Agency staff.

In current investigations we are looking for evidence that measures are in place to ensure that timely enforcement is an inevitable consequence of non-compliance. However, this year the majority of enforcement complaints we investigated spanned a number of years, and had their roots firmly in the past. As such, they do not necessarily reflect current practice. In such cases, we look to see that errors of the past have been considered in terms of redress and that a clear plan is now in place to secure maintenance, taking into account the circumstances of the case. Whilst successes have been achieved in some cases, in others the failings of the past have been perpetuated, rather than rectified prior to referral to this office.

One of the major difficulties the Agency faces is locating non-resident parents who do not want the Agency to be aware of their home address or workplace, and in this way seek to avoid their responsibilities. There is no legal duty placed on parents to keep the Agency informed of their whereabouts and, therefore, no sanction if they do not do so. This can result in years of frustrating effort on the Agency's part, to trace unwilling parents. As the following examples illustrate:

Example: Ms J complained that the Agency had not been proactive in obtaining maintenance on her behalf. Our investigation revealed that from the outset the non-resident parent had failed to comply with the Agency. A maintenance application was received in May 1995 and an enquiry form was issued in August 1995. However, despite its non-return, an interim maintenance assessment was not imposed until April 1996. Shortly after, the non-resident parent's circumstances changed. The Agency was unaware of his whereabouts until October 1997, but failed to take any constructive action until April 1998.

From April 1998 until May 2001 the Agency attempted to trace and secure maintenance from the non-resident parent, by means of a deduction from earnings order. We found that its attempts, although hampered by the non-resident parent's constant changes of circumstance, were inconsistent and uncoordinated. We also criticised the Agency for its single-track approach to securing compliance. A liability order was eventually secured in July 2001. Our investigation report recognised that the Agency had awarded consolatory payments amounting to £360 in recognition of service failures, which had been instigated prior to referral to this office. However, we recommended that the Agency consider compensating Ms J for financial loss, as a result of a delay in issuing a maintenance enquiry form. The Agency awarded compensation of over £1,100. At the time of report issue, the Agency was considering a range of enforcement measures, including the use of committal proceedings.



“Excellent service.
The CSA have been
prompted to act.
Having said that
no one will be
able to make my
ex-husband pay!”

Extract from ICE client
satisfaction survey

Example: Mrs K complained that the Child Support Agency had failed to take appropriate action to obtain maintenance on her behalf and pursue enforcement action in a timely manner. Our investigation showed that the service failings on the part of the Agency spanned a number of years. Having received Mrs K’s maintenance application in August 1993, and secured information regarding the non-resident parent in May 1994, a maintenance enquiry form was not issued until October 1997. Mrs K therefore lost entitlement to maintenance for a period of over four years. The non-resident parent failed to return the enquiry form, but the Agency secured information from his employer and a full maintenance assessment was calculated in March 1998. However, the non-resident parent left his employer before action was taken to secure payment.

The Agency subsequently obtained a contact address for the non-resident parent, at which it communicated with him between October 1999 and April 2000. Although there is evidence that he was not working during this period, in February 2001 Mrs K advised the Agency that he was working. Despite confirming this, the Agency took no action to collect maintenance or pursue the outstanding arrears.

Following a complaint by Mrs K, the Agency issued notification of its intention to apply for a liability order in October 2001. However, following advice that the non-resident parent had moved address, a decision was made in February 2002 not to proceed. In July 2002 having again made contact with the non-resident parent the Agency reached an agreement for the payment of arrears. Mrs K was subsequently advised that the arrears could not be enforced because of the non-resident parent’s situation at that time.

We found maladministration on the part of the Agency and recommended a consolatory payment in recognition of delays. We also recommended consideration of compensation for financial loss due to the four-year delay in issuing a maintenance enquiry form, and that immediate consideration be given to securing a liability order. Mrs K was awarded a consolatory payment, and a financial loss payment (plus interest), in excess of £6,000.

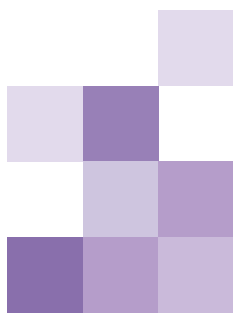
“Increased resources have been permanently allocated to enforcement. Staff have been provided with the training, guidance, processes and support to equip them to enforce maintenance decisions in an effective and professional manner. Most importantly, through the definition of an enforcement policy, staff are now aware of what is expected of them and committed to ensuring they deliver on this expectation for the benefit of the children and parent with care.”

Quote from the Agency's Senior Manager with responsibility for enforcement:

These examples illustrate not only past failings on the part of the Agency, but also a lack of investigative rigour in terms of exploring how to resolve complaints and instigate action which will enable the case to be progressed. Additionally, they highlight the degree of tenacity required by parents with care, which has to be maintained over a sustained period of time, until redress can be secured.

We often see cases in which there has been a reluctance on the part of the Agency to progress enforcement measures if there is a nil liability in place, although this does not automatically preclude the Agency from pursuing enforcement to secure periods of past debt. Additionally, delays in enforcement can be the result of a non-resident parent persistently requesting reviews, departures or appeals. The Agency's failure to pursue enforcement, because of a nil liability or ongoing disputes regarding the maintenance liability, is in many cases inappropriate when there are periods of past “safe debt”, which remain unaffected. In such situations it is incumbent upon the Agency to ensure that it gives full consideration to enforcing the recovery of this debt.

In future investigations, we hope to see evidence of the implementation of the revised enforcement guidance. This should result in a more proactive and coherent approach to planning enforcement, coupled with greater discretion in determining the most appropriate method of enforcement in individual cases. The Independent Case Examiner welcomes the Agency's commitment to putting this important area of work on a sound footing.



The following extract from a letter of thanks to one of the Agency's enforcement teams, illustrates the importance of this approach from the parent with care's perspective.

Extract from letter of thanks sent to one of the Agency's enforcement teams:

"I am writing with regard a complaint I made in May 2003. At the time of making my complaint, I felt sure the Agency would not be able to resolve the issues I had raised. I am now writing to inform you that I am very happy with the way the Agency has approached my case, and in the manner in which it was handled by staff.

Staff worked hard on my case and kept me informed every step of the way, which I appreciated. It cannot have been easy to get the message across to the non-resident parent without being intimidated, but the result was that he agreed to pay by direct debit. Something no one has been able to achieve before."

Resolution of enforcement complaints: During the reporting year, we have been surprised by the number of enforcement cases, which we have been able to resolve to the clients' satisfaction, simply by securing agreement from the Agency to provide a basic level of service. As illustrated by the following example:

Example: Ms L complained that she was unhappy with the Agency's failure to take enforcement action to secure payments and to act on the information she had provided about the non-resident parent. In response to our representations the Agency provided a chronology of its action, details of the redress it had provided in recognition of its service failures, along with details of the current position with regard to enforcement action. In response, Ms L indicated her contentment with the action taken by the Agency and the case was closed.

This case illustrates the importance of keeping both parties updated on the progress of their case.

8.

Cross Agency complaints

In last years' Annual Report we highlighted the importance of the Child Support Agency having effective working arrangements with other agencies. This is essential in the case of Jobcentre Plus (made up of the former Benefits Agency and the Employment Service), which has responsibility for referral of approximately two thirds of all Agency cases and undertakes various client-facing activities on its behalf making decisions, which may impact on Child Support Agency cases. Jobcentre Plus and the Child Support Agency have service level agreements, which specify timescales for the relevant cross agency activities.

Jobcentre Plus currently has no independent complaints review service available to its customers. However, in recognition of its joint responsibility to Child Support Agency customers, the Independent Case Examiner is able to consider matters that it handles on the Agency's behalf. The Child Support Agency takes responsibility for paying any financial redress that may be recommended.



The example detailed below illustrates the importance of the role of Jobcentre Plus, in terms of ensuring that the Agency has correct and timely information about a non-resident parent's benefit status:

Example: Mrs M complained that the non-resident parent had ceased claiming benefit in February 2001, but that the Agency had taken no action to confirm his circumstances. Mrs M said that she had been informed by the Agency that the delay was the result of a failure on the part of Jobcentre Plus to notify it that the non-resident parent had ceased claiming benefit.



Our investigation revealed that, having undertaken a review of the maintenance assessment in February 2000, the Agency was notified by the non-resident parent that he had been unemployed since December 1999. In April 2000, the non-resident parent's liability reduced to nil and, in accordance with standard procedure, the Agency approached Jobcentre Plus to establish if it could deduct a contribution to maintenance from his benefit income. A reply was received in May 2000, indicating that Jobcentre Plus was unable to deduct a contribution to maintenance because of the non-resident parent's circumstances.

Mrs M wrote to the Agency in August 2002, saying she believed that the non-resident parent was working. Jobcentre Plus subsequently confirmed that he had been in receipt of benefit during the periods: January 2000 to August 2000; December 2000 to February 2001; and August 2002 to the time of report issue (September 2003). Mrs M had therefore lost the opportunity to secure maintenance for the period February 2001 to August 2002. The Agency had no record of having been advised of the various changes to the non-resident parent's circumstances post April 2000.

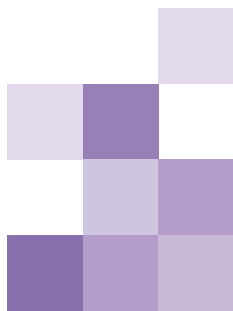
We investigated the breakdown in communication between the Agencies. Jobcentre Plus held no documentation registering the Agency's interest in April 2000 and it had not been recorded on its computer system. We concluded that there had been a failing on the part of Jobcentre Plus to record Agency interest, although it had provided a response to the question of whether the non-resident parent was in receipt of a benefit from which deductions could be made in 2000.

We recommended that the Agency complete a notional assessment for the periods during which the non-resident parent was working, and consider compensation in respect of financial loss. In addition, we recommended consideration of compensation for any periods during which the non-resident parent's liability would have allowed a deduction to be made, by way of a contribution to maintenance. Finally, we recommended consideration of a consolatory payment in recognition of the maladministration that occurred.

In some cases it falls to Jobcentre Plus to consider and, if appropriate, undertake an investigation into allegations of benefit fraud made against a parent involved in a Child Support Agency case. However, the following example illustrates that referral of an allegation of fraud to Jobcentre Plus, may not automatically result in an investigation:

Example: Mr N complained that the Agency had not adequately dealt with his allegations of fraud. Our investigation revealed that his allegations had been referred by the Child Support Agency's fraud section, to the Benefits Agency (now Jobcentre Plus), as the allegations concerned benefit fraud. The Child Support Agency was unable to determine, either from information contained in its own records or those of the Benefit's Agency, any reason why the allegations were not investigated, other than a suggestion that it was the result of high workloads. We were critical that the Agency did not seek to challenge this, given that the outcome of any fraud investigation has the potential to affect the maintenance liability. We have since been advised that the reason for rejection was that the case had previously been investigated by Jobcentre Plus, but the Child Support Agency was not given this information at the time.

During the reporting year the Independent Case Examiner met with the Chief Executive of Jobcentre Plus, to discuss issues arising from cross Agency complaints, particularly in cases where fraud allegations have been made. She was heartened by the positive response she received and by the Agency's assurance that action is taken on Child Support Agency referrals whenever appropriate. In the coming year we will monitor cases we accept for investigation, which have cross-Agency involvement. Our aim is to help identify areas where the jointly delivered service can be improved.



9.

Agency complaints handling

In previous annual reports we have described shortcomings in the Agency's complaint handling procedures and the impact that this had on customers' ability to progress their complaints. From the Agency's point of view, operating a clear complaints procedure, with the emphasis on resolving complaints at the earliest opportunity, can minimise the amount of time and effort involved in dealing with complaints. A prompt response to a complaint can enhance a customer's appreciation of an organisation, whilst a delayed or poor response can have a lasting negative impact. The vast majority of people want their concerns addressed promptly and appropriate action taken to provide redress, without having to refer their complaint further.

To this end, we welcome the range of initiatives being undertaken by the Agency's six business units, under the umbrella of complaint handling, such as:

- a review and clarification of the Agency's new complaints process;
- the introduction of working practices to address complaints which ICE has referred back to the Agency, in order to prevent escalation; and
- initiatives to raise awareness at grass roots level, of the need to identify and resolve complaints at the earliest opportunity.

“We would like to say how grateful we are to our Resolution Officer, it was such a relief for us to know that we had somebody listening and taking notice, after ten long years of pillar to post action from the CSA.”

Extract from ICE client satisfaction survey

“Your service needs to be published more widely, so people are aware of you, otherwise the CSA will have people going round in circles, past from pillar to post, with issues not being resolved.”

Extract from ICE client satisfaction survey

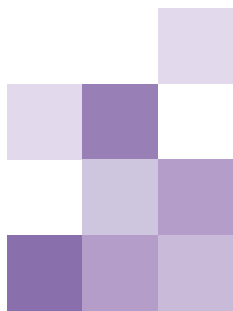
Prior to referral to ICE: The Agency’s complaints improvement programme has resulted in agreement on a clear and structured approach to complaint handling, which incorporates:

- initial action, aimed at resolving the client’s complaint;
- referral to the Area Director if the client is unhappy that sufficient action has been taken to address/resolve their complaint, with written responses including information on how the client should progress their complaint if they remain dissatisfied; and
- a final response, from or on behalf of the Agency Chief Executive, which signposts clients to the ICE service.

It is now necessary to ensure that all relevant staff receive the appropriate training to prepare them to deal with complaints, so that people do not need to complain again.

Following referral to ICE: Our complaint resolution process continues to raise doubts about the thoroughness of Agency responses to complaints. This is illustrated by the following case studies:

Example: Ms O complained that during 2002, correction of errors on a linked case had reduced the arrears owed to her by £600. In discussion with an ICE Resolution Officer Ms O indicated that in order to resolve her complaint she wanted a letter from the Child Support Agency explaining the reduction in her outstanding arrears figure. The Agency agreed to provide a written explanation and the complaint was resolved to the client’s satisfaction.





Example: Mr P complained that the Agency had failed to confirm whether or not a telephone conversation had taken place with the parent with care on 26 January 2003. In addition, he said that the Agency had failed to confirm the date from which the case had been closed. In response to representations from our Resolution Officer, the Agency confirmed that it had no record of a telephone conversation with the parent with care on the day in question and that the case had been closed from 5 February 2003. Mr P subsequently indicated that the action taken by the Agency had satisfactorily resolved his complaint.



Whilst we fully appreciate the helpful efforts made by the Agency's ICE liaison teams in facilitating the resolution of complaints following referral to ICE, it should not be left to them to achieve this. These issues can and should generally be dealt with as part of the Agency's own resolution action. It is disappointing to note how many complaints resolved by ICE require minimal action on the part of the Agency to achieve this.

Cases we investigate: Our investigation reports routinely comment on the quality of the Child Support Agency's complaint handling procedure. Where this has fallen short of the required standard, we ask the Agency to recognise this by offering an apology. Where complaints handling is so poor as to amount to maladministration, we can recommend consideration of a consolatory payment.

Given the number of complaints we uphold, it is not surprising that we frequently have to criticise the Agency for failing to respond in a full and timely manner to the issues raised by its customers. This is primarily the result of the Agency's failure to fully investigate the background to the complaint, and by so doing recognise the extent of the maladministration that has occurred.

“I find it appalling that CSA cannot provide the same level of service themselves. I presume you are not a charitable organisation, which means that twice as much money is spent on dealing with complaints than necessary – for which the tax payer foots the bill.”

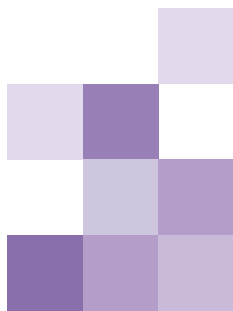
Extract from ICE client satisfaction survey

That said, we welcome all those cases where the Agency has made every effort to respond to the issues raised by the customer, prior to the complaint being referred for independent review, as illustrated by the following example.

Example: Mr Q made a number of complaints including a final complaint that the Agency had failed to fully address the queries he had raised, prior to the involvement of ICE. We did not uphold any of Mr Q’s complaints. With regard to the final complaint, we found that the Business Unit’s Senior Resolution Manager had undertaken a thorough investigation of the case and provided Mr Q with two extremely detailed reports, in a concerted effort to address every complaint he had made to the Agency. We expressed the view that the Agency had provided Mr Q with an exceptional service making every attempt to allay his concerns.

Complaints about Agency staff: In last year’s Annual Report, we raised concerns about cases where clients had made complaints about the actions of named members of staff. In a number of these cases, clients had been assured by the Agency that an investigation was underway or had been completed, however our investigation failed to reveal evidence of any such action. Such complaints continued to feature in the cases we investigated during the reporting year.

We are pleased to report that, in response to these concerns, the Agency has developed a standard procedure for dealing with allegations about staff rudeness/misconduct.



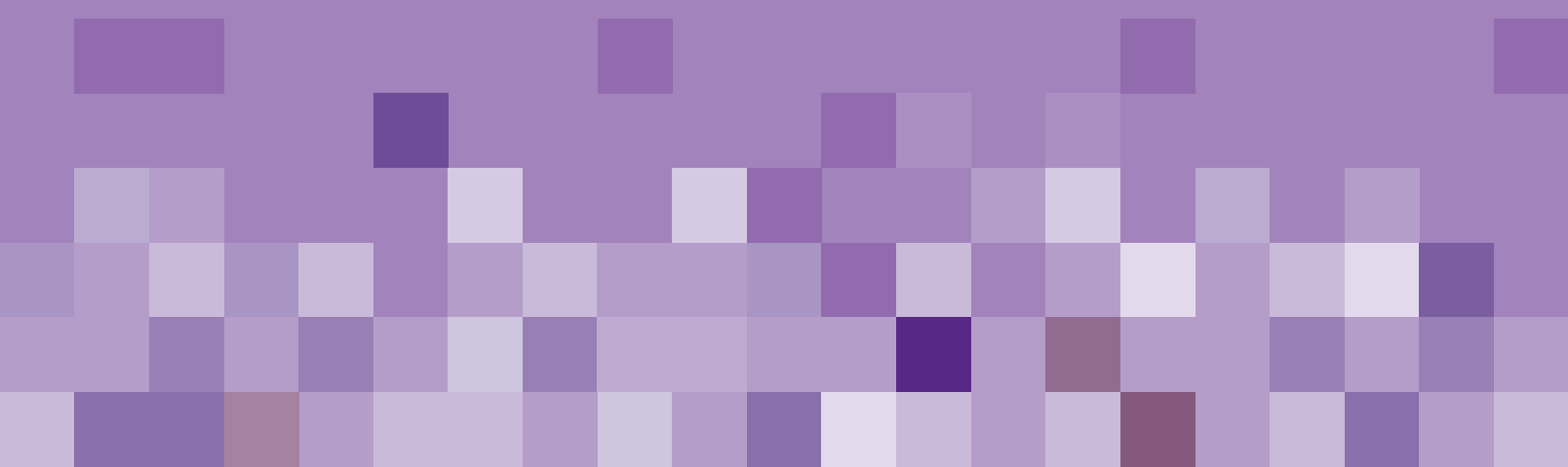
10.

Agency response to ICE Reports & recommendations:

“Whilst I thought ICE gave a first class service, I am still being treated very poorly by the party I complained about.”

Extract from ICE client satisfaction survey

The recommendations contained in our investigation reports serve two important functions. Firstly to provide redress for individual clients who have not received an appropriate level of service from the Agency and secondly to highlight areas where improvements in processes or procedure could result in improved customer service. Additionally, each year our Annual Report seeks to focus on the issues or themes, which have been at the forefront of our clients’ concerns in the previous business year, or areas of the Agency’s service where evidence suggests there are improvements to be made.

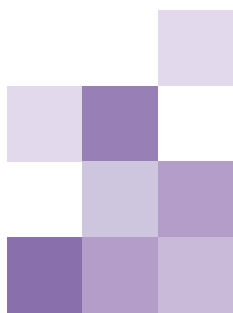


Areas for improvement: In response to last year's Annual Report, the Agency identified 9 areas for improvement, by which it could measure its success in responding to the issues we raised. These were:

- clarity/accessibility of Agency complaints handling procedure;
- Agency failure to signpost appropriate cases to ICE;
- reduce the number of cases which return to ICE following an unsatisfactory final response from the Agency;
- aim to reduce the number of cases ICE is able to conclude by early resolution, rather than full investigation;
- reduce the number of upheld complaints;
- complaints about Agency staff actions;
- lack of consistency in resolution planning;
- enforcement;
- fraud.

The Agency now produces monthly reports (copies of which we receive) outlining its progress in addressing each of the areas for improvement. The Independent Case Examiner warmly welcomes this initiative, which provides the Agency with a clear benchmark against which to monitor its progress, and a focus for instigating specific initiatives aimed at making improvements in customer service. Whilst there have been improvements in some of the areas identified for action, such as enforcement and signposting the services of ICE, results in some other areas have been disappointing. However, the Independent Case Examiner recognises the difficulties faced by the Agency this year in managing organisational change resulting from the introduction of the Child Support Reforms and the impact this has had.

Response to case specific recommendations: The investigation reports we issue to clients frequently contain recommendations aimed at providing redress for maladministration identified during the course of our investigation. There is an agreed timescale given for completion of this action, and we ask the client to contact the Agency if they do not hear from it within that time. We ask them to let us know if they do not receive a satisfactory response.



Regrettably, in some cases the Agency is failing to take action to implement recommendations as promptly or as thoroughly as it might. In response to customer satisfaction surveys, clients have expressed concerns about this. In addition we record the number of recommendations outstanding after the due date for action and those cases where the client reports the Agency's refusal to accept or implement a recommendation, as illustrated below.

Extracts from client satisfaction surveys:

"The CSA chose to ignore some recommendations of the ICE."

"The service was excellent. Unfortunately you have no teeth, as the CSA has chosen to ignore your findings."

"I am still waiting for the actions arranged by the Independent Case Examiner to be implemented."

Example: As a result of our investigation into Mrs R's complaint we found that there had been a four-year delay on the part of the Agency in issuing a maintenance enquiry form. As the issue of the enquiry form establishes the effective date of the maintenance liability, we recommended that the Agency consider compensation for financial loss resulting from the delay. The Agency initially refused compensation on the grounds that no regular payment pattern had been established. It was a further five months before the Agency accepted that this was not a prerequisite in determining whether to award payments in respect of financial loss. In the event, Mrs R received compensation in excess of £6,000.

The Office of the Parliamentary Ombudsman advises us that one of the most common cause of referrals from former ICE clients is the failure on the part of the Agency to act on the recommendations made by this office. This is a cause of considerable concern, as it should not be necessary for people to take this final step in order to receive appropriate redress.

Example: Having received an ICE report into her complaint in November 2002, Ms S subsequently complained to the Parliamentary Ombudsman that the Agency had failed to fully implement the ICE recommendations. The Parliamentary Ombudsman's Office intervened and following their intervention, the Agency took steps to fully implement the recommendations made by ICE. The result was that Ms S received: in excess of £4,000 in recognition of lost child support maintenance; over £1,000 interest on the sum; and £75 by way of consolatory payment for delays and failure to fully implement the recommendations of ICE.

“I wish to place on record my sincere thanks for the time and effort taken to investigate the complaint. Without your intervention on my behalf I would still be banging my head against a wall.”

Quote from a client's letter of thanks to ICE

“I was delighted with the speed and effective handling from the outset. I am only sorry I did not make contact sooner.”

Extract from ICE client satisfaction survey

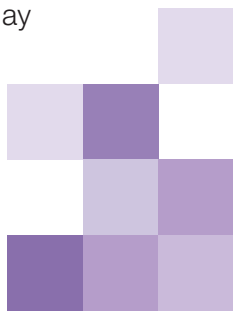
Clients who have taken the time and trouble to progress their complaint to independent review, expect our recommendations to be promptly and thoroughly considered. Failure on the part of the Agency to ensure that this is done leads to further frustration on the part of the client, a lack of confidence in the Agency's commitment to acknowledge past failings and improve the service it provides, and possible escalation of the complaint to the Office of the Parliamentary Ombudsman.

Systemic issues: If an investigation reveals a systemic failing on the part of the Agency, the Independent Case Examiner will write to the Agency's Chief Executive setting out the background to her concerns. The Independent Case Examiner may make a recommendation to the Agency aimed at improving the service provided to Agency customers and eliminating the likelihood of similar complaints arising in the future. The Chief Executive takes responsibility for ensuring that full consideration is given to the issue, prior to issuing a formal response. During the reporting year the Independent Case Examiner raised in excess of 20 systemic issues with the Agency's Chief Executive, arising from areas of the Agency's service which had led to complaints

There is an expectation that systemic recommendations will be implemented other than in exceptional circumstances. A positive response to ICE recommendations, both those aimed at providing redress to individual clients and those, which are systemic in nature, is a clear indication of the value placed on independent review.

We are pleased to report that the Agency has accepted all of the Independent Case Examiner's systemic recommendations made during the reporting year. Examples are given below:

- **Review arrangements for monitoring the progress of referrals to the Agency's investigation services, to ensure that any deficiencies in its procedures are addressed.** The Agency has introduced a new database across all of its business units, to support the criminal compliance teams in a number of activities, including tracking cases from receipt of referral to outcome.
- **Issue guidance to staff on how soon an interim maintenance assessment should be imposed, following issue of a warning notification. Evidence from ICE investigations had shown that in some cases the time lag between warning and imposition of an interim assessment was considerable.** Procedural guidance under consideration advising that an interim maintenance assessment should not be imposed more than 28 days after the expiry of the 28 day warning period without further contact with the client.





- **Amend deduction from earnings notification to non-resident parents, to make it clear that all deductions will be taken on the nearest pay date to the deduction from earnings due date, even if the pay date is earlier than the due date.** Relevant standard notifications have been amended.
- **Information regarding deferred debt to be omitted from child maintenance statements, where legislation does not allow it to be considered.** Relevant standard communications amended.
- **In the event that an employer fails to make payments in accordance with a deduction from earnings order, the Agency should contact the employer and alert the non-resident parent. This avoids the potential for the employer to make deductions, which are not passed to the Agency, but for which the non-resident parent remains liable in the event that the employer goes into receivership/liquidation.** Standard notification introduced to alert non-resident parents and guidance/advice issued to staff.

However, as the following example illustrates, it can take some time for the Agency to implement systemic recommendations:

Example: In April 2002 the Independent Case Examiner wrote to the Agency's Chief Executive recommending that the Agency produce written information for parents with care, explaining enforcement procedures and the potential timescales involved. It was suggested that a leaflet would alleviate a number of complaints received by ICE, by letting people know what to expect. The Chief Executive acknowledged and accepted the recommendation in May 2002, and advised that he had referred the matter on for implementation. There followed a long delay and considerable debate about the recommendation.

Advice was subsequently received that the Agency would review existing leaflets to incorporate balanced advice for both parents. At the time of report issue, the Agency has yet to complete this review.

Annex A - Independent Case Examiner's Organisational Chart

Independent Case Examiner

Jodi Berg

Senior Management Team

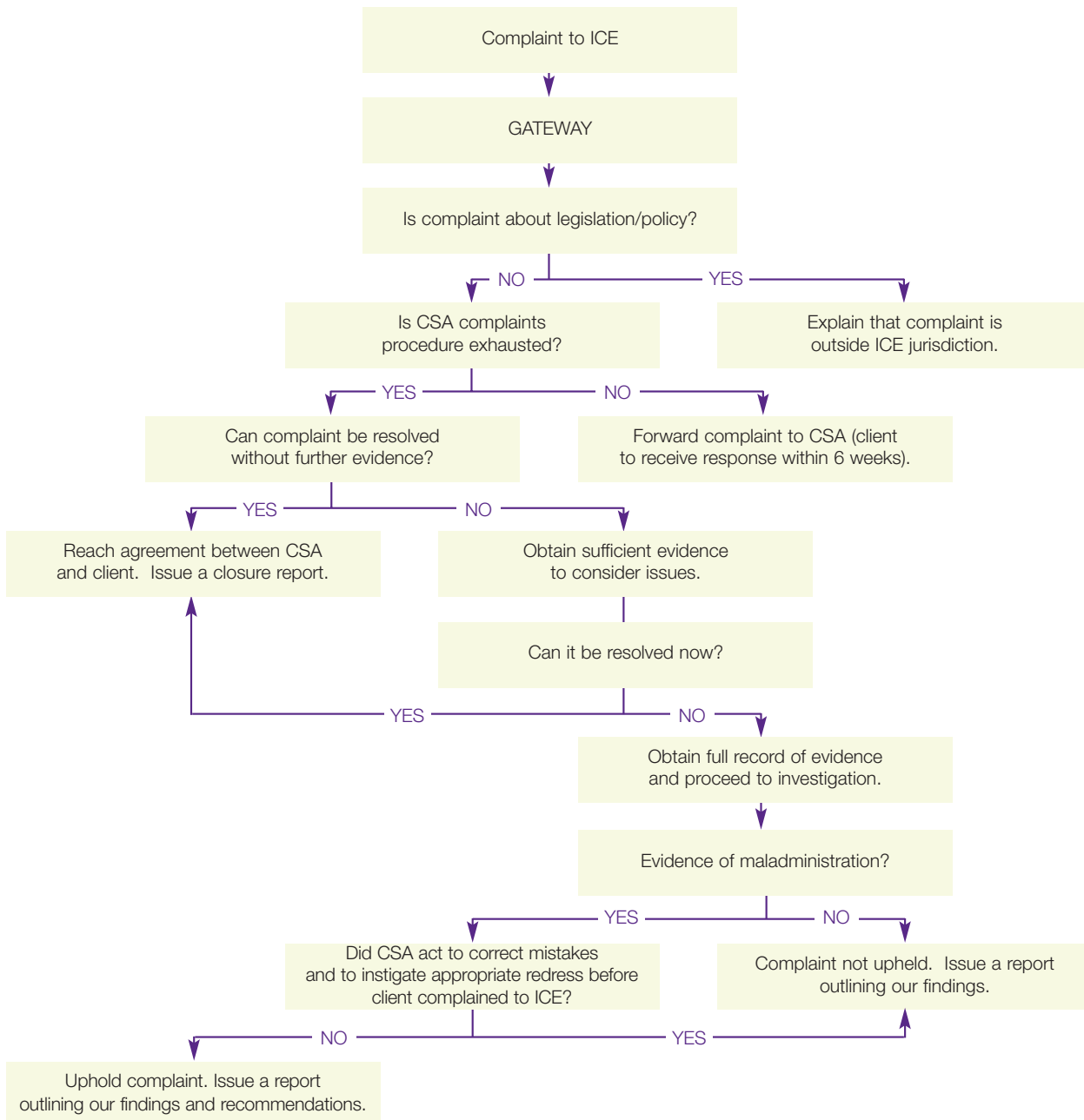
| Case Director | Operations Director | Operations Manager |
|---------------|---------------------|--------------------|
| Phil Latus | Elspeth Cooper | Margaret Fowler |

| Senior Management Support Team | Customer Service Manager | Project Manager | Office Support Manager | Training and Staff Development Team Manager | Service Liaison Manager | Diversity Manager |
|--|--------------------------|-----------------|------------------------|---|-------------------------|-------------------|
| Pat Kilgannon Kathy Hoerty Bill Davies | Phil McDermott | Sally Lewis | Geraldine Gebhardt | Clare Tambourini | Julie Lunt | Joanne Mealor |

Investigation Teams

| ICE Teams | Initial Action Team | SSA Investigation Manager | Team 1 Northern Ireland CSA | Team 3 CSA | Team 4 CSA | Team 5 CSA | Team 6 CSA | Team 7 CSA | Team 8 CSA | Team 9 CSA |
|--------------|---|---------------------------|-----------------------------|--------------|----------------|---------------|--------------|---------------|----------------|---------------------|
| Team Leaders | Ve Carson Dave Watson Chris Lewis | Gary Elliott | Sue Haselton | Terry Pontin | Amanda Crosbie | Carron Godden | Ellen Davies | Tony Southern | Paul Tomlinson | Jeannette Griffiths |

Annex B - Life cycle of a complaint in the Independent Case Examiner's Office



About the Child Support Agency:

The Secretary of State for Social Security established the Child Support Agency, on 5th April 1993. The Child Support Agency is an Executive Agency of the Department for Work and Pensions. Its role is to assess child maintenance by means of a standard formula, collect and where necessary enforce payment.

The Chief Executive, Doug Smith reports to the Permanent Secretary of the Department for Work and Pensions and manages the Child Support Agency on a day-to-day basis. He and his Executive Team are supported by a Board, which includes four Non Executive Directors.

The Agency employs over 12,000 staff, and is responsible for implementing the Child Support legislation. It provides a service for people throughout England, Scotland and Wales, delivered through six main centres, 30 smaller offices dealing primarily with new applications and 71 local service bases supplying the face-to-face public service. The total collected and arranged child maintenance for 2002/2003 (the latest published figure) amounted to £845,930,885.

If you would like to complain to the Independent Case Examiner or require additional copies of our Annual Report please contact:

The Office of the Independent Case Examiner
PO BOX 155
Chester
CH99 9SA

Telephone: **0151 801 8800**
Local call rate: **0845 606 0777**
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
This report is also available on request in Braille or Audio version.



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