



Independent  
Case Examiner

Independent Case Examiner  
For the Social Security Agency  
Annual Report 2004/05  
Headline Summary

Judging the issues  
without taking sides

**The Independent Case Examiner's Office:**

ICE is a free, independent complaint review and resolution service for customers of the Social Security Agency who are dissatisfied with the Agency's response to their complaints.

**What we do:** People should give the Social Security Agency a chance to resolve their complaint before turning to ICE. When we accept a complaint we initially try to settle matters through negotiation between the Agency and its customer, as this generally provides a quicker and more satisfactory result for everyone concerned. If this cannot be achieved, we investigate what happened. This may result in recommendations to the Agency about what it should do to put things right. The Independent Case Examiner can also recommend changes to procedures, thereby helping the Agency to identify improvements to its service.

**The Independent Case Examiner says:**

"The Social Security Agency led the way by being the first benefits organisation in the UK to establish an independent complaints review service. This affords people confidence that this Agency is willing

to be held accountable for the way it deals with them. Nowadays this means more than strict adherence to established procedures, it also encompasses a willingness to change guidelines and processes in response to the lessons learned from customer feedback, including complaints.

I commend the Agency for the excellence of its complaint procedures and for its willingness to go the extra step that is sometimes necessary to resolve complaints. This approach is carried forward into the constructive relationship between the Agency Chief Executive and his team with my office."

**Complaint referrals:** During the 2004/2005 business year we received 24 complaint referrals about the Agency and accepted 15 for investigation.

**Total cases cleared:** The table below shows the number of cases cleared during the reporting year.

|  | 2003/2004 | 2004/2005 |
|--|-----------|-----------|
| Cases brought forward from previous year | 2         | 2         |
| Total received                           | 27        | 24        |
| Not accepted for investigation           | 12        | 9         |
| Failed to respond to enquiries           | 1         | 1         |
| Cleared by resolution                    | 5         | 3         |
| Cleared by investigation report          | 9         | 12        |
| Number outstanding at the year end       | 2         | 1         |

**Service Standards:** Our service standards are set out in our leaflet **“The Independent Case Examiner for the Social Security Agency – Our service and standards”**.

Copies can be obtained from the ICE office or by visiting our website (contact details are provided at the back of this summary).

Our target is to clear cases accepted for action within an average of 34 weeks.

We are pleased to report that our average clearance time for complaints about the Social Security Agency was 8.9 weeks.

**Subject of complaints:** Most of the cases we accept for investigation comprise a number of elements of complaint. The most common complaint issues we considered during 2004/2005 concerned dissatisfaction with:

- complaint handling;
- delay/error in award;
- correspondence.

**What we found:** Where we identify maladministration on the part of the Agency, in considering whether to uphold a complaint we take into account what the Agency has done to try and put things right. If the Agency has fully addressed the complaint, and appropriate redress has been provided, offered or instigated, we do not uphold the complaint.

The percentage of complaints upheld decreased this year and accounted for only 6% of the elements of complaint we investigated. In addition, because the Agency had tried to sort problems out before complaints were referred to ICE it became more difficult for us to do so without investigation and only 13% were resolved. This means that we had no cause to criticise the Agency’s service or alternatively its response to complaints in respect of 81% of the issues referred to us. This is an exceptional achievement by this Agency which merits recognition.

**Putting matters right:** We have an important role in helping people to secure redress if we find that the service provided to them fell below a reasonable standard. We do this by making recommendations to the Agency. These recommendations fall into four main categories: apology; explanation; putting matters right; and financial redress.

We do not specify the amount of redress a client should receive, as such payments are made in accordance with guidance produced by the Department for Social Development. However, we are able to consider whether the Agency had regard to all the relevant facts and acted reasonably when making awards.

In several cases that we investigated during the year, we highlighted that it took longer than was reasonable for the Agency to consider whether clients were entitled to financial redress. In one case, the Agency delayed implementing the Independent Case Examiner’s recommendation regarding a consolatory payment. As a consequence, the Independent Case Examiner has recommended that the Agency consider ways in which the process of payment can be expedited. The Agency is carrying out a review of relevant processes.

**Complaint handling:** Our investigation of the complaints referred to us by customers of the Social Security Agency provides an insight into the way in which this organisation responds to its customers, its willingness to identify service failure and to take prompt action to provide redress.

In most of the cases we investigated, we found that the Agency adhered to procedures outlined in its leaflet, which informs customers about how to complain. We found that it kept to published timescales and usually told customers how to take matters further. The Agency tried to address concerns raised in customers’ correspondence.

**Dealing with unreasonable**

**correspondence:** When dealing with public bodies, some clients may wish to continue correspondence or contact beyond the point where this is helpful to them or reasonable. In these circumstances, continued responses by an Agency can inappropriately raise people's hopes of a different outcome and can have an adverse effect on other work.

Once a final decision has been given, or a final response to a complaint offered, it is not a proportionate use of resources for contact to continue indefinitely. People must be encouraged to progress to appeal or to the next level of complaint review if they remain dissatisfied. We consider two cases that the Agency dealt with in our report.

**Complaints about Incapacity Benefits**

**Branch:** 7 of the 15 complaints we accepted for investigation this year concerned the handling of claims for Incapacity Benefit (compared with 4 of the 15 we accepted last year). In recognition of this, the Agency has set up a new complaint handling team, which will be responsible for dealing with both the benefit claim itself and the customer's complaint. The team will have the authority to take any necessary remedial or corrective action.

**Administrative changes in the Social Security Agency:**

The Social Security Agency has undergone a period of considerable change over the last few years. All of these changes had the potential to generate complaint referrals to the Independent Case Examiner. It is to the Agency's credit that this has not occurred.

**Response to ICE recommendations:**

The Social Security Agency has agreed to accept the Independent Case Examiner's recommendations in all but exceptional circumstances. Changes that result from this can make a significant contribution to improving the quality of the service provided by the Agency, and can reduce the likelihood of similar complaints arising in the future.

During the reporting period, the Agency has demonstrated that it is acting on our findings and recommendations. Examples of this are shown below:

- the Agency reviewed its procedures for considering whether a client should be exempt from the personal capability assessment;
- the Agency issued a reminder to all staff about the procedures for dealing with allegations of misdirection;
- the Agency is reviewing its procedures for dealing with cases where a compensatory/consolatory payment is to be considered.

**Social Security Agency's Chief Executive's Comments:**

"I am happy to record that the report is a fair and accurate reflection of the cases handled during the year and that the conclusions and findings reached were in proportion to the issues raised.

The report reflects the Agency's commitment to learn from the complaints we receive, the practice of which is demonstrated by the reduction in both the number of complaints investigated and the number of complaints upheld this year.

The Agency attaches particular importance to the opportunities to improve the service we provide, gained through the impartial and objective feedback provided."

Copies of the Independent Case Examiner's Annual Report can be obtained from:

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

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

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