



Annual Report 2006/2007

Independent Case Examiner for the Social Security Agency
and the Northern Ireland Child Support Agency

Judging the issues without taking sides

ICE
Independent
Case Examiner

Our Mission

Judging the issues without taking sides.

Our Business Purpose

Our main business purpose is to act as an independent referee if clients feel that specific Government Agencies have not treated them fairly or have not dealt with complaints in a satisfactory manner.

Our Aim

To provide a free, effective and impartial complaints review and resolution service for Agency customers that makes a difference to the way in which the Agency discharges its public responsibilities.

Our Vision

To be a first rate service provided by professional staff.

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Abbreviations

DLA	Disability Living Allowance
ICE	Independent Case Examiner's Office
JSA	Jobseeker's Allowance
MLA	Member of the Legislative Assembly
NICSA	Northern Ireland Child Support Agency
SDA	Severe Disablement Allowance
SSA	Social Security Agency

Foreword by Jodi Berg

I am pleased to present my annual report as Independent Case Examiner for the Social Security Agency and the Child Support Agency.

The publication of this report coincides with the 10th anniversary of the ICE Office, which opened for business in April 1997. For any organisation reaching this important milestone, it is a time to take stock, looking back to the achievements of the past decade and setting new objectives for the future.

ICE has much to celebrate as this report will demonstrate. From a shaky start, we moved forward to establish our place as experts in independent complaint review, gaining the respect of our colleagues in ombudsman and other complaint handling bodies along the way. We have a reputation for fairness and impartiality in our decision-making, and we continue to set and achieve challenging speed of service and accuracy targets.



It is against this backdrop that in recent years ICE has twice been awarded Charter Mark, as well as Investors in People awards, BSI and European Excellence standards. No wonder then that our customer surveys show very high levels of satisfaction with our process and the outcomes we achieve. Our internal staff survey tells us that we are an office dedicated to customer service, where our people derive satisfaction from a worthwhile job, done well.

This year we have handled more complaint referrals than ever before. These have mainly been received from customers of the Department for Work and Pensions. However, numbers have also increased from customers of the Child Support Agency in Northern Ireland, which has struggled to provide a reasonable standard of service against a background of process and IT failures.

In these circumstances, the announcement of the proposals for closure of the Agency following Sir David Henshaw's review was not surprising. However, it was perhaps somewhat ironic, as this year the Agency has begun to make progress towards improving service, based upon its Operational Improvement Plan. This has included changes to operational processes and a comprehensive review of the Agency's complaint handling. As Independent Case Examiner, I have been keen to support the Agency in its efforts to improve its customers' experience. I hope that in the coming year this will mean that less people have need to use ICE services.

The Social Security Agency is also in a period of substantial change. Its Strategic Business Review has set out a top to bottom revision of the way in which the Agency does business, highlighting the importance of its partnerships with the Department for Employment and Learning in Northern Ireland and the Department for Work and Pensions in Great Britain. Amongst the Programmes of Change envisaged are projects to introduce new benefits and pension arrangements; a 'one-stop' shop approach to jobs and benefits; and outsourcing of some significant areas of work. This Agency has never lost sight of the key importance of customer service, and its complaint handling arrangements are second to none. However, any organisation facing change on such a large scale faces a significant challenge in maintaining current services, whilst developing and incorporating new methods of doing business. The ICE office will have a key role to play in ensuring that adequate feedback mechanisms are in place to ensure that the Agency is forewarned about any problem areas that develop.

Both the Social Security Agency and the Child Support Agency have welcomed ICE systemic feedback, as my report demonstrates. I take this opportunity of thanking all of the Chief Executives we have worked with, past and present, for ensuring that we have always had mutually positive and constructive working relationships.

As we approach our 10th anniversary, I will be handing over to a new Case Examiner whose task it will be to take on the challenges ahead. I wish the new Case Examiner well in what I know will continue to be an interesting and rewarding role.

I am grateful to all of our staff for the support given to me since my appointment, and for their unstinting efforts on behalf of our customers. In particular, I thank our Northern Ireland Senior Investigation Officer, Gary Elliott, who has ensured that complaints about the Social Security Agency and the Child Support Agency are dealt with in record times and to a very high standard. I also thank my Senior Management Team, Phil Latus, Elspeth Cooper and Margaret Fowler who have spared no effort to achieve the goal we set at the outset, to offer a first rate service provided by professional staff. Our journey together has been enjoyable, worthwhile and successful.

As I pass the management of the ICE Office back to the Department for Work and Pensions, it is in good shape to face the future from a sound base, confident of our role and our ability to add value for complainants and for the Agencies. Our staff are enthusiastic about the future. My good wishes go with them all.

1. The Independent Case Examiner's Office

1.1 Ten years of service

The Independent Case Examiner's Office opened for business ten years ago. Since then, ICE has developed into a modern independent complaint handling organisation which meets the highest standards. Today we respond to more complaints than ever before, meeting the needs of our clients through our understanding of:

- ▶ the most efficient ways of addressing complaints;
- ▶ what clients expect from complaint review;
- ▶ how to balance fairness against proportionality;
- ▶ the value of a clear customer focus.

In this section, we review some significant milestones of the past ten years.

1.2 Why ICE was set up

The Government established the Child Support Agency in 1993 to take responsibility for the calculation and collection of child maintenance payments. A separate Agency was established to administer the scheme in Northern Ireland. The Agency was to replace court arrangements which were seen as cumbersome and failing children and their parents. Unfortunately, from the start problems emerged. The legislation was overly complex and administrative systems lacked cohesion, with the result that many people experienced delays, and significant backlogs of work developed.

This led many to complain, some seeking help from their Members of Parliament who referred an unprecedented number of cases to the Parliamentary Commissioner for Administration (now the Parliamentary and Health Service Ombudsman). In response, the Ombudsman published two special reports dealing with maladministration by the Agency, in which he called for the Agency to improve the way it handled complaints. He recommended the introduction of an additional level of independent review, between the Chief Executive's response and the Ombudsman. The Government accepted this proposal and appointed the first Independent Case Examiner for both the Great Britain and Northern Ireland Child Support Agencies – Anne Parker – in December 1996.

1.3 Ten years of growth – The early years

The first months of business were slow as complaints trickled in, however this was not to last, and referrals increased gradually until by October 1997 we were receiving more than 100 complaints a month. Under Anne Parker's leadership, during our first years, ICE gained a reputation for independence and impartiality.

The Social Security Agency recognised at an early stage the value of having an independent tier in the handling of complaints. The Independent Case Examiner was contracted to examine complaints about this Agency from April 2000.

Initially our approach was to produce a detailed written report for each client, but we soon realised that many people considered it more important to have their complaints resolved quickly than to receive a comprehensive report. In response we introduced the concept of addressing a complaint by negotiating a solution with the Agency. Whilst this helped to speed up the settlement of some complaints, others remained complex and time consuming to investigate.

The appointment of Jodi Berg as Independent Case Examiner in August 2001 provided the impetus to revisit the way we addressed complaints about the Agencies and to take steps to speed up the service we provided to our clients. There was a root and branch review of process and products and we introduced an office charter, setting out clear information about our service standards and response times.

The recruitment of additional staff offered the opportunity to place greater emphasis on addressing complaints through conciliation. The introduction of a new computer database meant that we could track case progress more effectively, allowing greater managerial control of casework. Coupled with a strong customer focus, these measures led to marked improvements in our service. By October 2003, we were able to successfully apply for Charter Mark, the Government's national standard for excellence in customer service.

ICE has always been a good place to work and we have been accredited as Investors in People since December 1999.

1.4 Recent years

In March 2003, the Government introduced the new Child Support Reforms. The new arrangements for the Child Support Agency included a simpler method of calculating a non-resident parent's liability for maintaining their children. The new rules were accompanied by the introduction of a new computer system, CS2.

We expected a short-term increase in complaint referrals as Agency staff got used to the new ways of working. Regrettably, this did not prove to be the case. Since March 2003 there has been a rising trend in referrals to ICE from Child Support Agency clients in Great Britain that has required us to continue to evaluate what we do and how we do it, to ensure that we are able to meet the demand for our service appropriately. This year over 3,500 people have sought our help. This is a challenge the ICE office has met successfully.

In 2005 we outgrew our original office and relocated to our current accommodation in central Liverpool. Our staff are highly trained, and motivated to provide the best service they can and to meet new challenges.

Between September 2005 and September 2006, the Independent Case Examiner was asked to introduce a prototype independent complaint review service for all Department for Work and Pensions customer-facing businesses in Great Britain. The evaluation of the prototype was carried out in subsequent months. The Department subsequently announced the introduction of the ICE service across all businesses from April 2007.

1.5 The role of ICE

Clarity of purpose: The ICE role is to act as an impartial referee for people dissatisfied with the Agency's response to their complaint. The focus of our work is to try and settle complaints for the benefit of client and Agency. Our job is to identify whether the relevant Agency has administered a case properly or whether there have been shortcomings such as mistakes, delays, failure to follow procedures, unfairness or discourtesy. We take an unbiased view of the merits of each complaint issue raised by the client and seek a fair outcome.

There are certain complaints we cannot examine. In particular, we do not accept complaints that:

- ▶ the relevant Agency has not considered;
- ▶ we receive more than six months after the Agency's final response;
- ▶ concern matters of law or Government policy;
- ▶ have been or are being investigated by the Ombudsman; or,
- ▶ are the subject of legal proceedings, such as Judicial Review.

Helping complainants: We review information provided by both the client and the Agency and try to resolve matters through conciliation between them. Often this is achieved by the Agency's agreement to take action to address the complaint. We achieve this relatively speedy solution for people in most cases we accept for action.

Inevitably, there are cases where this outcome is not possible and we need to obtain the Agency's papers, so that we can examine what has happened in more detail. Sometimes, this reveals additional information which points to ways of resolving the complaint. We take every opportunity offered to achieve this result.

Ultimately, where resolution attempts have failed, having examined all of the evidence we prepare a formal report into the issues the client has raised which is reviewed and signed personally by the Independent Case Examiner. The report sets out the background to the complaint and gives reasons for her findings.

Where we identify shortcomings in the service provided by an Agency, the Independent Case Examiner can make recommendations about what remedy it should offer the client. Although recommendations are not legally binding upon the Agencies, both have agreed to implement them in all but exceptional circumstances.

Helping the Agencies: Our review of a client's complaint about an Agency can also highlight the reason why problems arose and identify a potential for other people to experience similar difficulties. We draw such systemic issues to the relevant Agency's attention, so that it can consider what it can do to improve its administrative procedures, or information. In this way, we assist the Agency to recognise weaknesses and we monitor its response to this feedback.

In addition to raising systemic issues arising from individual cases, we also look to encourage good practice within the Agencies. We have regular contact with them,

including meetings between the Independent Case Examiner and the Chief Executives, and middle management liaison. These are opportunities to discuss matters of mutual interest, to smooth out problem areas in the provision of our mutual service to complainants, and to raise with the Agencies any systemic concerns that have come to our attention.

ICE service standards: The leaflet, “*Our Service and Standards*”, explains how we deal with complaints and includes information about how long it will take us to do so. It also sets out how dissatisfied clients can complain about our service.

Target	Performance 2005/06	Performance 2006/07*
Acknowledge complaints within 2 working days	100%	100%
Respond to client correspondence within 10 working days	100%	100%
Decide within 10 working days whether we can accept a complaint for consideration	97.8%	97.3%
Remind clients at case closure of their right to approach the Northern Ireland Ombudsman	100%	100%
Clear cases accepted for action, within 34 weeks	13.75 weeks	12.52 weeks

1.6 Financial information

Although most of our funding comes from the Department for Work and Pensions in Great Britain, we also receive contributions from the Department for Social Development in Northern Ireland for our work on behalf of its customers. We are committed to ensuring that we manage these resources effectively and provide good value for money.

The forecasted total cost of the Independent Case Examiner’s service to the Department for Social Development for the 2006/07 year is £60,835.35, including both staffing and non-staffing costs. As this report covers an 11 month period, the final figure is not available at the time of publication but will be published on the ICE website as soon as possible.

1.7 Sharing good practice

The ICE office is an associate corporate member of the British and Irish Ombudsman Association (BIOA). We are committed to BIOA principles of good complaint handling. We share information about the ways in which we have improved our own service and look for opportunities to learn from the experience and expertise of our colleagues in other ombudsman and independent complaint handling bodies. In this way organisations in BIOA can seek to offer a better quality of service for complainants, as well as worthwhile outcomes for them and for the organisations whose complaints we review.

* For the period 1 April 2006 to 28 February 2007.

2. The Social Security Agency

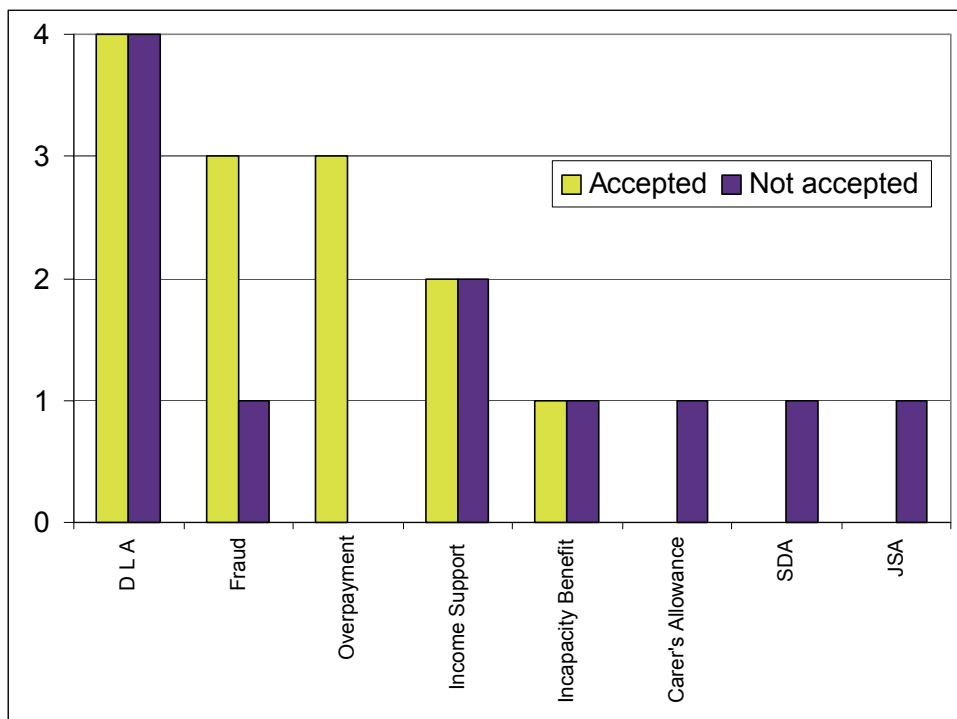
The Social Security Agency (SSA), an executive Agency of the Department for Social Development in Northern Ireland, was set up in July 1991 to administer and to give advice and information about a range of Social Security benefits. In April 2000, the Social Security Agency became the first benefit Agency in the UK to appoint an Independent Case Examiner. The Department for Work and Pensions will be following this good example from April 2007.

2.1 Facts and figures: 1 April 2006 to 28 February 2007

During the reporting period 1 April 2006 to 28 February 2007, we received 24 complaint referrals about the Agency, 13 of which were accepted for investigation. Only 1 complaint was referred by a Member of Parliament.

8 cases were referred back to the Agency because the complainant had not received a reply from or on behalf of the Agency's Chief Executive in the preceding six months. The Agency was asked to issue a final response within six weeks. None of these clients have returned to ICE. 3 cases fell outside of our remit because they concerned decisions made on applications for Social Security benefits.

Complaints received/accepted for investigation by benefit or area of complaint.



The table below shows the number of cases received and cleared.

	2005/2006	2006/2007*
Cases brought forward from previous year	1	3
Total received	21	24
Not accepted for investigation	7	11
Failed to respond to enquiries	0	1
Withdrawn	0	1
Cleared by resolution	4	4
Cleared by investigation report	8	9
Number outstanding at the year end	3	1

ICE findings: in respect of cases for which we issued investigation reports are detailed below. Where we identify maladministration on the part of the Agency, in considering whether to uphold a complaint we look at what action has been taken to try and put things right. If the Agency has fully addressed the complaint, and appropriate redress has been provided, offered or instigated, the Independent Case Examiner does not uphold the complaint.

Investigation Report Cases				
	2005/2006		2006/2007*	
Findings:	No. of cases	%	No. of cases	%
Fully upheld	0	0	2	22
Partially upheld**	4	50	0	0
Not upheld**	4	50	7	78
Total	8	100	9	100

The majority of referrals include several allegations of maladministration. The 13 cases resolved or investigated during the year contained 19 elements of complaint, of which: 12 were not upheld; 2 were upheld and 5 were resolved.

The most common complaints issues referred during 2006/2007* concerned dissatisfaction with:

- ▶ errors in correspondence;
- ▶ staff attitude;
- ▶ information lost by Agency;
- ▶ failure to take appropriate action;
- ▶ examinations by Examining Medical Practitioners; and,
- ▶ the provision of wrong/conflicting information.

* For the period 1 April 2006 to 28 February 2007.

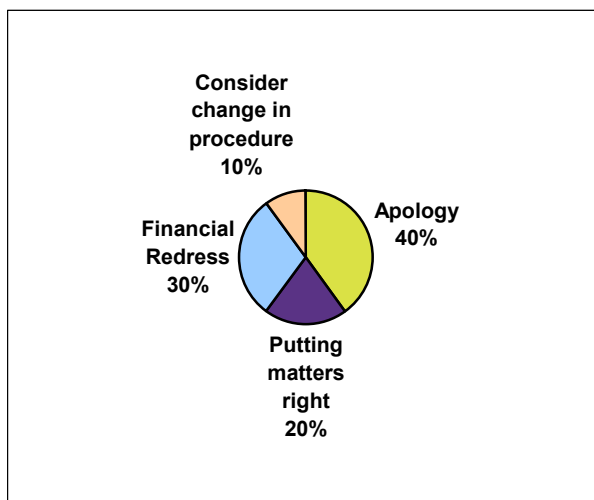
** These may include elements of complaint that we found to be justified.

“Thank you very much, I really appreciate everything you have done.”

ICE Client

Putting matters right: When we identify maladministration for which the Agency has not provided proportionate redress, the Independent Case Examiner may make recommendations to the Agency about the steps it should take to put matters right. In some cases, she may also recommend that the Agency consider changing its procedures in order to improve the service it provides.

Breakdown of types of recommendations made.



Whilst the Independent Case Examiner can recommend consideration of financial redress, she cannot specify the amount of compensation for financial loss or the consolatory payment people should receive. All payments are made in accordance with guidance produced by the Department for Social Development.

Financial loss can include the loss of benefit or pension payments; the loss of interest on such payments; and costs incurred by the customer in pursuing a complaint. Consolatory payments can be made for inconvenience, embarrassment or severe distress caused by maladministration. In order to help people have realistic expectations of the level of consolatory award appropriate to their case, based on our experience, reports indicate the broad range (upper and lower limits) within which we expect the total payment to fall.

Payments awarded to SSA customers as a result of our recommendations

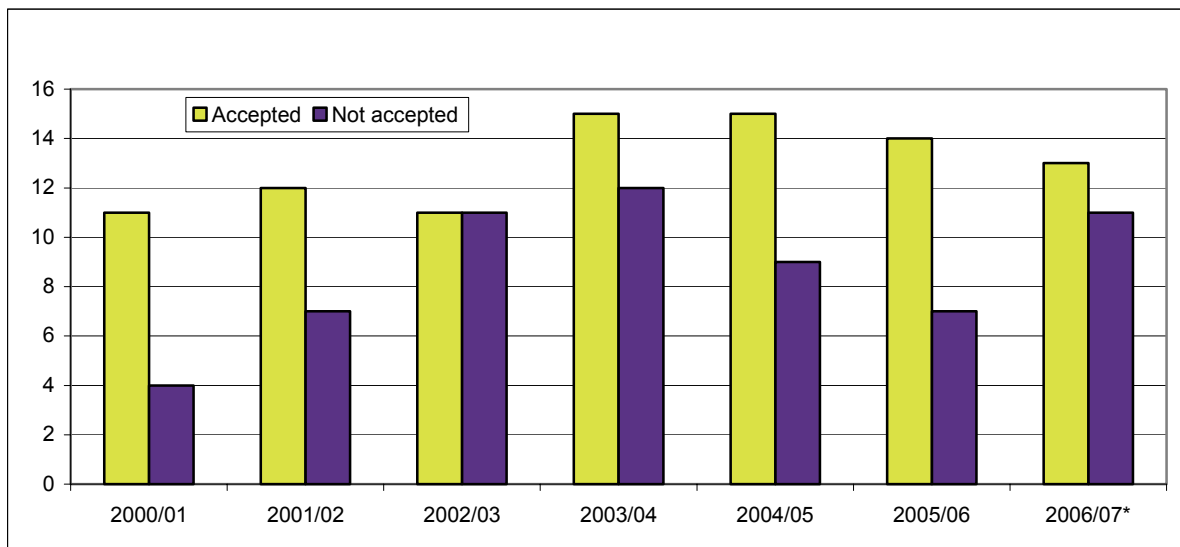
Consolatory payment for gross inconvenience	£100
Consolatory payment for severe distress	£155
Arrears of benefit	£106

2.2 Seven years service

ICE has been investigating complaints about the Social Security Agency since April 2000. Overall the number of complaints received and the number accepted for investigation have remained small and fairly steady. A dedicated member of staff is seconded to ICE to focus on this area of work.

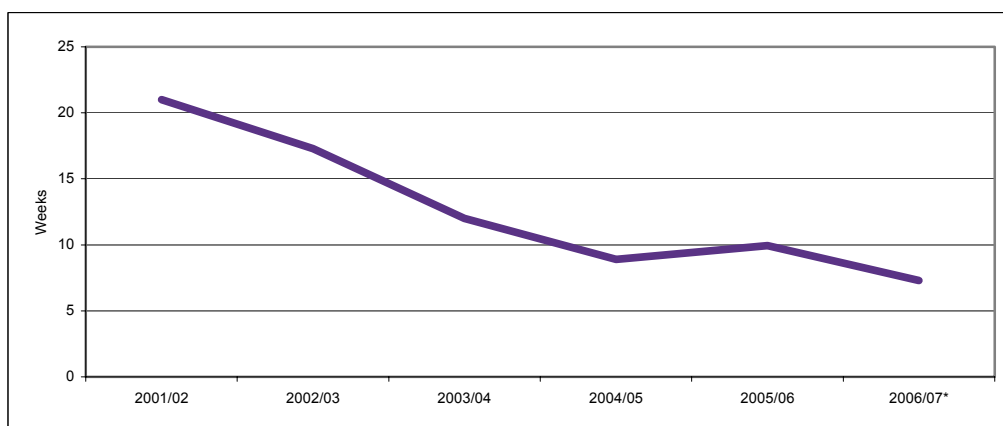
The complaint referrals to ICE represent a tiny proportion of the complaints dealt with by the Agency itself over the years.

Number of complaints accepted for investigation and not accepted for investigation annually.



* For the period 1 April 2006 to 28 February 2007.

We aim to clear cases on average within 34 weeks. Since 2001 we have successfully reduced clearance times for complaints from Social Security Agency customers. We are pleased to report that our average clearance time for complaints about the Social Security Agency during the reporting period was just over 7 weeks.



Only a small proportion of the complaints that we receive are fully upheld. There is a corresponding increase in the number of complaints that are not upheld.

2.3 Referral issues

In this section of the report, we review some of the issues raised in previous Annual Reports that feature again in referrals to ICE this year.

Examining Medical Practitioners: The Independent Case Examiner has commented on complaints about medical examinations carried out by Examining Medical Practitioners in previous Annual Reports. This sensitive area of work can lead to dissatisfaction with the way things were done or the outcome.

This year 2 referrals to ICE concerned complaints of this kind. 1 case was resolved when the Agency offered the client a re-examination and a consolatory payment. The investigated complaint is outlined below.

Ms A was unhappy with the way that her complaint about an Examining Medical Practitioner had been handled by the Agency. There was a disagreement between her and the Examining Medical Practitioner regarding what occurred during a medical assessment. Whilst we did not doubt the honesty of Ms A's recollection of events, without any objective evidence we were unable to reach a firm conclusion on this matter. However, the Agency has a responsibility to look into allegations and respond properly to complaints, and we considered whether it had done so in this case.

Ms A had written to the Agency on two occasions to complain about the examination, but was unhappy with the responses she received. Both she and an MLA then complained to the Agency's Chief Executive, who offered another examination by a different Medical Practitioner in order to resolve matters. He also said that he was sorry that she had been so distressed by the matter.

The Independent Case Examiner considered this a helpful response. However, she noted that the re-examination was only considered after the MLA suggested it following an exchange of correspondence. She noted that much of the stress faced by the complainant could have been avoided if the re-examination had been offered earlier.

In the course of our enquiries into this case, we identified that there were no written guidelines for offering re-examinations. As this could lead to inconsistency, the Independent Case Examiner wrote to the Chief Executive asking the Agency to consider developing good practice guidance. The Chief Executive agreed to consider this issue when developing new procedures during 2007.

Complaints about Incapacity Benefits Branch: In 2004/5, 7 complaints accepted by ICE concerned the handling of claims for Incapacity Benefit. In response, the Agency set up a new complaint handling team responsible for dealing with both the benefit claim itself and the complaint. The team also had the authority to take any necessary remedial or corrective action. This has had a positive impact, as only 2 complaints were accepted from Incapacity Benefit customers the following year. We are pleased to report that only 1 referral was accepted this year.

Complaints about Debt Management Unit: Several cases referred to ICE this year concerned overpayments and action taken by the Agency's Debt Management Unit. Contact from the Unit has the potential to cause considerable stress to Agency customers. It is important that the Agency deals with complaints received about this area of its work promptly and positively, to ensure that customers are not exposed to unnecessary worry. The case below illustrates this.

Mr B complained that the Agency failed to ensure that deductions for rent arrears were taken from his benefit when he was awarded Retirement Pension in February 2004.

In December 1998, Mr B asked the Agency to continue to take deductions from his Incapacity Benefit so he did not fall behind with his rent payments to the Housing Executive. His claim for Incapacity Benefit ended in January 2004, when he was awarded Retirement Pension. Under the Agency's procedures, Incapacity Benefits Branch should have notified Debt Management Unit that the claim had ended and deductions had stopped. Debt Management Unit should then have clarified the position with the Housing Executive and asked Pensions Branch to commence deductions from Mr B's Retirement Pension.

There was no evidence that Debt Management Unit received notification from Incapacity Benefits Branch that the benefit had ceased and deductions were not taken from Mr B's Retirement Pension. As a result, he incurred a rent arrears bill of over £700. In addition, the Housing Executive wrote to him in October 2005 and advised that it intended to apply to the Court for a possession order due to the arrears. This was extremely distressing for Mr B and ICE recommended that the Agency consider awarding him a consolatory payment. It subsequently awarded him a payment of £155.

2.4 Complaint handling by the SSA

Our experience of the Agency's complaint handling has always been positive. Most complaints are resolved by the Agency itself so that people have no need to take matters further. Nevertheless, we have been able to offer the Agency advice on improving its service, for example by updating its complaints information for clients to cut out areas of possible confusion or contradiction. The Agency has responded positively to such suggestions.

SSA complaints are particularly complex compared with our usual caseload, and often involve several elements. Despite this, the Agency usually deals with all the issues raised by complaints in a structured and coherent manner. In cases referred to ICE, we find that it has often provided or instigated redress before clients turned to this office. We are also satisfied that the Agency seeks to learn lessons from complaints it has dealt with internally.

During the period April 2006 to February 2007, we accepted for investigation only 13 complaints about the Social Security Agency. In comparison, the Agency recorded that it received 1,089 complaints in the previous business year. The low referral rate to ICE coupled with the small number of complaints upheld, demonstrates that the Agency responds to complaints in a facilitative manner, takes steps to put things

right, and offers proportionate redress. The following case exemplifies this approach.

Mrs C complained that the Agency asked her to attend one of its offices for an interview, as there was reason to believe that her claim may be fraudulent. She said that the Agency did not investigate the circumstances of the case before arranging the interview.

The Agency had received information from HM Revenue and Customs that her son, for whom Mrs C acted as appointee, had undeclared capital. We found that the Agency did carry out some investigations before asking Mrs C to attend the office for an interview under caution, but failed to note information recorded on its computer system that a compensation payment her son had received was to be disregarded as capital.

This merited criticism, as there would have been no cause to invite Mrs C for interview under caution had the Agency investigated the matter fully. The Independent Case Examiner found that the complaint was justified, but noted that the Agency had subsequently apologised to Mrs C and awarded her a consolatory payment. It also agreed to consider a compensatory payment for any costs she incurred. She noted particularly that the Agency sought to reassure her that systems were being reviewed and that lessons would be learned from the problems that occurred in the case. This was a necessary step towards ensuring that the problems did not recur.

As the Agency acknowledged Mrs C's complaint and took reasonable steps to try to resolve matters and provide redress, the Independent Case Examiner found that no further recommendation was necessary.

Dealing with unreasonable correspondence: It is not unusual to receive complaints from Agency clients who have continued to correspond or contact the Agency beyond the point where this is helpful to them. This ongoing contact can lead people to hope that the Agency will change its position, and it can be disruptive to the work of staff within the organisation. Once a final decision has been given or a final response to a complaint offered, it is not proportionate 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.

2.5 Working with the Agency – comment by Jodi Berg

During my time as Independent Case Examiner, the ICE office has established a constructive relationship with senior managers and staff in the SSA. My staff and I visit Agency offices and meet senior managers, frontline staff and the Agency's stakeholders. We have seen at first hand the Agency's arrangements for dealing with complaints and the steps taken by its staff to resolve them. Staff from the Agency have also visited our office in Liverpool to gain an insight into the way we handle complaints.

Members of the ICE team attend conferences, meetings, seminars and forums to promote our service, and deliver presentations to Agency staff to raise awareness about our role. In addition, we are able to add value for the Agency by offering informed comment on the Agency's customer service initiatives, leaflets and forms. As well as recognising when things have gone wrong, I identify and encourage good practice on the part of the Social Security Agency. My reports comment on its handling of a complaint, highlighting any improvements that can be made. The review of complaints sometimes throws light on general faults or shortcomings, which have affected an individual client, but which have the potential to affect others in comparable situations. By drawing these issues to the attention of the Agency, I can encourage it to tackle problems that it may not have been aware of previously. My intention is to help the Agency to identify the issue rather than to prescribe the solution. The Agency is then able to indicate the steps it will take to improve the service it provides to its customers.

Some examples of steps the Agency has taken in response to systemic issues I have raised are listed below:

- ▶ SSA revised its procedures for obtaining information from employers when dealing with allegations of fraud;
- ▶ SSA drew up standards for Examining Medical Practitioners who undertake medical examinations on its behalf;
- ▶ following the investigation of a complaint about the delay in considering a compensatory payment, SSA carried out a review of the processes involved;
- ▶ SSA arranged for each local office to provide details of help and advice centres that customers could contact within its catchment area;
- ▶ SSA issued a bulletin to remind staff of the procedures for dealing with cases in which the Examining Medical Practitioner had identified that there were exceptional circumstances;
- ▶ SSA reminded staff that any expression of dissatisfaction with its quality of service should be recorded as a complaint;
- ▶ SSA reminded staff of the procedures to follow in cases of alleged misdirection;
- ▶ SSA reviewed the procedures for deciding whether a client should be exempt from the personal capability assessment for Incapacity Benefit.

I would like to thank the Agency's staff for the positive and prompt responses it has provided to my redress recommendations and to systemic issues I have raised.

Our relationship with the Social Security Agency has been a fruitful one. In recent months, our experience of dealing with complaints about Social Security benefits has helped ICE to prepare for our new role in reviewing complaints about the wider Department for Work and Pensions.

3. The Northern Ireland Child Support Agency

The Northern Ireland Child Support Agency (NICSA), an executive Agency of the Department for Social Development, is responsible for calculating and collecting child maintenance in Northern Ireland.

The Agency also has an agreement with the Child Support Agency in Great Britain to provide the service to its customers living in Eastern England. This report focuses on the service provided to customers in Northern Ireland. We publish a separate report for customers of the Child Support Agency in Great Britain.

3.1 Facts and figures: 1 April 2006 to 28 February 2007

We received 93 complaint referrals about the Northern Ireland Child Support Agency during the reporting period 1 April 2006 to 28 February 2007, 49 of which were accepted for investigation. This was an increase on the 2005/2006 year, when we received 70 complaints, 29 of which were accepted for investigation.

In 41 cases we received, we referred the complaints back to the Agency because the complainant had not yet received a reply from or on behalf of the Chief Executive in the preceding six months. We asked the Agency to issue a final response within six weeks. 19 of the cases we accepted for investigation this year were from clients who had returned to ICE. It was disappointing that in these cases the Agency had failed to grasp the final opportunity to resolve matters.

3 referrals were not accepted, because 2 were outside our remit and the other complainant failed to respond to requests for further information. 5 complaints were referred by Members of Parliament or Members of the Northern Ireland Assembly.

Old scheme complaints: 28 (57%) of the referrals accepted related to cases dealt with under the legislation in operation for applications received before March 2003.

New scheme complaints: 21 (43%) of the referrals accepted related to applications dealt with under the reformed Child Support scheme.

The table below shows cases received and cleared during the reporting year.

	2005/2006	2006/2007*
Cases brought forward from previous year	8	11
Total received	70	93
Not accepted for investigation	41	43
Withdrawn	2	11
Cleared by resolution	20	27
Cleared by investigation report	5	6
Number outstanding at year end	10	17

* For the period 1 April 2006 to 28 February 2007.

Our findings: in respect of cases for which we issued investigation reports are detailed below. Where we identify maladministration on the part of the Agency, in considering whether to uphold a complaint we look at what action the Agency has taken to try and put things right. If the Agency has fully addressed the complaint, and appropriate redress has been provided, offered or instigated, the Independent Case Examiner does not uphold the complaint.

Investigation Report Cases				
	2005/2006		2006/2007*	
Findings:	No. of cases	%	No. of cases	%
Fully upheld	1	20	1	17
Partially upheld**	2	40	3	50
Not upheld**	2	40	2	33
Total	5	100	6	100

The majority of complaints referrals include several allegations of maladministration. On average, there were 2 elements of complaint in the cases we examined this year. The 33 cases we resolved or investigated during the year contained 73 elements of complaint, of which: 54 were resolved; 9 were upheld and 10 were not upheld.

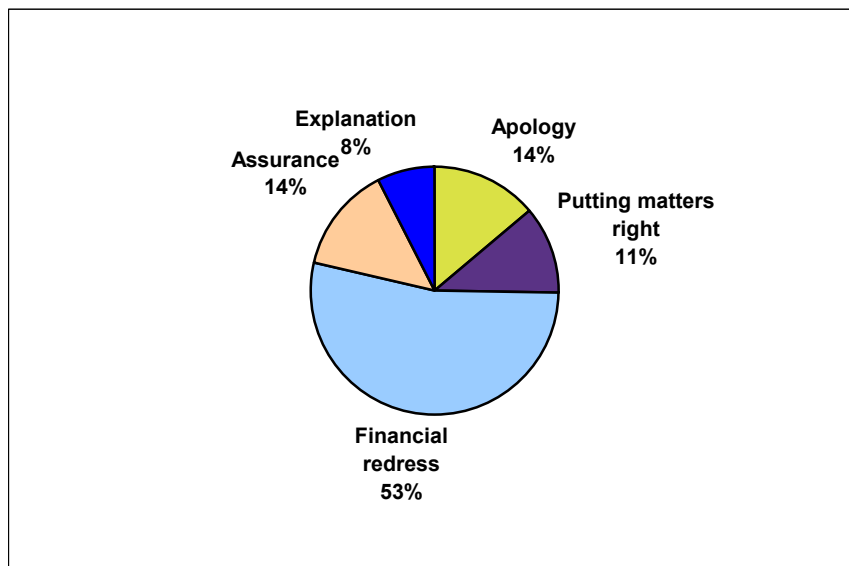
During the reporting period 27 cases were cleared by resolution and only 6 required investigation. This demonstrates that there is more the Agency could do itself to respond to complaints before people need to take matters further. An important part of our role is to help people to secure redress in cases where the standard of service they received fell short of what they were entitled to expect. The Independent Case Examiner makes recommendations to the Agency regarding action it should take to put things right. Recommendations fall into five categories: apology, assurance, explanation, putting matters right and financial redress.

“Please pass on my thanks to your staff for helping to sort out the case.”

ICE Client

** These may include elements of complaint that we found to be justified.

Breakdown of types of recommendations made



Financial redress: As the above chart demonstrates, a significant part of our work involves helping people to secure appropriate financial redress. Our reports detail the maladministration that the Agency should take into account in determining the award to be made.

Whilst the Independent Case Examiner can recommend consideration of financial redress, she cannot specify the amount of compensation for financial loss or the consolatory payment people should receive. All payments are made in accordance with guidance produced by the Department for Social Development.

Financial loss can include the loss of opportunity to obtain child maintenance; the loss of use of Child Support maintenance in the form of an interest payment; and costs incurred by the customer in pursuing a complaint. Consolatory payments can be made for inconvenience, embarrassment or severe distress caused by maladministration. In order to help people have realistic expectations of the level of consolatory award appropriate to their case, based on our experience, reports indicate the broad range (upper and lower limits) within which we expect the total payment to fall.

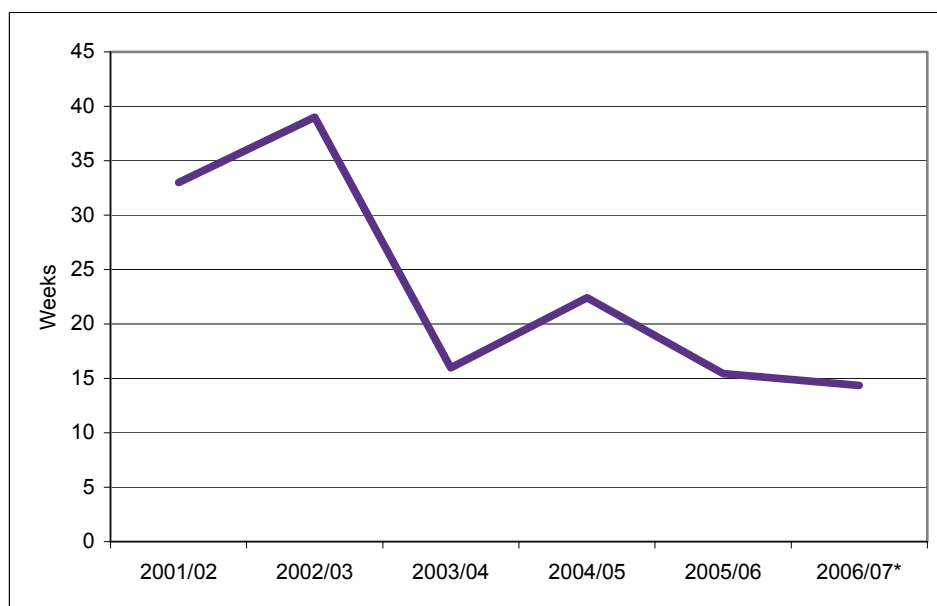
Payments awarded to NICSA customers as a result of our recommendations

Consolatory payment for gross inconvenience	£2,625
Compensatory payment for financial loss (costs)	£156
Compensatory payment for financial loss (income)	£6,249
Interest	£697
Refund	£1,620

3.2 Ten years service

ICE has been investigating complaints about the Northern Ireland Child Support Agency since April 1997. During that time the numbers of complaints referred and accepted for investigation have increased substantially. In the office's first two years, only 24 complaints in total were referred to ICE. During the last two years, we have received 163 complaints, an increase of over 600%.

Despite rising referrals, ICE has successfully reduced average clearance times for complaints received from Northern Ireland Child Support Agency customers. We aim to clear cases within an average of 34 weeks and during the reporting period, our average clearance time for complaints about the Northern Ireland Child Support Agency was just over 14 weeks. This is illustrated below.

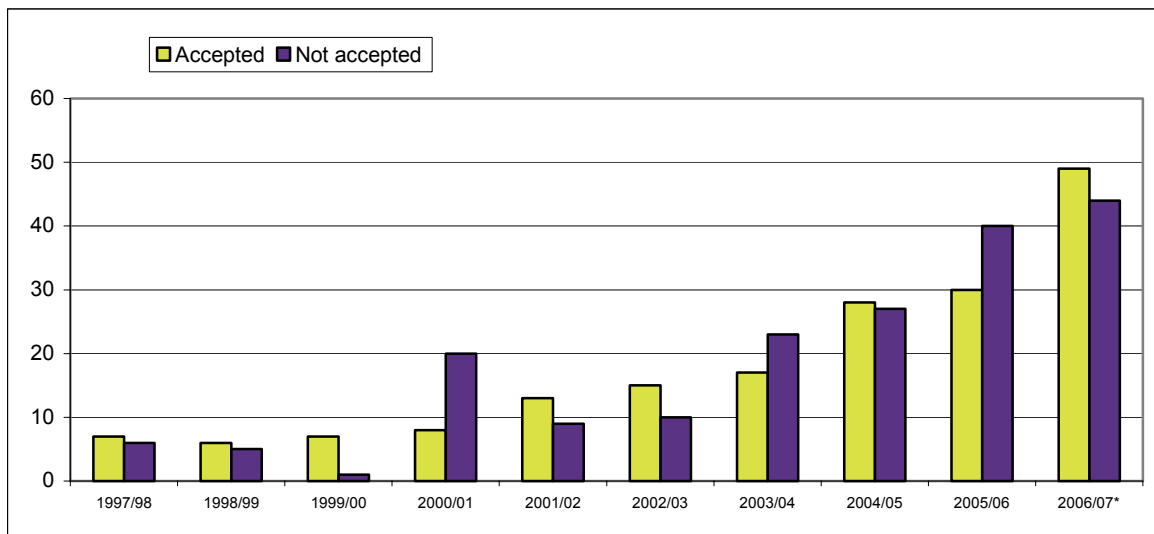


* For the period 1 April 2006 to 28 February 2007.

The Independent Case Examiner was appointed in August 2001 at a time when it was hoped that the introduction of the Child Support Reforms would bring improvements to the service provided by the Agency.

The shortcomings of the new arrangements are well documented and our own experience reflects these difficulties. As the following graph shows, the number of complaints referred to ICE rose dramatically after the introduction of the Reforms in March 2003.

Number of complaints accepted for investigation and not accepted for investigation annually.

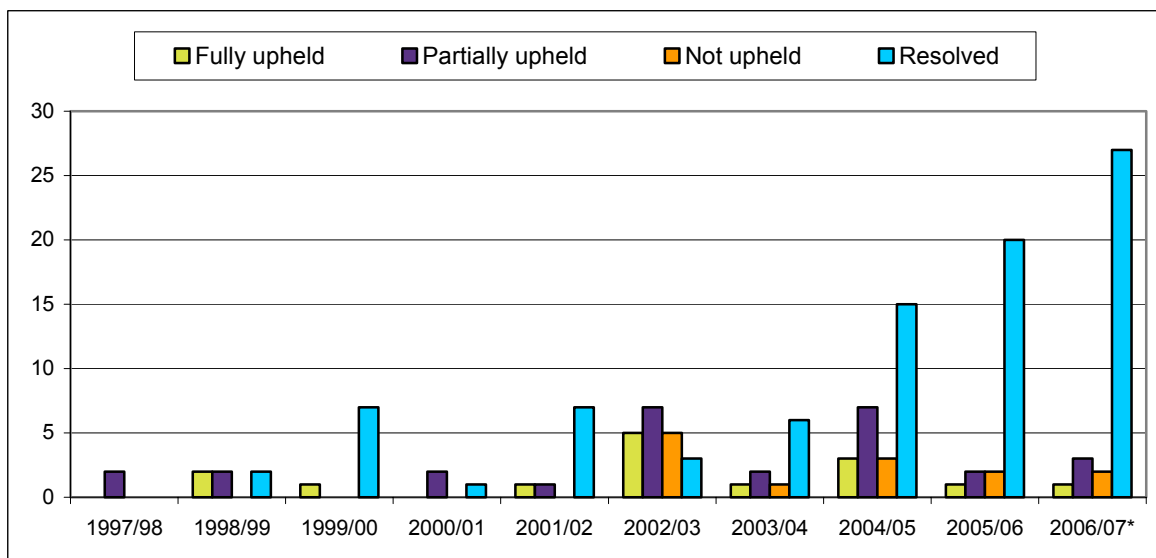


* For the period 1 April 2006 to 28 February 2007

Despite this rise in referrals, over the ten-year period the Northern Ireland Child Support Agency has generated comparatively fewer complaints than other Child Support Agency business areas. It has also managed those cases that could not be dealt with on the new CS2 computer system more effectively than in other areas, and continued to provide a generally good service to customers.

As can be seen in the following graph, we have had considerable success in resolving a large proportion of complaints received in recent years, and this has been a major factor in reducing our average clearance times. The graph also shows that only a small proportion of investigated complaints have been fully upheld.

Final outcome of cases cleared



* For the period 1 April 2006 to 28 February 2007

3.3 Referral issues

In this section of the report, we review some of the issues raised in previous Annual Reports that feature again in referrals to ICE this year.

Agency delay: From the start, the most common area of complaint referred to ICE has been delay. This trend has continued this year.

We have criticised the Agency for delay in various areas of its work. For example:

- ▶ completing the initial maintenance calculation following an application from a parent with care;
- ▶ setting up accounts and calculating arrears;
- ▶ dealing with changes of circumstances;
- ▶ taking enforcement action to recover arrears.

In addition, this year a number of the cases affected by delay have been maintained clerically, rather than on the computer system. Further information about this can be found later in this report.

The anxiety delay can cause is exacerbated if people have to chase the Agency to find out about the progress of their case. In past reports, we have urged the Agency to communicate with parents, to let them know what is happening and what action will be taken if information is not provided or maintenance is not paid.

More seriously, delay can cause financial hardship, for example, if a parent with care is receiving no payments or a reduced amount, or if a non-resident parent is paying the incorrect amount, or is accruing arrears. Financial hardship can be particularly marked in circumstances where parents are involved in more than one application to the Agency, where the calculation of maintenance should take account of all of the children involved. In these circumstances, rather than backdating the effective date of the liability to the date of first contact with a non-resident parent, the liability is set from a forward date following the maintenance calculation. This problem is illustrated by the following case.

Miss D's representative complained that the Agency delayed in completing the maintenance assessment in her case and that this had caused her a financial loss. Miss D made her application in 1998. The non-resident parent initially disputed that he was the father of the child and the Agency did not decide this matter until 2002. The non-resident parent was also involved in another case, and the Agency did not complete an interim maintenance assessment on that case until January 2004. However, under the Child Support Reforms introduced in March 2003, the Agency was unable to complete a calculation on Miss D's case until it had sufficient information to calculate a full maintenance assessment on the linked application.

As the non-resident parent was involved in a linked case, the effective date of the initial calculation in Miss D's case followed notification of the assessment. The non-resident parent was on benefit at that time, but as Miss D made her application in 1998 it was possible that she had suffered a financial loss during that period.

The Independent Case Examiner recommended that the Agency take urgent steps to calculate liability and consider awarding Miss D a further consolatory payment for distress caused by its delay. She also recommended that the Agency consider revising Miss D's liability, if and when the non-resident parent ceased to receive benefit, and take prompt action to obtain any payment due. Finally, she recommended the Agency consider compensation when the criteria were met.

Agency Error: Agency error has been a consistent cause of complaint. In old legislation cases, the complexity of the formula for assessing maintenance meant that it was always difficult for the Agency to ensure accuracy. In more recent cases too, despite a more simple formula, errors continue to occur. These include:

- ▶ errors in preparing the initial maintenance liability;
- ▶ errors made when calculating arrears;
- ▶ errors in enforcement action.

The following case is typical of such complaints.

Mr E complained that he was owed more money than had been previously refunded to him, and that he had still not received notifications the Agency advised it had issued.

In consultation with ICE, Mr E agreed that it would resolve his complaint if the Agency prepared an accurate child maintenance account statement, re-issued the notifications, and provided ICE with evidence of its consideration of a consolatory payment. The Agency agreed to these actions. The information we received confirmed that the Agency refunded a duplicate payment that Mr E made. Mr E was satisfied that his complaint had been addressed.

Linked clerical cases: In previous reports, we have noted the problems experienced with the Agency's new computer system, which particularly affected new cases 'linked' to others the Agency was dealing with under the previous legislation. In common with other Child Support Agency business areas, the Northern Ireland Agency decided to process many of these cases clerically when it was unable to secure a technical solution.

This year the clerical handling of cases has become a regular part of the Agency's service and much of this work has been sub-contracted to a private company, Vertex. There have been teething problems in setting up this new service from an ICE perspective, as it has been difficult to obtain information about a case or a response to complaints.

It is important that in the coming year, the Agency articulates what standards of service can be expected when cases are being processed clerically, including how it will respond to client communication and complaints.

Debt enforcement: Complaints about debt enforcement referred to ICE are made both by parents with care concerned about the Agency's lack of effective action, and by non-resident parents concerned about the way it has chased arrears. ICE continues to support the Agency when it follows established procedures and responds proactively to non-payment, in order to secure maintenance for children.

The Henshaw Report published this year recommended the consideration of additional enforcement powers for the Agency, such as the withdrawal of passports, and the imposition of curfews for non-resident parents who persistently refuse to meet their responsibilities in maintaining their children. The Independent Case Examiner has welcomed these proposals, however she continues to stress the importance of effective communication and case planning in securing payment of arrears. There is considerable scope for the Agency to become more efficient in its enforcement of debt now, by considering cases holistically and making better use of the powers it already has, rather than following a series of disjointed enforcement steps. Having said this, the Agency is recognising this and making worthwhile changes that will assist its enforcement efforts in the future.

3.4 Complaint handling by the Northern Ireland Child Support Agency

On the whole, the Independent Case Examiner has found that the Agency's handling of complaints is satisfactory. It records telephone complaints and monitors what they are about so that lessons can be drawn, or corrective action can be taken.

However, more could be done to resolve complaints before people need to refer their cases to ICE. This is demonstrated by the ease with which we are still able to find acceptable solutions for both client and Agency. Often, the answer lies in early consideration of consolatory payments or financial redress, in acknowledgement of problems caused by Agency maladministration. During the reporting period, all but 6 of the complaints we settled were resolved by agreement. That said, it would not be possible for ICE to resolve many of these cases without the co-operation and positive assistance we receive from the Agency's staff.

The following case illustrates how the Agency could have achieved this result without ICE intervention.

Mr F complained that the Agency had delayed in correcting errors on his maintenance calculations, despite promising to do so. During our initial telephone conversation with Mr F, it was agreed that in order to address the complaint, we would ask the Agency to reschedule the accounts, refund any overpayment and consider awarding a consolatory payment for the errors. We contacted the Agency about this and it agreed to take the requested action. We subsequently discussed the Agency's response with Mr F and he agreed that this was sufficient to resolve the complaint.

3.5 Working with the Agency – comment by Jodi Berg

During my time as Independent Case Examiner, I have made regular visits to Belfast to meet Agency staff and managers. The impression I have gained is that despite the problems faced, staff have continued to provide a good service to the Agency's customers. The complaints teams are also keen to assist our resolution of complaints.

I have enjoyed constructive relationships with successive Chief Executives, mirrored by our facilitative liaison with Agency managers. Whenever possible, I have been pleased to offer assistance to the Agency by commenting on proposed staff guidance or public information, so that our expertise and experience of complaints can add value. In 2006/7 we were able to offer this help when the Agency was preparing new guidance about advance payments of maintenance.

An important part of my role is to identify where changes in practice and procedures may result in improved customer service. Acceptance of my recommendations demonstrates that the Agency is willing to learn lessons from the complaints we investigate. This is important to clients who often want to know that improvements will be made as a result of their complaints. Some examples of steps the Agency has taken in response to systemic issues are listed below:

- ▶ the Agency amended its procedures regarding "top-up" payments awarded by a court in response to the findings in one of our reports;
- ▶ the Agency introduced measures for identifying and analysing complaints;
- ▶ the Agency introduced the role of Senior Resolution Manager in order to try to resolve more complaints before they were referred to my office;
- ▶ the Agency made staff aware of the changes to the procedures for dealing with voluntary payments under the legislation introduced in 2003;
- ▶ the Agency agreed to ensure that its face to face interviewing officers received expert account breakdown training.

I would like to thank the Agency's staff for the positive and prompt responses it has provided to my redress recommendations and to the systemic issues I have raised.

The Child Support Agency is in a period of transition. In response to the Henshaw Report published in July 2006, the Government has announced its intention to replace the Agency by a new Non-Departmental Public Body – the Child Maintenance and Enforcement Commission. In Northern Ireland, the structure of the new organisation and its future policy may be a decision for a new Assembly. In the meantime, the Agency has continuing responsibility to deal with new and existing applications for child maintenance.

The Child Support Agency's Operational Improvement Plan was introduced to improve its performance while the redesign of future arrangements is undertaken. The Northern Ireland Child Support Agency has continued to maintain parity with Great Britain and has established an Operational Improvement Project Team to take forward the implementation of the improvements outlined in the Operational Improvement Plan. The aim of the plan is to improve the customer experience of the Agency and this has involved some significant changes in the way the Agency does business and in its organisation.

Complaint handling: The way an organisation handles complaints about its service is often an indication of its interest in customer service. Complaints can be seen as an unnecessary intrusion into the day-to-day business, or, in a more positive light, the organisation can learn from them and use them as a means of improving its service.

From the customer's point of view, it is important that an organisation deals with complaints effectively and promptly. Even if the final response does not provide the answer the customer wants, if the complaint has been taken seriously and dealt with professionally, the individual is more likely to accept a disappointing outcome.

During a wide reaching review of current process, the Agency recognised that its procedures were overly bureaucratic, resource intensive and ineffective in achieving speedy resolution for clients. As part of its Operational Improvement Plan, the Agency is changing the way it handles complaints. A Complaints Resolution Team will be responsible for addressing complaints that cannot be sorted out by the team dealing with the case. The resolution team will aim to agree with the customer how the complaint can be addressed and will develop a resolution plan.

Customers who are not satisfied with the outcome will be able to escalate their complaint to a Complaints Review Team, which will take responsibility for all aspects of the complaint and for ensuring that any remedial action or redress is dealt with. Clients who remain dissatisfied will be able to refer their complaint to ICE.

As Independent Case Examiner I welcome these new arrangements. The Agency's new approach to complaint resolution is based loosely on the way ICE operates. It is particularly encouraging that the Agency has been ready to learn from our experience and to adopt our customer-focused approach to handling complaints. It is also introducing the data and management system that supports this effort.

Nevertheless, the Agency will need to take care that complaints teams are adequately staffed and trained to deal with what may well be an increasing volume of cases as the Agency moves towards closure.

Relationships with the private sector: The Agency's relationship with the private sector is set to expand over the next few years. Where appropriate, the Northern Ireland Agency intends to mirror the approach of its counterpart in Great Britain in its relationships with the private sector. From an ICE perspective, it is important for the Agency to recognise that whatever outsourcing arrangements are made, it retains the primary responsibility for the quality of service as far as clients are concerned. I am pleased to record that the Agency is committed to taking this responsibility seriously and to establishing appropriate arrangements for ensuring reasonable responses to communication and complaints.

The ICE office will continue to work facilitatively with all parts of the Agency and its partners to secure the best possible response for complainants.

If you would like to complain to the Independent Case Examiner, please contact:

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Minicom: 0151 801 8888
Fax: 0151 801 8825
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Contact our website at www.ind-case-exam.org.uk

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

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