

INDEPENDENT CASE EXAMINER
For the Northern Ireland Child Support Agency and
the Northern Ireland Social Security Agency

ANNUAL REPORTS
1 APRIL 2007 – 31 MARCH 2008

Judging the issues without taking sides

The Independent Case Examiner's Office

Our Mission

Judging the issues without taking sides

Our Business Purpose

We have two primary business objectives: 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; and to support the Agencies in improving the service they provide by providing constructive criticism and meaningful recommendations

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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Mr Alan Shannon
Permanent Secretary
Department for Social Development

I am pleased to present my first Annual Reports as Independent Case Examiner (ICE) for the Northern Ireland Child Support Agency (NICSA) and the Northern Ireland Social Security Agency (NISSA). The reports describe the work of ICE in the year ending 31 March 2008, and focus on our experience of the Agencies' approach to complaint resolution.

The relatively small number of complaints I have seen this year is, I believe, indicative of the good work done within the Agencies to resolve complaints at an early stage, reducing the need for individuals to escalate their grievances to me. I am also happy to acknowledge the willingness of DSD staff to work with my office to promote resolution of complaints, and to take on board my feedback and proposals. We have continued to promote resolution of complaints at the earliest opportunity, clearing 69% of NICSA and NISSA complaints by brokering agreement between parties.

The number of NICSA cases accepted by ICE was lower than in 2006/07. The number of complaints received from NISSA customers has remained low, and has also decreased during the reporting period in comparison with the previous year.

This has been a challenging year for the ICE office, but I am pleased to say that our performance has continued to meet or exceed our published standards. You may be interested to note our achievements against target outlined in the table below:

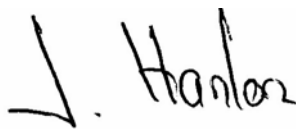
Target	Performance 2006/07	Performance 2007/08
Acknowledge complaints within 2 working days	99.8%	99.5%
Respond to correspondence within 10 working days	99.4%	98.9%
Decide within 10 working days whether we can accept a complaint for consideration	99.6%	97.0%
Remind complainants at case closure of their right to approach the Northern Ireland Ombudsman	100%	100%
Clear cases accepted for action, within 34 weeks	18.87 wks	21.33 wks

I am very grateful to the ICE Office for the support given to me during my first year as ICE. Despite the challenges we have encountered, staff have remained highly motivated and committed to providing a first rate service to complainants. I am particularly impressed by their willingness to embrace the changes to our processes that I have initiated. I am delighted that the Office has achieved Charter Mark re-accreditation and that it has achieved the British Standards Institute (BSI) accreditation for its internal complaints processes. Both of those indicate the very high level of service the staff here provides to members of the public. I am also pleased that the Office, which has long recognised the value of its staff and has held Investors in People (IIP) accreditation since 1999, has this year been successful in gaining accreditation against the much higher standard of IIP Profile.

There have recently been some major changes to the senior management team at ICE, with the retirement of Phil Latus, the Case Director, and Elspeth Cooper the Operations Director. Both have played an integral part in the success and positive culture of the ICE office. I would like to offer my personal thanks to them for their commitment and efforts on behalf of complainants. I would also like to welcome the appointment of Carol Farrell to her new role as Head of the ICE Office and the confirmation of Margaret Fowler in hers as Operations Manager. I look forward to a productive working relationship with them both.

I offer the attached reports for your consideration. I would be happy to meet with you to discuss the contents should you wish that. In that event, please let me know. Otherwise, I hope that you will find the reports useful in your discussions with Agency Chief Executives. You will be aware that the reports will not be put into the public domain by this office and the decision about whether to publish rests with you.

Yours sincerely

A handwritten signature in black ink that reads "J. Hanlon". The signature is written in a cursive style with a large initial 'J'.

John Hanlon

Independent Case Examiner

11 August 2008

Northern Ireland Child Support Agency

Annual Report 2007/2008

1. Context

The Northern Ireland Child Support Agency (NICSA) operates within the same legislative framework and in the same way as the Child Support Agency in other parts of the United Kingdom. It also administers Child Support applications originating from parts of England, so the performance of the two Agencies is intrinsically linked. However, the number of cases reaching the ICE Office from Northern Ireland remains relatively small and while some of the themes and trends we have identified are similar to those identified in respect of other parts of the UK, the overall picture remains a positive one.

2. Casework Statistics

2.1 The following data compares casework carried out in the twelve month period between 1 April 2007 and 31 March 2008 with the twelve months from 1 April 2006 to 31 March 2007. In general, intake has reduced fairly significantly, though relatively small numbers overall make it difficult to draw conclusions. A reducing intake at ICE might reflect a higher level of satisfaction within the NICSA customer base.

Referrals

	1/4/06-31/3/07	1/4/07-31/3/08
Received	104	60
Accepted	53	26
Fails	51	34

Clearances

	1/4/06-31/3/07	1/4/07-31/3/08
Resolution	30	27
Investigation	7	9
Withdrawn	11	1
Total	48	37

Withdrawn cases

2.2 Complaints may be withdrawn for several reasons, for example, following an explanation to the complainant about the need to appeal against legislative decisions an agency has made, or when the complainant chooses to take another route to redress.

Resolved cases

2.3 We try to reach settlement of complaints by agreement between the Agency and the complainant, as this generally represents a quicker and more satisfactory result for both. We are still able to resolve a relatively high number of cases, which is in many respects positive: it provides a speedy, negotiated solution, meeting the needs of all parties. However, there is also a negative side in that the potential for resolution by ICE suggests that the Agency itself may not have explored all avenues for resolving complaints. NICSA has advised that it has invested significant resources in identifying the reasons for complaints and ensuring resolution at the earliest possible point, and that this focus will continue.

2.4 The number of cases we have investigated is relatively low in comparison. In an ideal world, we might expect to see an increase in the percentage of cases that require an investigation, in direct correlation with the Agency's increasing ability to achieve resolution internally.

Outcomes

2.5 Our findings in respect of cases that could not be resolved are detailed below. In cases where we find that the Agency has failed to provide an acceptable standard of service, before determining whether to uphold a complaint we consider what action the Agency has already taken to try to put things right. If the Agency has fully addressed the complaint and appropriate redress has been provided, offered or instigated prior to referral to ICE, we do not uphold the complaint.

2.6 Although numbers are low, the majority of NICSA cases ICE has investigated have been upheld.

	1/4/06-31/3/07	1/4/07-31/3/08
Fully upheld	1	5
Partially upheld	4	2
Not upheld	2	2
Total	7	9

3. Service Level Agreement Failures

3.1 During this reporting year some SLA timescales were missed. However, since the implementation of the Northern Ireland Complaints Review team in October 2007, the position has improved to the extent that currently no timescales are being missed; and NICSA has promised that a strong focus will continue to ensure timescales are met.

4. Complaint resolution

4.1 I have been impressed by the general motivation of Agency staff to do their best for customers. NICSAs personnel have always shown an enthusiastic and positive approach to forging good working relationships with ICE in order to achieve a positive outcome for complainants.

4.2 This is reinforced by the fact that we are continuing to clear a high proportion of cases by resolution, which would not be possible without the Agency providing us with the relevant information required to determine whether maladministration has occurred and to identify what action can be taken to put things right.

5. Financial Redress

Botheration payments

5.1 During the reporting year, ICE has experienced some delays in securing information needed to examine Child Support complaints and in securing response to draft reports as well as getting agreed resolutions and recommendations implemented.

5.2 Following discussion with officials, it was agreed that ICE would seek additional consolatory payments for complainants whose cases had been seriously affected by delay in the Agency's responses to ICE. These have been termed botheration payments and they will be recommended whenever a significant failure on the part of the Agency to adhere to SLA timescales has resulted in a negative and detrimental impact to the complainant beyond that identified by an ICE investigation of the original complaint.

5.3 We expect the amount awarded to be proportionate to the level of impact on the complainant. The amount will be at the discretion of the Agency and in line with the FRM Guide. Since these arrangements were introduced, NICSAs has made a total of £850 in botheration payments.

5.4 Overall financial redress awarded for the reporting period amounts to over £40,000, a dramatic increase of 240.8% on the previous twelve months. This suggests that the Agency is not routinely considering financial redress before a complaint comes to ICE.

5.5 NICSAs agrees that the routine consideration of financial redress before a complaint comes to ICE could be improved upon. It has advised that in practice this is now happening, and there is evidence to show the award of financial redress, where considered appropriate, in complaint cases. It also advised that there is no centrally held information base which allows the Agency to analyse payments made in respect of financial redress. However, it has now put arrangements in place to record this information for future analysis.

	1/4/06 – 31/03/07	1/4/07 – 31/03/08
Advanced Payment	£0.00	£2,244.05
Botheration Payment	£0.00	£850.00
Gross Embarrassment	£0.00	£0.00
Gross Inconvenience	£2,950.00	£6,999.99
Financial Loss	£6,404.67	£28,161.95
Interest	£817.89	£1,935.25
Rationalisation/Suspension	£0.00	£0.00
Rectify errors	£0.00	£0.00
Refund	£1,619.77	£0.00
Severe Distress	£0.00	£0.00
Total	£11,792.33	£40,191.24

6. Key issues identified from ICE examination of complaints

Enforcement and compliance

6.1 Enforcement and compliance is a recurring theme of the complaints we see at ICE. The Agency has a responsibility to try to effectively collect maintenance from all non-resident parents who have a liability to pay for the upkeep of their children.

6.2 It seems that CSA follows a series of steps automatically rather than looking at what would be the most appropriate or effective for the particular case. In my experience, the Agency is still reluctant to use more than one enforcement tool at the same time. For example, where there is a DEO in place, but the Agency is aware that it will not be able to recover the outstanding debt within two years, then I believe it should be looking at other methods of enforcement. From the cases we see, where a DEO subsequently fails, the Agency does not necessarily follow this up with an application for a Liability Order.

6.3 I am encouraged to note that senior managers within the Agency are promoting the concurrent utilisation of all available enforcement methods, and the Agency has advised that it has commenced taking parallel action on Northern Ireland cases this year. Nevertheless there appears to me to be considerable scope for the Agency to become more efficient in its enforcement of debt by considering cases holistically and making better use of the powers it already has, rather than following a series of disjointed enforcement steps.

6.4 It is our experience that non-resident parents have been adept at prolonging the processes by way of adjournment, buying them time to enable the sale or transfer of heritable property that they own to take place. I believe that the Agency should be seeking to inhibit sales and transfers of identified property owned by the non-resident parent as soon as they can in this

process. Interim orders on such property could avoid some of the consequences described in complaints reaching ICE.

Deduction from Earnings Order

6.5 For most cases, where non-resident parents are employed, deduction from earnings can be an effective method of collecting payments from a non-resident parent who might otherwise be reluctant to meet their liabilities. An employer is legally required to operate a deduction order and failure to do so can lead to criminal proceedings against them. It is disappointing when this effective collection method is undermined by a non-resident parent changing employment.

6.6 As a result of enquiries made by ICE it transpired that the legislation effective from 2003 had given the Agency the power to prosecute NRPs who were paying maintenance via DEO, who left their employer and failed to alert CSA to their new employment situation. The Agency had been slow to enact this power. Its response, however, was very positive in that it has quickly sought to develop the framework that will enable it to apply this sanction. It is trialling the arrangements and hopes to roll it out in the summer of 2008. I am pleased to see that this has now been included in The Child Support Regulations of April 2008, and that clerical DEO notifications have been revised and system notifications will be revised as Financial Release 2 is implemented. Furthermore, the Agency has confirmed that it is currently taking forward a small number of such cases in Northern Ireland.

Failure to consider financial redress

6.7 I am convinced that, were CSA to look critically at individual cases at the earliest point to determine whether financial redress may be appropriate, the number of cases coming to ICE would reduce significantly. The Agency's taking back the initiative in this way could also have the effect of increasing complainants' confidence in the effectiveness of its complaints resolution process.

7. Initiatives taken by Child Support Agency

7.1 I am pleased to acknowledge instances when Agencies have tried to learn from past mistakes and failings, and have taken steps to improve its service to customers. CSA has advised that it is always very keen to learn lessons from complaints-handling and ensure that staff know and understand how they can improve the way in which they deal with customers. It is also very keen to implement new processes where it can see that improvements can be made.

7.2 CSA also provided details of some of the steps it has taken to address the key recurring themes which typically feature in cases which reach ICE, namely:

- Delay in completing assessments
- Delay in progressing Enforcement action
- Failure to secure child maintenance payments
- Failure to keep promises

Delay in Completing Assessments

7.3 ICE investigations have highlighted the need to improve how CSA manages the processing of maintenance applications and changes of circumstances. The timely completion of initial assessments has been given particular priority, resulting in significant improvements in the end-to-end process in terms of case progression. This improved steadily during the past year, with, at March 2008, approximately 87% of new applications being cleared within 18 weeks of the date of application.

7.4 Changes in organisational structure and processes have also improved the handling of changes of circumstances, where in the majority of cases, the same caseworker completes both the change of circumstances and any related finance work.

Failure to secure child maintenance payments

7.5 As well as improving the speed of processing new applications, CSA has increased the focus on securing compliance at the earliest stage in the case. It has introduced the facility to take payment by credit and debit card and staff are encouraged to promote maintenance direct arrangements and automated methods of collection. This approach is more likely to result in continued compliance.

7.6 Cases where compliance does break down are being tracked through improvements in management processes and a greater emphasis has been placed on the negotiation of realistic arrears agreements and the follow through of agreements to ensure payments are received.

Delay in Progressing Enforcement/Criminal Compliance Action

7.7 Individual ICE investigations have highlighted weaknesses in the referral of cases for enforcement/criminal compliance action and the onward progression of appropriate enforcement/criminal compliance action in a timely manner.

7.8 In cases where Non Resident Parents refuse to provide information at the initial assessment stage, a twin track approach has been introduced. Default Maintenance Decisions are completed to ensure a liability is in place and the case is then automatically referred for consideration of Criminal Compliance action, resulting in a referral to the Public Prosecution Service and a conviction for the Non Resident Parent. The number of actual convictions doubled in the 07/08 year and there are significant numbers already being processed for the 08/09 year. Awareness sessions have also recently been held with all CSA teams to raise the profile of this possible outcome for all cases in which blatant non co-operation is apparent.

7.9 The Enforcement process itself is in the process of being reviewed. CSA has engaged with both the Crown and Departmental Solicitors, with a view to speeding up progression in terms of Enforcement cases which require the forced sale of land and property, as well as possible committal to prison, where appropriate.

7.10 Improvements in processes have also led to sustained improvements in the numbers of liability orders being granted and CSA continues to work on improving its success rate with the numbers of liability orders granted as a proportion of those applied for.

Failure to keep promises

7.11 CSA has acknowledged that this has been a consistent finding in ICE investigations, particularly in terms of keeping clients up to date and returning phone calls. CSA has advised that it has recently introduced a new call back process which actively monitors contact with clients. In addition this is also a key part of the voice recording checks currently being undertaken by its managers.

7.12 In conclusion, CSA has advised that each ICE investigation provides valuable learning for all staff in the Division and it is constantly seeking opportunities to improve how things are done. A key part of this is feeding information on ICE findings back to its staff, building on best practice and using the learning to improve customer service.

Northern Ireland Social Security Agency Annual Report 2007/2008

1 Casework Statistics

1.1 The following data compares casework carried out in the twelve month period between 1 April 2007 and 31 March 2008 with the twelve months from 1 April 2006 to 31 March 2007. While numbers are small, there has been a significant decrease in complaints reaching the ICE office in the current reporting period, which may be reflective of an improved level of satisfaction within the Northern Ireland Social Security Agency (NISSA) customer base. NISSA has always been proactive in attempting to resolve complaints at the earliest opportunity, and the reduction in referrals to ICE is evidence of its commitment, though the small numbers involved reduce the potential for drawing firm conclusions from the data.

Referrals

	1/4/06-31/3/07	1/4/07-31/3/08
Received	29	17
Accepted	15	11
Fails	14	6

Clearances

	1/4/06-31/3/07	1/4/07-31/3/08
Resolution	4	2
Investigation	10	4
Withdrawn	2	3
Total	16	9

Withdrawn cases

1.2 Complaints may be withdrawn for several reasons. For example, some complainants decide to withdraw their complaint when we explain to them the need to appeal against decisions an Agency has made, or they choose to take another route to redress. From time to time people also withdraw their complaint because our explanations satisfy them that what has happened is appropriate. Other cases are withdrawn because an Agency has acted to address people's concerns.

Resolved cases

1.3 We try to reach settlement of complaints by agreement between the Agency and the complainant, as this generally represents a quicker and more satisfactory result for both.

Outcomes

1.4 Our findings in respect of cases we could not resolve by settlement are detailed below. In cases where we find that the Agency has failed to provide

an acceptable standard of service, in determining whether to uphold a complaint we consider what action the Agency has taken subsequently to try to put things right. If the Agency has fully addressed the complaint and appropriate redress has been provided, offered or instigated prior to referral to ICE, we do not uphold the complaint.

1.5 The number of complaints that are not upheld is usually a good measure of the quality of the Agency's own response to the issues raised. Although the numbers investigated are low, it is very positive that the majority of NISSA complaints are not upheld.

	1/4/06-31/3/07	1/4/07-31/3/08
Fully upheld	2	0
Partially upheld	0	1
Not upheld	8	3
Total	10	4

2. Financial Redress

2.1 It is extremely positive that ICE has not asked NISSA to award any financial redress to complainants during the reporting period. This coupled with the majority of complaints being not upheld is confirmation that the Agency has been proactive in resolving complaints at the earliest opportunity.

3. Engagement with ICE

3.1 Our experience of dealing with NISSA has continued to be constructive. NISSA is willing to engage with ICE office in a very positive way. In doing so it is co-operative in providing ICE with the required information, and helpful in assisting with any queries.

4. Systemic Issues

4.1 An important part of the remit of the ICE is to act as a 'critical friend' to the Agencies for which we provide a service, the objective being to help the Department learn from complaints.

4.2 Our review of a complaint about an Agency can highlight the reason why problems arose and identify a potential for other people to experience similar difficulties. The ICE raises such systemic issues at senior levels within the Agency, and is pleased to acknowledge instances where the Agency has tried to learn from past mistakes and failings, and has taken steps to improve its service to customers.

4.3 The following systemic issues were raised with NISSA during this reporting period:

- In July 2007, we highlighted a potential shortcoming in the operational guidance available to staff in respect of customers who inform the Agency that they are of no fixed abode. Specifically, there appears to be no guidance about what advice should be given to no fixed abode customers about the implications for receiving benefit related communications. NISSA responded accepting that there is a weakness in the procedure and confirming that procedures across all benefit areas have been updated to reflect the recommendation, and that staff have been advised accordingly.
- In December 2007, we highlighted that there is (a) no requirement to record exactly which papers are referred to medical services for consideration, and (b) what information medical services has regard to in undertaking a medical examination/assessment. NISSA advised that in light of the recommendation it had carried out a comprehensive review of its current procedures. It decided that amendments should be made to the covering file which is used when referring Incapacity Benefit cases to Medical Support Services. However, it was necessary to limit the extent of the suggested changes to recording medical evidence relevant to the current claim. NISSA advised that to extend the changes beyond this would have serious resource implications without commensurate benefit. Guidance on the new procedures has now been issued to staff, and the agreed changes have now been fully implemented by the Agency.

4.4 The approach that NISSA has taken in response to our recommendations shows its willingness to take on board feedback from this office, and make improvements where appropriate in a timely manner. NISSA has confirmed that it is committed to continuously improving its services and takes appropriate steps to ensure customers receive the service to which they are entitled.