

INDEPENDENT CASE EXAMINER
For the Department for Work and Pensions

ANNUAL REPORT
1 APRIL 2008 – 31 MARCH 2009

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 customers of the Department for Work and Pensions (DWP) feel that the Department or one of its Businesses has not treated them fairly or has not dealt with complaints in a satisfactory manner; and to support the Department in improving the service it delivers by providing constructive criticism and meaningful recommendations

Our Aim

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

Our Vision

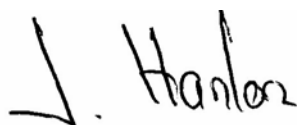
To be a first rate service provided by professional staff

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1. Independent Case Examiner's foreword

- 1.1. I am pleased to present my second Annual Report as Independent Case Examiner (ICE) for the Department for Work and Pensions (DWP). This report describes the work of the ICE Office in the year ending 31 March 2009, and focuses on our experience of the DWP businesses' approach to complaint resolution. It specifically covers Jobcentre Plus, the newly created Pension, Disability and Carers Service, Debt Management and the Rent Service (which from 1 April 2009 has ceased to exist.)
- 1.2. DWP is the biggest delivery department in the UK, serving over 20 million customers across a complex range of business. In the light of the volume of transactions the department undertakes, it is perhaps not surprising that mistakes happen. The important thing, when mistakes happen, is that they should be recognised and put right as quickly and as satisfactorily as possible, that individuals are provided with appropriate redress and that lessons learned from customer complaints feed through to service improvement. The House of Commons Public Administration Select Committee report of July 2008 emphasised that complaints can provide a vital source of insight. From the complaints I investigate, I too subscribe to this view. Analysis of complaints can tell an organisation how it is perceived, and indicate areas to improve.
- 1.3. ICE has an important role to play in identifying areas for improvement and in last year's report I acknowledged the willingness of DWP officials, at all levels of the organisation, to engage with ICE and to take on board the conclusions and learning points arising from our investigations. This year, as casework continues to build, we have started to get a better feel for some common areas of discontent for DWP customers and to identify trends. Once again, I have found the businesses very willing to accept our findings and to work productively with this office.
- 1.4. This report provides an insight from the complaints examined by my office into how DWP customers view the services they receive, and how the Department's businesses can improve the service they provide. I hope that it will be received by those businesses in the spirit in which it is offered.
- 1.5. I do want in this report to pay tribute to the staff at the ICE office for their hard work and dedication and their unfailing support to me. I am proud of the work they do.



John Hanlon

Independent Case Examiner

29 June 2009

2. Executive Summary

Key messages 2008/09	
•	DWP businesses have been very receptive to learning points arising from ICE casework and to take on board systemic recommendations.
•	Working relationships between the Department and the ICE office are good. We continue to work together to find solutions to problems and to improve service to customers.
•	DWP internal complaint handling is reasonably good and businesses are taking steps to ensure that complaints are resolved internally at the earliest opportunity. However, improvement is needed in signposting and in dealing with complaints about alleged staff misconduct.
•	Jobcentre plus struggles to meet its Service Level Agreement with ICE, particularly in respect of evidence provision and timely implementation of recommendations.
•	There is still evidence that the businesses are failing to consider financial redress at the earliest opportunity, which could prevent their customers having to escalate their complaints to ICE.

Summary of Business Performance		
Business Performance	2007/08	2008/09
Received	1210	1287
Accepted	392	342
Total case clearances (of which):	212	410
Resolved	99	152*
Investigated	75	206
Withdrawn	38	52

*This includes 66 cases resolved with evidence (settled)

3. CASEWORK: THEMES AND LESSONS

3.1 The number of approaches to ICE by DWP customers this year has increased, which I expected as awareness of the ICE service increased. The percentage of those complaints accepted by ICE, however, has decreased, largely because a high proportion of complaints come to us too early, before businesses have had an opportunity to deal with them internally. I refer to this in more detail in section 4 of this report.

3.2 Of those cases we accepted, some 37% were resolved by agreement between the parties, which I consider to be the best outcome. However, resolution is not always possible, sometimes because of the complexity of matters under dispute and sometimes because complainants are simply unwilling to accept that their grievances are unfounded or that corrective action taken by businesses or proposed resolution action by businesses is sufficient. Of the complaints which we investigated, the majority (67%) were not upheld.

3.3 Both resolution and investigation cases provide opportunities for lessons to be learned. Themes identified and conclusions drawn from ICE casework, together with the suggestions I have made for improvement, are outlined below.

Complaints about staff

3.4 We receive a small but significant number of complaints about the conduct of DWP staff: primarily, though not exclusively, Jobcentre Plus staff. Only rarely do we find substance in the complaints in so far as they relate to the individual about whom the complaint was made. That makes it all the more unsatisfactory that we do regularly find the businesses' own investigations of those complaints to have been wanting. Sometimes, the fact that an allegation has not been investigated properly leads us to uphold a complaint about how an allegation has been handled by DWP, even when the original, staff-related allegation may have been unfounded, trivial or vexatious.

3.5 A body of casework over the last two years has illustrated an evident lack of clear DWP guidance for handling complaints from members of the public about staff. Although the Department had in place human resources guidance relating to staff conduct, which I have no reason to doubt is followed when the behaviour of individuals is found wanting by colleagues or line managers, office managers do not always recognise that this guidance is equally appropriate to investigating allegations of misconduct made by members of the public. Too often this means that such investigations as are conducted are not properly recorded, that no formal conclusions are reached, and crucially that complainants are not informed of the outcome. Not surprisingly, this can lead to the escalation of a complaint which a customer believes has not been addressed. Yet even when such complaints have been escalated to the highest level within a business, I have seen instances of failure to instigate proper investigation.

3.6 In other cases, I have found investigations to have been cursory or partial, with scant regard having been paid to the customer's perspective. The example below illustrates this:

Mr A complained, amongst other things, that a member of Jobcentre Plus staff had used abusive language towards him in a telephone call. After he complained about this he did not feel that Jobcentre Plus fully investigated his complaint. He said he had 3 witnesses to the incident but had not been asked to provide evidence.

During our investigation we questioned whether Jobcentre Plus had asked the complainant to provide witness statements. Despite the fact that when investigating minor misconduct cases, managers should obtain written statements from any available witness, and they had done so in respect of staff witnesses, they had not thought it necessary to seek evidence from the complainant's witnesses.

Jobcentre Plus accepted that it did not contact Mr A to ask if he had any witnesses to the telephone call and that if it had Mr A's witnesses would have supported his allegations.

I upheld Mr A's complaint and criticised Jobcentre Plus for its failure to investigate the matter properly, and I recommended that it apologise to Mr A for this service failure.

3.7 Where I have found maladministration in the investigation of staff-related complaints, I have generally asked the originating business to re-investigate and to inform the complainant of the outcome of their reinvestigation, even when the events in question have occurred some time previously. I recognise that this approach is less than ideal, since the passage of time inevitably makes investigation more difficult, and it re-opens uncomfortable issues for the member of staff concerned who may have been given cause to believe that those issues had been resolved. Nevertheless, I believe it is important to ensure that the customer complaint is properly investigated.

3.8 I cannot emphasise enough the importance of proper and timely administration of staff-related complaints, or of comprehensive record-keeping. I welcome recent developments to provide Departmental guidance to staff which, I believe, will help businesses to improve their performance in this area.

Record-keeping and retention of non-documentary evidence

3.9 Poor record-keeping is particularly relevant to the investigation of alleged misdirection: complaints about deficient advice, or lack of advice, offered by DWP to its customers. These complaints are relatively straightforward to investigate when the advice in question has been given in writing and when documentary evidence exists. They are considerably harder to deal with when they relate to telephone or face-to-face conversations, of which no or incomplete records exist. In those cases, I reach conclusions on the balance of probabilities though this is often less than satisfactory to the party whose version of events is not favoured.

3.10 In some parts of DWP telephone conversations are routinely recorded, and this strikes me as good practice in a Department which relies increasingly on telephone transactions with its customers. In other areas, however, audio recording does not take place, which makes it all the more important for comprehensive written notes to be made of such customer contact. This does not always happen. Notes are sometimes brief to the point that they serve little purpose.

3.11 Other records, such as confirmation of the issue of forms, claim packs or other information, are also often absent or incomplete. The fact that issue of a letter or form has not been recorded, does not, of course, prove that it was not sent. However, when the customer has not received the form, or alleges that he has not received it, the lack of a record can often be the critical factor in a balance of probability decision, particularly when a record has been kept of other forms issued during the relevant period. This has been a recurring theme in relation to the Pension, Disability and Carers Service, specifically in relation to state pension claims.

3.12 Finally, CCTV cameras are often in place to record activity in Jobcentre Plus offices. I have received a small number of complaints this year from Jobcentre Plus customers who have either been accused of unacceptable behaviour or who have made allegations about the behaviour of officials, who have asked to view CCTV footage but have been unable to do so. I am aware that CCTV recordings are not the property of Jobcentre Plus but of its security provider and that such records are held for a very limited period. This situation strikes me as unsatisfactory, making the investigation of complaints of this nature more difficult than they need be and leading some customers to claim a “conspiracy” between Department and provider.

Financial Redress

3.13 Before I accept a complaint for investigation, the DWP businesses will have been given the opportunity to address the issues raised by the complainant and I expect them to have done so thoroughly. Included in DWP’s considerations should be whether and what redress may be appropriate where maladministration has been identified. In some cases, an apology together with corrective action will be sufficient redress. In others, financial redress will be warranted. The DWP businesses are empowered to provide financial redress, and in many cases do so. However, in some cases, ICE investigations reveal that the businesses have not always properly considered this matter and have failed to identify a clear case for financial redress.

3.14 If all the DWP businesses routinely took this action at the earliest opportunity, it is possible that the number of complaints received at ICE might be reduced. We find that some complaints can be resolved comparatively easily and, while I acknowledge that, for some complainants, the intervention of an independent third party might provide a deciding factor, for others I believe that it might not have been necessary for ICE to become involved had the businesses provided appropriate redress at the earliest opportunity to do so.

3.15 Although the DWP businesses continue to assure ICE that they consider financial redress at the earliest opportunity, we are still not seeing sufficient evidence

that this is being put into practice. I will continue to monitor this in the coming year.

4. WORKING WITH DWP

4.1 Collaborative working between the ICE office and DWP businesses is essential for the effective resolution of complaints and for the delivery of timely and appropriate outcomes for DWP customers. I am pleased to report that the working relationship between the ICE office and DWP businesses' Focal Points is professional, cordial and generally productive, despite some service delivery problems.

The Learning Loop

4.2 A key ICE responsibility is to provide insight from complaints to assist the DWP businesses to effect customer service improvements. To that end, as well as making recommendations for redress in individual cases, I also alert DWP to any shortcomings in its systems or procedures that come to light during the course of our work. I am happy to acknowledge that the DWP businesses have been very willing to take on board my views.

Jobcentre Plus

4.3 In the course of the reporting year, I have alerted Jobcentre Plus to eleven instances of potential process improvement. I am pleased to report that, to date, Jobcentre Plus has taken action to address six of those deficiencies and I am awaiting its response in relation to the remainder. Examples of the action taken by Jobcentre Plus are:

- In August 2008 I asked Jobcentre Plus to take steps to enable Disability Employment Advisors (DEAs) to offer general guidance to claimants about Disability Living Allowance, in response to which Jobcentre Plus introduced changes in the training and information available to DEAs.
- Also in August 2008 I asked Jobcentre Plus to review procedures governing the retention of CCTV footage or any other audio or visual evidence. Jobcentre Plus responded that its security provider keeps most images for at least 28 days and is working on bringing all systems into line. Jobcentre Plus has also reminded staff to download CCTV footage and retain for an appropriate time in complaint cases.
- In March 2009 I asked Jobcentre Plus to enhance its administration of appeals. Jobcentre Plus accepted the recommendation and has set in motion a review of existing processes, both internally and with the Ministry of Justice, with the aim of both improving the quality of decisions and reducing the time it takes to clear such appeals. A key element of this review will be exploring and introducing revised arrangements to help customers understand what will happen as a result of their appeal and how long any action can be expected to take. Jobcentre Plus said that it also intends to introduce arrangements to advise the customer when, exceptionally, these expectations are not met.

4.4 I am also pleased to acknowledge instances when DWP has used the feedback provided by ICE to proactively improve service to customers. I am aware of a number of positive steps taken by Jobcentre Plus, including the following examples.

- Introducing an information centre to help staff involved in customer service and complaint handling to deliver a better quality service. ICE reports are analysed, and the analysis is published on line for staff to access and learn from.
- Reviewing the way customer feedback and complaints are managed, looking at the management process and culture within the organisation.
- Establishing an Agency-wide Customer Matters Group to address behaviours and build on what it learns from customer and ICE feedback.

Pension, Disability and Carers Service (PDCS)

4.5 During the year I advised the Pension, Disability and Carers Service (PDCS) of nine processes which my case work had indicated might warrant review. A response to one of these proposals is currently outstanding. Of the remaining eight, PDCS has taken positive action to address four. Four proposals were rejected: in one case because the implementation cost would have been prohibitive; in two others because scheduled legislative or procedural change will supersede the issues; and in one case because the deficiency I identified related to a form which is already obsolete. In all cases, I was content that the responses I received from PDCS were sufficient and reasonable. Examples of the issues raised are:

- In April 2008 I highlighted that the standard letter used by PDCS to advise claimants that State Pension and Pension Credit has been combined could be misleading. PDCS accepted the recommendation and amended the notifications.
- In June 2008 I asked that the wording of the winter fuel payment notification be reviewed and clarified. PDCS accepted the recommendation and has arranged for the wording to be changed in time for this year's winter fuel payments.
- In August 2008 I asked PDCS to consider using special delivery when returning valuable documents to customers. PDCS response advised that the cost of doing so was disproportionate to the number of problems identified in this area. However, PDCS provided details of alternative steps it is taking.
- In December 2008 I highlighted that there is no process in place to advise widows of the cessation of widows benefit as they approach age 65, and that PDCS should consider sending this information out prior to the 65th birthday. PDCS advised that the recommendation has been accepted and it is considering IT changes to ensure that the additional information is provided. PDCS confirmed it is working with Jobcentre Plus colleagues as working age customers are affected, and a feasibility study is being undertaken.

4.6 PDCS has also taken steps to put into practice learning from ICE casework. It has, for example, enhanced its complaint handling processes to include more direct verbal contact with the complainant and proactive consideration of redress. In this way PDCS aims to resolve issues and avoid escalation to ICE and the Parliamentary Ombudsman.

Debt Management

4.7 Three possible service improvements were highlighted to Debt Management, one of which had already been raised by the Parliamentary Ombudsman. Action has been taken to address all three:

- In April 2008, I pointed out that standard guidance to staff on recovery of debt makes no reference to the fact that consideration of a waiver can be instigated at any time; it is not contingent on the review and appeal process having been exhausted. Debt Management undertook to issue a reminder to all staff, and to revise its overpayment recovery guide.
- In October 2008 I asked Debt Management and Jobcentre Plus to review liaison arrangements. In response, I was copied into a formal response to the Parliamentary Ombudsman relating to the same issue, and advising of the processes put in place.
- In November 2008 I highlighted non-compliance by Debt Management with DWP procedures for handling cross-cutting complaints. Debt Management confirmed that it would in future seek input from other businesses as necessary, but retain responsibility for issuing a comprehensive response.

4.8 Debt Management has also taken positive steps to apply learning from ICE.

- It is currently reviewing how it manages all customer feedback, including complaints. As part of the review Debt Management has sought ICE involvement, and is currently testing a new process that incorporates ICE practice of early telephone contact with complainants to clarify issues.
- It has also reviewed its complaints quality assurance process and introduced more robust mechanisms.

DWP Complaint Resolution

4.9 I am aware that the Department has identified key drivers of customer satisfaction, one of which is treating customers well. The way in which an organisation deals with complaints is likely to have a significant effect on customers' perception of how well they have been treated. The fact that the majority of complaints investigated by the ICE office are not upheld is an indicator that DWP businesses' handling of internal complaints is reasonably good. Where problems are identified from our casework, they often relate to inadequate signposting, with customers not being properly advised of how to escalate their complaints to a higher level.

4.10 For Jobcentre Plus customers, in particular, premature referral of complaints to ICE, before complainants have received a final response from the business itself, is an ongoing issue. We have raised the matter with Jobcentre Plus, highlighting that its literature does not provide appropriate contact details for Jobcentre Plus senior officials, though it does include advice about how to contact ICE. This encourages customers to approach ICE, only to be put to the inconvenience of being referred back to Jobcentre Plus for a final response. It also causes unnecessary administrative problems for both the ICE office and the Jobcentre Plus Focal Point.

4.11 Telephone research undertaken by the ICE office in December 2008 and January 2009 confirmed that 47% of those Jobcentre Plus customers who had called ICE prematurely during that period had done so as a direct result of having been given the "Tell us what you think" leaflet by jobcentre staff, with no supplementary advice having been provided. A further 11% had been inappropriately referred by Jobcentre staff.

4.12 I am pleased to report that Jobcentre Plus senior managers have responded positively to the issues raised, and have undertaken to review the "Tell us what you think" leaflet and the advice provided to their customers, as well as conducting an internal communications exercise to remind staff about correct procedures for dealing with complaints.

ICE Review of complaint resolution standards

4.13 Following a National Audit Office investigation of DWP complaint handling, the Department invited the ICE office to undertake a sampling exercise to test the standard of businesses' responses to complaints. The exercise revealed that, while the standard of responses was generally satisfactory, a quarter of replies failed to signpost complainants to the next level or signposted them incorrectly and almost half failed to meet target response dates. A key finding was that lack of an early apology for service failure can be a critical factor leading to the escalation of complaints.

4.14 The exercise also illustrated that some customers struggle to differentiate between dissatisfaction with the administration of their case, and dissatisfaction with legislation or entitlement decisions which carry review and appeal rights. This supports the findings of the Public Administration Select Committee in June 2008, which concluded that: "the distinction between an appeal and a complaint is real, but apparently little understood by the public. The requirement must be for government organisations to define their processes clearly and to treat any expression of dissatisfaction in the appropriate way. In some cases, the best course of action may be to combine complaint handling with appeal handling; where that is not possible, the distinction must be made as clear as possible to the user, and those complaining or appealing should be guided through the system."

4.15 This is an important lesson for the Department to learn. In my casework, I have come across instances of customer dissatisfaction being progressed via the complaints process – often with the best of intentions – which ought properly to have been directed through the review and appeals process. This can lead to raised expectation, increased dissatisfaction and possible loss of appeal rights since, by the

time the complaints process has been exhausted, statutory time limits for appeal may have been breached.

4.16 The Department welcomed ICE findings from this exercise and has indicated its intention to commission similar exercises in the future.

Meeting SLA Commitments

4.17 Our ability to respond to complainants is dependent on the businesses providing us with the information we need to determine whether maladministration has occurred and to identify what action can be taken to put things right.

4.18 DWP has in place a service level agreement (SLA) with this office, under the terms of which it undertakes to provide particular information at various stages of the examination process, within agreed timeframes. For the most part, I am pleased to report that the Department's businesses have complied with SLA undertakings. The exception has been Jobcentre Plus, which has struggled to do so and has failed in a number of respects, the most acute example of which is the provision of records of evidence (ROEs). ICE received 169 ROEs from Jobcentre Plus during the course of the year, of which only 72 were received within the 28 day SLA timeframe; 97 were received outside this timescale, some by a considerable margin.

4.19 I believe that at the root of this problem is the level of resource Jobcentre Plus has been able to commit to its Focal Point, although Jobcentre Plus does not necessarily agree that this is the key issue. Apart from the effect on SLA compliance, we have, on occasion, received responses to ICE reports direct from Jobcentre Plus districts, which have not been properly considered by the Focal Point and which may be incomplete or inappropriately defensive. This causes additional delay since such responses have to be referred back to the Focal Point for further clarification or amendment. We are also experiencing problems with Jobcentre Plus carrying through ICE recommendations or, where they have done so, informing us of that. All of this indicates that the Focal Point is struggling to manage its workload.

4.20 I set this problem in the context of the economic downturn, and the very considerable demands made on Jobcentre Plus by increased levels of unemployment. I acknowledge that its first priorities must be to pay benefits and to assist unemployed people to find work. Nevertheless, the proper management of complaints is important, and failure to address customer concerns in a timely way may ultimately lead to more complaints and increased cost.

4.21 Where there has been significant delay in meeting SLA commitments, it is my practice to seek additional consolatory payments, which we describe as botheration payments, whenever this has had a detrimental impact on the complainant beyond that identified by an ICE investigation of the original complaint. During this reporting year I have asked for a small number of these payments to be made.

4.22 My office is continuing to work closely with Jobcentre Plus to monitor SLA adherence and to seek more efficient ways of working. Jobcentre Plus has acknowledged that there are a number of practical things it can do to improve performance, and has advised that it is focusing on improving processes, and on

supporting districts so that they are able to provide better quality replies to ICE requests, which will then reduce re-work and subsequent delays.

4.23 Jobcentre Plus has also provided details of action it is taking in respect of service level agreements, signposting, and provision of information to the ICE office and ensuring the districts are aware of the role of the Focal Point. It has also advised it is taking steps to raise awareness of complaints about staff, and is also looking at its record keeping, and consideration of financial redress at the earliest opportunity. I welcome these developments.

Collaborative Working and Ongoing Dialogue

4.24 Arrangements are in place with DWP at senior and at working level for regular dialogue about issues arising from casework and about process improvement. In addition, reciprocal visits between ICE and Focal Points have been arranged on an ad-hoc basis to promote collaborative working, enhance understanding and facilitate the sharing of best practice in order to achieve our mutual goal of resolution of complaints at the earliest opportunity.

5. THE ICE OFFICE

5.1 I am grateful to the management and staff of the ICE office, who continue to provide invaluable support to me in my role as Independent Case Examiner, and an excellent standard of service to complainants.

Standards of Service

5.2 When we acknowledge receipt of a complaint, we send the complainant a copy of "Our Service and Standards" leaflet, which explains how we deal with complaints and includes information about how long it should take us to do so.

5.3 We continue to review our service standards, and this reporting year we have introduced some changes to our key targets. For example, we aimed to clear cases on average within 30 weeks, rather than within 34 weeks as in previous years. We achieved that target with an average throughput rate of 27.94 weeks.

5.4 Our level of service for this reporting year and the last is detailed below:

Target	Performance 2007/08	Performance 2008/09
Acknowledge complaints within 2 working days	99.5%	96.2%
Respond to correspondence within 10 working days	98.9%	97.1%
Decide within 10 working days whether we can accept a complaint for consideration	97.0%	N/A
Decide within 20 working days whether we can accept a complaint for consideration*	N/A	85.4%
Remind complainants at case closure of their	100%	100%

right to approach the Parliamentary and Health Service Ombudsman		
Clear cases accepted for action, within 34 weeks	21.21 weeks	N/A
Clear cases accepted for action on average within 30 weeks*	N/A	27.94 weeks

*changes made to service standard

Dealing with Referrals from the Office of the Parliamentary and Health Service Ombudsman (OPHSO)

5.5 OPHSO has continued the practice of referring complaints about the DWP businesses, which have not already been investigated by ICE, to this office for consideration. During this reporting period it has also, with my full agreement, referred back complaints which have been resolved or settled by ICE to a complainant's satisfaction, but where the complainant has subsequently had second thoughts. That allows my office to proceed to a full investigation of the issues raised.

5.6 We continue to have a good working relationship with OPHSO, and I have regular meetings with them to discuss key issues. In addition, ICE staff recently visited OPHSO to gain a better understanding of their processes.

5.7 During this reporting period ICE received 60 cases from PHSO's office, 14 of which related to the DWP businesses. We cleared 25 DWP cases referred from OPHSO. It is a cause of considerable satisfaction to me that ICE staff were able to resolve 16% of these complaints through a mediated approach.

PHSO Principles of Good Complaint Handling

5.8 During the last reporting period the ICE office audited its processes against PHSO's Principles of Good Administration and Principles for Remedy. In November 2008 PHSO published The Principles of Good Complaint Handling which provides public bodies within the Ombudsman's jurisdiction with information about the sorts of behaviour and standard expected when dealing with complaints.

5.9 In January 2009 an audit of ICE processes was carried out by an ICE internal auditor to provide assurance that ICE business practices – both in our role of providing the final independent tier for DWP and in dealing with internal complaints - reflect the Ombudsman's Principles of Good Complaint Handling. The auditor identified areas of potential improvement for the ICE office, which we are pursuing. However, the Audit established that the Principles approach is being deployed in all material respects throughout ICE, and that ICE practices correspond closely with the Principles of Good Complaint Handling

Continuous Improvement

5.10 We continue to review the service we offer, and during the reporting year, we have introduced changes to our gateway, designed to ensure that complainants are clear about the scope of our jurisdiction and that their expectations are properly

managed. To that end, we agree the elements of complaint with the complainant at the outset and explore with individuals the outcome they are hoping for, and how their complaint might be resolved. This is consistent with the Ombudsman's Principles for Remedy, reinforced by Dr Tony Wright MP, chair of the Public Administration Select Committee, who said, "The underlying idea is that complaints systems, and those dealing with complaints, need to be responsive to the people making complaints. Complainants want to feel that they are being heard and understood, and an important part of this is for organisations to listen to people's views on what should be done to rectify poor performance"

5.11 The office has continued to pursue a number of initiatives which reflect its commitment to improving the service it provides. As well as British Standards Institute (BSI) accreditation for our internal complaints processes, we hold Charter Mark and Investors in People (IiP) accreditation. We are very pleased to have recently been awarded "gold" status recognition from IiP, in respect of our achievements beyond the IiP standard.

5.12 The office is committed to providing a quality service. Complainants continue to tell us of high levels of satisfaction with the ICE service. Complainants have also told us the positive effect our service has made to their lives, as the following quotes demonstrate:

"Only to thank your Dept, for what I believe was a fair and independent judgement on my case. All I had ever asked for from the beginning of my case, which was denied to me by Jobcentre Pus."

"I am very grateful for the help from your organisation, I felt very alone with my problems before you took on my case"

" have received excellent service, and never felt judged and would like to thank everyone involved in my case"

"The level of investigation by the ICE office as shown in another recent case is both thorough and detailed. The award in the claimant's favour was fortunate and could have gone either way upon the evidence, perhaps suggesting an individual issue rather than a DWP system fault; although the DWP may not appreciate the distinction. Please pass on my regards to Mr Hanlon for his patience as the revelations from these investigations can be more useful than the outcome from our perspective."

INDEPENDENT CASE EXAMINER

For the Department for Work and Pensions

Appendix – Casework statistics

ANNUAL REPORT

1 APRIL 2008 – 31 MARCH 2009

SUPPORTING EVIDENCE

Judging the issues without taking sides

Supporting Evidence part 1: Jobcentre Plus Business Performance

1 Casework Statistics

The data and figures that follow are based on casework carried out in the twelve month period between 1 April 2008 and 31 March 2009. Comparisons are made with the twelve months from 1 April 2007 and 31 March 2008.

2 Complaints Received

2.1 Complaints received and accepted for action during the period are outlined below:

	1/4/07 – 31/3/08	1/4/08 – 31/3/09
Received	895	935
Accepted	239	206

3 Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/07- 31/3/08	34	42	26	102
1/4/08- 31/3/09	89*	134	35	258

*includes 47 cases resolved with evidence (settled)

3.1 Withdrawn cases

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 legislative decisions Jobcentre Plus 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 Jobcentre Plus has acted to address people's concerns.

3.2 Resolved cases

We try to resolve complaints by agreement between Jobcentre Plus and the complainant, as this generally represents a quicker and more satisfactory result for both. It is a positive that we are able to resolve a high percentage of Jobcentre Plus complaints, illustrating its willingness to work with us. However, it does also indicate that there is scope for it to do more to address complaints in house at the earliest opportunity, in order to prevent them coming to ICE.

4 Outcomes

4.1 Our findings in respect of cases we could not resolve are detailed below. In cases where we find that the Business has failed to provide an acceptable standard of service, we consider what action the Business has subsequently taken to try to put things right. If the Business 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.

4.2 The number of complaints that are not upheld is usually a good measure of the quality of the businesses' own response to the issues raised. It is very positive that such a high number of Jobcentre Plus cases have not been upheld by ICE.

	Fully Upheld	Partially Upheld	Not Upheld
1/4/07 – 31/3/08	2	7	33
1/4/08 – 31/3/09	14	31	89

5 Subject of Complaint

We recorded details of the subject of complaint for each element of complaint whether resolved or investigated. This has shown:

Subject 1/4/07 – 31/3/08	Resolved	Upheld	Not upheld
Delay	14	2	6
Error	31	6	44
No action taken	7	1	10

Subject 1/4/08 – 31/3/09	Resolved	Upheld	Not upheld
Delay	24	45	20
Error	24	123	76
No action taken	8	31	21
Other	3	26	10

6 Caseload

Cases outstanding 1/4/07 – 31/3/08	185
Cases outstanding 1/4/08 – 31/3/09	134

7 Financial redress

During this reporting period our intervention resulted in the following sums of money being paid to individual complainants as detailed below.

Financial Redress	Amount	Number of cases
Gross inconvenience	£6,027.50	66
Arrears of benefit – non statutory	£805.44	1
Arrears of benefit - statutory	£10,934.35	2
Gross embarrassment	£100.00	1
Financial Loss – communication costs	£11,371.24	8
Financial loss - income	£21,111.47	5
Interest	£4,832.36	10
Severe Distress	£450.00	4
Botheration	£225.00	5
Refund	£0.00	0
Rectify Errors	£0.00	0
Total	£55,857.36	102

8. Service Level Agreement

8.1 We have a service level agreement with Jobcentre Plus with agreed timescales for provision of information to ICE. As the table shows, Jobcentre Plus are still experiencing problems with providing ICE with requested information within these timescales.

JCP Service Level Agreement Activity 1/4/08-31/03/09	
Resolution plans issued	96
Resolution plans returned	101
Returned within SLA (10 days)	36
Returned later than SLA	65
ROEs requested	153
ROEs returned	169
Returned within SLA (28 days)	72
Returned later than SLA	97
Draft reports issued	154
Draft reports returned	151
Returned within SLA (10 days)	81
Returned later than SLA (10 days)	70

Supporting Evidence Part 2: Pension, Disability and Carers Service

Although The Pension Service and Disability and Carers Service have now merged to form Pension, Disability and Carers Service, for the purposes of this report, statistics have been provided separately for each specific area of business.

a. The Pension Service:

1 Casework Statistics

The data and figures that follow are based on casework carried out in the twelve-month period between 1 April 2008 and 31 March 2009. Comparisons are made with the twelve months from 1 April 2007 and 31 March 2008.

2 Complaints Received

Complaints received and accepted for action during the period are outlined below:

	1/4/07 – 31/3/08	1/4/08 – 31/3/09
Received	190	218
Accepted	100	92

3 Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/07- 31/3/08	49	14	5	68
1/4/08- 31/3/09	49*	43	11	103

*includes 13 resolved with evidence (settled)

3.1 Withdrawn cases

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 legislative decisions The Pension Service 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 The Pension Service has acted to address people's concerns.

3.2 Resolved cases

We try to resolve complaints by agreement between The Pension Service and the complainant, as this generally represents a quicker and more satisfactory result for both.

4 Outcomes

4.1 Our findings in respect of cases we could not resolve are detailed below. In cases where we find that the Business has failed to provide an acceptable standard of service, we consider what action the Business has taken to try to put things right. If the Business 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.

4.2 The number of complaints that are not upheld is usually a good measure of the quality of the businesses' own response to the issues raised. It is extremely positive that ICE has not upheld a high percentage of The Pension Service cases.

	Fully Upheld	Partially Upheld	Not Upheld
1/4/07 – 31/3/08	3	4	7
1/4/08 – 31/3/09	11	6	26

5 Subject of Complaint

We recorded details of the subject of complaint for each element of complaint whether resolved or investigated. This has shown:

Subject of complaint 1/4/07 – 31/03/08	Resolved	Upheld	Not upheld
Delay	21	1	3
Error	31	4	9
No action taken	12	1	4

Subject of complaint 1/4/08 – 31/03/09	Resolved	Upheld	Not upheld
Delay	7	11	16
Error	17	29	35
No action taken	1	10	13
Other	0	6	1

6 Cases outstanding at 31 March 2009

Cases outstanding 1/4/07 – 31/3/08	48
Cases outstanding 1/4/08 – 31/3/09	42

7 Financial Redress

During the reporting year our intervention resulted in the following sums of money being paid to individual complainants as detailed below:

Financial Redress	Amount	Number of cases
Gross inconvenience	£4,475.00	43
Gross embarrassment	£0.00	0
Financial Loss – communication costs	£449.00	10
Financial Loss - income	£15,093.92	7
Interest	£2,944.65	8
Severe Distress	£100.00	1
Arrears of Benefit – non statutory	£1,470.80	1
Botheration	£150.00	2
Refund	£0.00	0
Rectify Error	£0.00	0
Total	£24,683.37	72

8. Service Level Agreement

8.1 We have a service level agreement with The Pension Service with agreed timescales for provision of information to ICE.

TPS Service Level Agreement Activity 1/4/08-31/03/09	
Resolution plans issued	32
Resolution plans returned	34
Returned within SLA (10 days)	30
Returned later than SLA	4
ROEs requested	49
ROEs returned	46
Returned within SLA (28 days)	39
Returned later than SLA	7
Draft reports issued	47
Draft reports returned	48
Returned within SLA (10 days)	39
Returned later than SLA (10 days)	9

b. Disability and Carers Service

1 Casework statistics

The data and figures that follow are based on casework carried out in the period between 1 April 2008 and 31 March 2009. Comparisons are made with the twelve months from 1 April 2007 and 31 March 2008.

2 Complaints Received

Complaints received and accepted for action during the period are outlined below:

	1/4/07 – 31/3/08	1/4/08 – 31/3/09
Received	64	85
Accepted	32	32

3 Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/07- 31/3/08	11	16	4	31
1/4/08- 31/3/09	8*	17	5	30

*includes 5 resolved with evidence (settled)

3.1 Withdrawn cases

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 legislative decisions Disability and Carers Service 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 Disability and Carers Service has acted to address people's concerns.

3.2 Resolved cases

We try to resolve complaints by agreement between the Business and the complainant, as this generally represents a quicker and more satisfactory result for both. Our experience remains that there is limited scope for resolution of Disability and Carers Service cases, which are generally complex, because the Business itself has commonly already explored all avenues for resolution before the complaint reaches ICE.

4 Outcomes

4.1 Our findings in respect of cases we could not resolve are detailed below. In cases where we find that the Business has failed to provide an acceptable standard of service, in determining whether to uphold a complaint we consider what action the Business has taken subsequently to try to put things right. If the Business 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.

4.2 We have again seen particularly promising results in respect of Disability and Carers Service, in that the great majority of the cases we have investigated have not been upheld.

	Fully Upheld	Partially Upheld	Not Upheld
1/4/07 – 31/3/08	1	4	11
1/4/08 – 31/3/09	2	1	14

5 Subject of Complaint

We recorded details of the subject of complaint for each element of complaint whether resolved or investigated. This has shown:

Subject of complaint 1/4/07-31/03/08	Resolved	Upheld	Not upheld
Delay	4	0	2
Error	10	2	14
No action taken	0	1	4

Subject of complaint 1/4/08-31/3/09	Resolved	Upheld	Not upheld
Delay	1	5	2
Error	5	12	9
No action taken	0	5	2
Other	0	3	1

6 Cases outstanding at 31 March 2009

Cases outstanding 1/4/07 – 31/3/08	8
Cases outstanding 1/4/08 – 31/3/09	21

7 Financial Redress

During the reporting period our intervention resulted in the following sums of money being paid to individual complainants as detailed below.

Financial Redress	Amount	Number of cases
Gross inconvenience	£760.00	6
Gross embarrassment	£0.00	0
Financial Loss – Communication Costs	£75.00	2
Financial Loss – Income	£1,442.10	1
Botheration	£0.00	0
Interest	£135.78	1
Severe Distress	£100.00	1
Arrears of benefit	£0.00	0
Refund	£0.00	0
Rectify Error	£0.00	0
Total	£2,512.88	11

8. Service Level Agreement

8.1 We have a service level agreement with Disability and Carers Service with agreed timescales for provision of information to ICE.

DCS Service Level Agreement Activity 1/4/08-31/03/09	
Resolution plans issued	10
Resolution plans returned	11
Returned within SLA (10 days)	10
Returned later than SLA	1
ROEs requested	24
ROEs returned	21
Returned within SLA (28 days)	19
Returned later than SLA	2
Draft reports issued	21
Draft reports returned	19
Returned within SLA (10 days)	19
Returned later than SLA (10 days)	0

Supporting Evidence Part 4: Debt Management Business Performance

1 Casework Statistics

The data and figures that follow are based on casework carried out in the period between 1 April 2008 and 31 March 2009. Comparisons are made with the twelve months from 1 April 2007 and 31 March 2008.

2 Complaints Received

Complaints received and accepted for action during the period are outlined below:

	1/4/07 – 31/3/08	1/4/08 – 31/3/09
Received	52	38
Accepted	20	9

3 Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/07-31/3/08	5	3	3	11
1/4/08- 31/3/09	6*	8	0	14

*includes 1 review of evidence (settlement)

3.1 Withdrawn cases

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 legislative decisions Debt Management 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 Debt Management has acted to address people's concerns.

3.2 Resolved cases

We try to resolve complaints by agreement between the business and the complainant, as this generally represents a quicker and more satisfactory result for both.

4 Outcomes

4.1 Our findings in respect of cases we could not resolve are detailed below. In cases where we find that the business has failed to provide an acceptable standard of service, in determining whether to uphold a complaint we consider what action the Business has subsequently taken to try to put things right. If the business 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.

4.2 Again, although the number of Debt Management cases we have investigated is low, it is promising that most of them have not been upheld.

	Fully Upheld	Partially Upheld	Not Upheld
1/4/07 – 31/3/08	0	1	2
1/4/08 – 31/3/09	1	1	6

5 Subject of Complaint

We recorded details of the subject of complaint for each element of complaint whether resolved or investigated. This has shown:

Subject of complaint 1/4/07-31/3/08	Resolved	Upheld	Not upheld
Delay	1	0	1
Error	5	1	4
No action taken	1	0	0

Subject of complaint 1/4/08- 31/3/09	Resolved	Upheld	Not upheld
Delay	0	1	6
Error	3	4	2
No action taken	0	3	0
Other	0	2	0

6 Cases outstanding at 31 March 2009

Cases outstanding 1/4/07 – 31/3/08	14
Cases outstanding 1/4/08 – 31/3/09	8

7 Financial redress

During the reporting period our intervention resulted in the following sums of money being paid to individual complainants as detailed below.

Financial Redress	Amount	Number of cases
Gross inconvenience	£700	7
Gross Embarrassment	£0.00	0
Financial Loss - costs	£55.00	3
Financial Loss - income	£0.00	0
Botheration	£0.00	0
Interest	£0.00	0
Severe Distress	£0.00	0
Arrears of Benefit	£0.00	0
Refund	£0.00	0
Rectify Errors	£0.00	0
Total	£755.00	0

8. Service Level Agreement

8.1 We have a service level agreement with Debt Management with agreed timescales for provision of information to ICE.

DM Service Level Agreement Activity 1/4/08-31/03/09	
Resolution plans issued	7
Resolution plans returned	7
Returned within SLA (10 days)	6
Returned later than SLA	1
ROEs requested	4
ROEs returned	3
Returned within SLA (28 days)	3
Returned later than SLA	0
Draft reports issued	5
Draft reports returned	5
Returned within SLA (10 days)	4
Returned later than SLA (10 days)	1

Supporting Evidence Part 5: The Rent Service Business Performance

1 Casework Statistics

The data and figures that follow are based on casework carried out in the period between 1 April 2008 and 31 March 2009, with some comparisons made between 1 April 2007 and 31 March 2008.

2 Complaints Received

Complaints received and accepted for action during the period are outlined below:

	1/4/07 – 31/3/08	1/4/08 – 31/3/09
Received	9	11
Accepted	1	3

3 Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
Clearances 1/4/08 – 31/3/09	0	4	1	5

3.1 Withdrawn cases

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 legislative decisions the Rent Service 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 the Rent Service has acted to address people's concerns.

4 Outcomes

4.1 Our findings in respect of cases we could not resolve are detailed below. In cases where we find that the business has failed to provide an acceptable standard of service, in determining whether to uphold a complaint we consider what action the Business has subsequently taken to try to put things right. If the business 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.

	Fully upheld	Partially Upheld	Not upheld
Outcome of investigation 1/4/08 – 31/3/09	0	0	4

5 Subject of Complaint

We recorded details of the subject of complaint for each element of complaint whether resolved or investigated. This has shown:

Subject 1/4/08-31/3/09	Resolved	Upheld	Not upheld
Delay	0	0	1
Error	0	0	4
No action taken	0	0	0

6 Cases outstanding at 31 March 2009

Cases outstanding 1/4/07 – 31/3/08	1
Cases outstanding 1/4/08 – 31/3/09	0

7. Service Level Agreement

7.1 We have a service level agreement with the Rent Service with agreed timescales for provision of information to ICE.

RS Service Level Agreement Activity 1/4/08-31/03/09	
Resolution plans issued	0
Resolution plans returned	0
Returned within SLA (10 days)	0
Returned later than SLA	0
ROEs requested	3
ROEs returned	4
Returned within SLA (28 days)	4
Returned later than SLA	0
Draft reports issued	4
Draft reports returned	4
Returned within SLA (10 days)	4
Returned later than SLA (10 days)	0