

# **INDEPENDENT CASE EXAMINER**

**For the Northern Ireland Child Support Agency / Child  
Maintenance Enforcement Division and the Northern  
Ireland Social Security Agency**

## **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 Northern Ireland Child Support Agency (CSA) / Child Maintenance and Enforcement Division (CMED) or Northern Ireland Social Security Agency (NISSA) feel that it has not treated them fairly or has 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 / Division customers that makes a difference to the way in which the Agency / Division discharges its public responsibilities

## **Our Vision**

To be a first rate service provided by professional staff

## **CONTENTS**

<b>Independent Case Examiner's foreword</b>	4
<b>Child Support Agency / Child Maintenance and Enforcement Division</b>	5
<b>Casework: Themes and Lessons</b>	5
Enforcement and compliance	5
Communication	6
Financial Redress	6
<b>Working with the CSA / CMED</b>	6
Complaint Resolution	6
Meeting SLA commitments	7
<b>Northern Ireland Social Security Agency</b>	8
Working relationships	8
The Learning Loop	8
Complaint Resolution	8
<b>Annex 1: Statistical information</b>	9
<b>Annex 2: The ICE Office</b>	15

## Independent Case Examiner's foreword

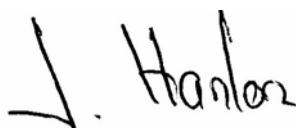
1.1 I am pleased to present my second Annual Report as Independent Case Examiner (ICE) for the Northern Ireland Child Support Agency (NICSA) and the Northern Ireland Social Security Agency (NISSA). On 1 April 2008, NICSA was superseded by the Child Maintenance and Enforcement Division (CMED) of the Department for Social Development (DSD). This has not affected the role played by the ICE office in relation to complaints examination.

1.2 This report describes the work of the ICE office in the year ending 31 March 2009, and focuses on our experience of the Agencies' / Divisional approach to complaint resolution. We have again received only a small number of complaints relating to both bodies, which supports my belief, expressed in last year's Annual Report, in the ability of these bodies to address most complaints internally at the earliest opportunity. This is reinforced by the number of cases that have been resolved by ICE this year: 59% of complaints my office has accepted have been resolved by brokering agreement between parties.

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 DSD staff, at all levels of the organisation, to engage with ICE and to take on board the conclusions and learning points arising from our investigations. Once again, I have found the Agencies / Division 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 DSD customers view the services they receive, and how the Department can improve the service it provides. I hope that it will be received 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

4 August 2009

# **Northern Ireland Child Support Agency / Child Maintenance and Enforcement Division**

## **1. Context**

1.1 CSA / CMED in Northern Ireland 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. 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 very positive one.

## **2. Casework: Themes and Lessons**

### **Enforcement and compliance**

2.1 While acknowledging recent improvements in the area of enforcement, I am still seeing cases in which timely enforcement action has not been taken, sometimes over a period of several years.

2.2 CSA / CMED has acknowledged that there have been delays in progressing enforcement action in some cases. It has advised that it has taken steps to make improvements in this area. In cases in which the non resident parent refuses to supply the necessary information to calculate either an initial maintenance assessment or carry out a change of circumstances review, a default maintenance assessment is now routinely put in place and criminal compliance action instigated. Improved engagement with the Public Prosecution Service has resulted in the number of successful convictions increasing by more than 100% during the 08/09 year. I am also aware that the need to increase capacity in this area has been recognised and additional staff have received accredited training during the 08/09 year. This increased capacity will allow even more referrals to be progressed to the Public Prosecution Service during the 09/10 year.

2.3 The introduction of "Case Worker on Line" during the reporting year has provided all staff who are involved in debt negotiation with additional tools when engaging with non-compliant non-resident parents. The amount of debt recovered during the financial year has significantly increased compared to the previous year.

2.4 Finally, the management of hard debt cases through the enforcement process and the service provided by business partners (Crown Solicitors and Enforcement of Judgements Office) continues to be reviewed regularly to ensure there is minimum delay in cases being taken through the Courts.

I welcome all the above developments.

## **Communication**

2.5 Communication has been an ongoing theme of complaints to ICE, and people tell my office that some correspondence they receive from CSA / CMED is difficult to understand, confusing and contradictory of previous notifications. One reason for this is a fundamental and entirely reasonable misunderstanding by members of the public of the various routes for progressing disagreement, which are not always clearly articulated to them by public bodies.

2.6 CSA / CMED has taken positive steps to improve its communications and is in the process of improving standard letters and notifications, to keep its clients more informed of progress on their case, help them to understand what is happening and what more they can do to support and as necessary challenge the assessment process. It is also attempting to improve understanding of payment schedules. I support these measures and believe they will help make it easier for CSA / CMED customers to navigate processes.

## **Financial Redress**

2.7 Before I accept a complaint for investigation, CSA / CMED will have been given the opportunity to address the issues raised by the complainant and I expect it to have done so thoroughly. Included in 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. In others, financial redress will be warranted. CSA / CMED is empowered to provide financial redress, and in many cases it does so. Sometimes, however, ICE investigations reveal that this matter has not been properly considered and a clear case for financial redress has not been identified. This is something which has been highlighted previously in ICE reports.

## **3. Working with the CSA / CMED**

3.1 Collaborative working between the ICE office and CSA / CMED is essential for the effective resolution of complaints and for the delivery of timely and appropriate outcomes for their customers. I am pleased to report that we have continued to build on the excellent working relationship we have developed.

### **Complaint Resolution**

3.2 CSA / CMED has taken a number of initiatives to improve its complaint handling and the service it offers to customers, as detailed below:

#### **Delay in completing initial assessments and changes of circumstances:**

I am assured that the timely and accurate completion of initial maintenance assessments continues to be given priority. Improvements in processes and management controls have resulted in further improvements in the time taken to assess new applications. Last year, for example, around 87% of new applications made in March were being cleared within 18 weeks. This year, CMED expects to have 80% of March 2009 applications cleared within 12 weeks, which is a significant improvement. In addition, the cash value accuracy of assessments to the nearest penny at March 2009 was 96%, compared to 92% at the end of March 2008.

With regard to timely progression of changes of circumstances, CMED has advised that there has been a strong focus on this area of work, with organisational changes providing additional resource capacity.

**Failure to keep promises and keep clients updated on case progression:**

CMED has advised that improving customer service in these two areas continues to be a challenge and that its management team are fully committed to embedding appropriate behavioural changes. It has also advised that customer service is a key aspect of key work objectives for all managers and staff and features prominently in team discussions, where feedback from complaints is used for learning.

I also welcome these developments.

**Meeting SLA Commitments**

3.3 Like CSA before it, CMED has signed up to a service level agreement (SLA) with this office to enable us to provide a good service and to manage complainants' expectations about the length of time an investigation will take. In last year's Annual Report I highlighted that there had been some slippage in SLA compliance. However I also reported that since the implementation of the Northern Ireland Complaints Review team in October 2007, the position had improved greatly to the extent that no timescales were being missed; and CSA had promised that a strong focus would continue to ensure timescales are met.

3.4 I am very pleased to report that this focus has continued throughout this reporting period with the vast majority of SLAs being met.

# Northern Ireland Social Security Agency

## Working Relationships

1. Collaborative working between the ICE office and SSA is essential for the effective resolution of complaints and for the delivery of timely and appropriate outcomes for SSA customers. I am pleased to report that our experience of dealing with NISSA has continued to be highly constructive and the Agency continues to engage with the ICE office in a positive way.

## The Learning Loop

2. With the aim of providing the Agency with insight from complaints to assist it in effecting customer service improvements, in addition to making recommendations for redress in individual cases, I also alert SSA to any shortcomings in its systems or procedures that come to light during the course of our work. I am happy to acknowledge that SSA has been very willing to take on board my views. I raised the following systemic recommendation with SSA during this reporting period:

- In September 2008 I asked the Agency to consider publishing guidance to staff in respect of action to take when customers complain about a member of staff. SSA responded that its customer service team is currently reviewing the Agency's "Guide to Effective Complaints Handling", and that the revision will include guidance to managers on dealing with complaints about Agency staff.

## Complaint Resolution

3. The Agency has advised that as a result of an internal audit of its complaint procedures, it has introduced a standardised customer complaints form. I welcome this development.

## Statistical Information

### Part 1: Northern Ireland Child Support Agency / Child Maintenance and Enforcement Division

#### 1. Casework Statistics

1.1 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 to 31 March 2008.

#### 2. Complaints Received

2.1 Complaints received and accepted for action during the period are outlined below. The number of cases received and accepted for examination has decreased again this year. As highlighted in previous Annual Reports, relatively small numbers overall make it difficult to draw conclusions.

	1/4/07-31/3/08	1/4/08-31/3/09
<b>Received</b>	60	56
<b>Accepted</b>	26	22

#### 3. Case Clearances

Details of clearances are outlined below:

	1/4/07-31/3/08	1/4/08-31/3/09
<b>Resolution</b>	27	12
<b>Investigation</b>	9	3
<b>Withdrawn</b>	1	0
<b>Total</b>	37	15

#### Withdrawn cases

3.1 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 CSA / CMED 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 Agency has acted to address people's concerns.

#### Resolved cases

3.2 We try to reach settlement of complaints by agreement between CSA / CMED and the complainant, as this generally represents a quicker and more satisfactory result for both. We are still able to resolve the majority of cases, which is for the most part positive, although it could also indicate that there is more the Agency / Division could do to put things right before the complaint is escalated 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 Agency / Division has failed to provide an acceptable standard of service, when determining whether to uphold a complaint we consider what action has been taken subsequently to try to put things right. If the complaint has been fully addressed and appropriate redress has been provided, offered or instigated prior to acceptance by ICE, we do not uphold the complaint.

4.2 Although numbers are very low, it is promising that this year ICE has not fully upheld any of the cases investigated.

	1/4/07-31/3/08	1/4/08-31/3/09
<b>Fully upheld</b>	5	0
<b>Partially upheld</b>	2	2
<b>Not upheld</b>	2	1
<b>Total</b>	9	3

#### 5. Subject of complaint

5.1 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	Upheld	Not upheld	Resolved
Delay	2	3	18
Error	2	2	14
No action taken	5	1	16
Other	0	0	4

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

5.2 Delay and error still seem to be the main areas of concern for CSA / CMED complainants. The fact that a number of these cases were subsequently resolved suggests that the Agency could have done more to put things right in the first instance.

#### 6. Caseload

<b>Case load 1/4/07 - 31/3/08</b>	5
<b>Case load 1/4/08 - 31/3/09</b>	14

## 7. Financial Redress

7.1 The table below provides a breakdown of financial redress awarded during the reporting period as a result of ICE intervention, with comparisons in respect of the previous financial year. It is interesting to see that the amounts awarded in respect of financial redress for this year have decreased significantly in comparison with last year.

	<b>1/4/07 – 31/03/08</b>	<b>1/4/08 – 31/03/09</b>
Advanced Payment	£2,244.05	£0.00
Botheration Payment	£850.00	£50.00*
Gross Embarrassment	£0.00	£0.00
Gross Inconvenience	£6,999.99	£1,450.00
Financial Loss	£28,161.95	£901.43
Interest	£1,935.25	£73.94
Rationalisation/Suspension	£0.00	£0.00
Rectify errors	£0.00	£0.00
Refund	£0.00	£23.49
Severe Distress	£0.00	£0.00
<b>Total</b>	<b>£40,191.24</b>	<b>£2,498.86</b>

\* Botheration payments are made by agreement with the ICE office when SLA breaches have caused a significant delay in an ICE investigation.

## 8. Service Level Agreement

8.1 We have a service level agreement with the Agency / Division with agreed timescales for provision of information to ICE.

<b>CSA Service Level Agreement Activity 1/4/08 - 31/3/09</b>	
Resolution plans issued	15
Resolution plans returned	14
Returned within SLA (10 days)	11
Returned later than SLA	3
<b>ROEs</b>	
ROEs requested	4
ROEs returned	4
Returned within SLA (28 days)	3
Returned later than SLA	1
<b>Draft Reports</b>	
Draft reports issued	2
Draft reports returned	2
Returned within SLA (10 days)	2
Returned later than SLA (10 days)	0

## Part 2: Northern Ireland Social Security Agency

### 1. Casework Statistics

1.1 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 to 31 March 2008.

### 2. Complaints Received

2.1 Complaints received and accepted for action during the period are outlined below. Numbers received and accepted have been small for the last few years, and this year there has been a further decrease in complaints reaching the ICE office in the current reporting period.

	1/4/07-31/3/08	1/4/08-31/3/09
<b>Received</b>	17	8
<b>Accepted</b>	11	5

### 3. Case Clearances

Details of clearances are outlined below:

	1/4/07-31/3/08	1/4/08 – 31/3/09
<b>Resolution</b>	2	4*
<b>Investigation</b>	4	2
<b>Withdrawn</b>	3	1
<b>Total</b>	<b>9</b>	<b>7</b>

\*includes 2 cases resolved with evidence (settled)

### Withdrawn cases

3.1 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

3.2 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.

### 4. Outcomes

4.1 Our findings in respect of cases we could not resolve are detailed below. In cases where we find that the Agency has failed to provide an acceptable standard of service, when 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.

4.2 Although numbers are very low, it is promising that this year ICE has not fully or partially upheld any of the cases investigated.

	1/4/07-31/3/08	1/4/08-31/3/09
<b>Fully upheld</b>	0	0
<b>Partially upheld</b>	1	0
<b>Not upheld</b>	3	2
<b>Total</b>	4	2

## 5. Subjects of complaint

5.1 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	Upheld	Not upheld	Resolved
Delay	0	0	2
Error	0	4	0
No action taken	1	0	0
Other	0	2	1

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

5.2 Delay and error still seem to be the main areas of concern for NISSA complainants.

## 6. Caseload

<b>Case load 1/4/07 - 31/3/08</b>	4
<b>Case load 1/4/08 - 31/3/09</b>	3

## 7. Financial Redress

7.1 During this financial year ICE has only asked NISSA to award one payment in respect of financial redress – a consolatory payment of £50. This coupled with ICE not upholding any complaints this year, is again confirmation that the Agency has been proactive in resolving complaints at the earliest opportunity.

## 8. Service Level Agreement

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

<b>SSA Service Level Agreement Activity 1/4/08 - 31/3/09</b>	
Resolution plans issued	0
Resolution plans returned	0
Returned within SLA (10 days)	0
Returned later than SLA	0
ROEs requested	0
ROEs returned	0
Returned within SLA (28 days)	0
Returned later than SLA	0
Draft reports issued	2
Draft reports returned	1
Returned within SLA (10 days)	1
Returned later than SLA (10 days)	0

## The ICE Office

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

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.

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.

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 right to approach the Northern Ireland Ombudsman	100%	100%
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

### Continuous Improvement

5. 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.

6. 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.

7. 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.