

INDEPENDENT CASE EXAMINER
For the Child Support Agency

ANNUAL REPORT
1 APRIL 2009 – 31 MARCH 2010

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 Child Support Agency (CSA) consider that it has not treated them fairly or has not dealt with complaints in a satisfactory manner; and to support CSA in improving the service it delivers by providing constructive comment and meaningful recommendations

Our Aim

To provide a free, effective and impartial complaints review and resolution service for CSA customers that makes a difference to the way in which CSA 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 third Annual Report as Independent Case Examiner (ICE) for the Child Support Agency (CSA), which has, since 1 November 2008, been part of the Child Maintenance and Enforcement Commission (CMEC). This report describes the work of the ICE Office in the year ending 31 March 2010, and focuses on our experience of CSA's approach to complaint resolution.

1.2 I have acknowledged in previous years, and continue to do so, that the Agency has a mammoth task in attempting to collect outstanding maintenance arrears, which have often been outstanding for a considerable period, and to get money to children at the earliest opportunity. The nature of the Agency's business and the sensitivities and emotions this provokes add to the difficulty. Stephen Geraghty, Child Maintenance and Enforcement Commissioner, got to the heart of the problem when he said: "People mix up the relationship with the children with financial responsibility, but the law doesn't allow for that. That's why it's like banking with emotion".

1.3 During this financial year, the Agency has collected and arranged £1.141 billion of child maintenance against a target of £1.135 billion, with 846,000 children now benefiting from maintenance against a target of 780,000. The Agency currently has 1.1 million live cases, and last year calculated 113,000 maintenance assessments and took 4.7 million telephone calls. The number of complaints to the ICE office should be set within this context as they are less than 0.3% of the total Agency caseload.

1.4 When things do go wrong, the way in which the Agency responds to complaints and interacts with complainants is critical in re-building relationships with its clients and restoring trust. I am firmly of the view that resolution of complaints at the earliest opportunity is the best possible outcome for all parties. Picking up the telephone and talking to complainants is often the best route to that. Gareth Jones, Director of the Special Ombudsman Response Team at the Office of the Ombudsman of Ontario, Canada, whom I had the pleasure of meeting in June 2009, put it very well in his book *Conducting Administrative Oversight and Ombudsman Investigation*: "The goal ... is to provide information to educate, to assist with options, to get matters resolved internally with minimum fuss and muss wherever possible."


1.5 Not only do I subscribe wholeheartedly to this approach, its implementation is the cornerstone to what the ICE office tries to achieve in the majority of cases that are brought to us. I believe with all my heart and soul, that where it is possible to conciliate or mediate a just solution to a complaint, acceptable to all parties, that is the right course to adopt.

1.6 A critical part of my role is to ensure that, where maladministration by the Agency has had a significant impact on one of its clients, that person receives appropriate redress, including the making good of any actual financial loss if it is proven. Redress can range from an apology letter to consolatory payments, which are intended to provide a tangible acknowledgement of inconvenience caused: they are not intended as compensation and are not generally large amounts of money. That is right and proper.

Compensation claims are and should be subject to the rigours of the court system, including testing by cross-examination. Without such testing, individuals should not expect to receive large sums from the public purse.

1.7 In summary, my report provides a flavour of the complaints received by my office, and highlights key themes and issues identified during the reporting year. I hope that it will be received by the Agency in the spirit in which it is offered. I see my role very much as that of critical friend, offering constructive comment that will assist the Agency to improve the service it provides to its customers.

1.8 I once again pay tribute to the staff at the ICE office for their extensive mediation and investigative skills, their dedication to providing an excellent customer service and their ongoing support to me in achieving our shared goal of complaint resolution and the proper investigation of complaints.

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

John Hanlon

26 July 2010

2. Executive Summary

Key messages 2009/10
<ul style="list-style-type: none"> • There has been a positive sea change in the Agency taking enforcement action and getting money to children at the earliest opportunity.
<ul style="list-style-type: none"> • There has been some increase in the number of “bounceback” complaints to ICE, where we have been unable to establish if the Agency has provided a final response to the issues raised, having accepted over 400 such cases during the reporting period. We are in discussion with the CSA to understand the reasons for this with a view to finding solutions.
<ul style="list-style-type: none"> • There have been some cases of complainants returning to ICE following resolution or settlement of complaints, because the Agency has not completed agreed actions within agreed timescales, because the complainant has continued to experience problems, or the complainant has had second thoughts about having accepted resolution of their complaint.
<ul style="list-style-type: none"> • We are still seeing evidence that the lack of co-ordination across the Agency’s business units, can and does result in errors and misunderstandings, in enormous frustration and in missed opportunities, sometimes with serious consequences for children.
<ul style="list-style-type: none"> • CSA has continued to work closely with my office in progressing and implementing systemic recommendations effectively.

Summary of Business Performance		
Business Performance	Performance 2008/09	Performance 2009/10
Received	2964	2806
Accepted	1111	1022
Total case clearances (of which):	1269	1009
Resolved	930*	610*
Investigated	258	347
Of those cases investigated % of cases partially upheld	42%	46%
Of those cases investigated % of cases fully upheld	28%	23%
Withdrawn	81	52

**This includes 306 cases resolved with evidence (settled) for 2008/2009 and 122 resolved with evidence for 2009/2010.*

3. Casework: Themes and Lessons

3.1 Cases both received and accepted at ICE have again reduced this year, partly as a result of a more rigorous gateway management at ICE, partly because the Agency has taken steps to resolve complaints earlier in the process and also due to an overall reduction in the number of complaints the Agency itself has received. Over 60% of those cases we have accepted have been resolved by agreement between the parties, which I consider to be the optimum outcome. (There has also been a growing number of complainants returning to ICE post resolution, to which I refer in more detail later in this report.)

3.2 Of the remaining complaints which we investigated and in which I reached findings and conclusions, I upheld almost 70%, which indicates there is still some room for improvement by the CSA. However, only 22% were fully upheld this year compared to 28% last year. Along with the percentage of cases I have not upheld which has increased again this year, this may be indicative of a gradual improvement by the Agency, aided by the evidence of an increase in the complaints I am receiving from non-compliant non-resident parents (NRPs).

3.3 Themes identified and conclusions drawn, together with the proposals I have made for improvement are given below.

Enforcement and compliance

3.4 Given the nature of the Agency's business, enforcement will always be a key theme of complaints to ICE, whether from parents with care who are dissatisfied with the Agency's actions or from NRPs who feel aggrieved by what they perceive to be "aggressive" collection methods. During this reporting period I am pleased to say that I have seen a much more vigorous approach by the Agency to enforcement and compliance, and to getting money to children. The Agency advises me that this reporting period has been its most successful in collecting money for children.

3.5 I have also seen more cases in which the Agency is taking enforcement action at the earliest opportunity and some in which determinedly non-compliant NRPs are pursued as far as committal to prison. As a result, NRPs who may have been of the belief that they could manage to evade their maintenance obligations may now come to realise that the Agency is serious about enforcing payment. Effective communication is a key factor in securing compliance and I am pleased to report that in many of the cases I see the Agency has contacted the NRP as soon as arrears start to build to seek early payment and to warn of the potential for enforcement action and its consequences.

3.6 This renewed vigour may be the reason for what I see as an increase in complaints to me from NRPs with child support debt in relation to alleged unfair treatment. In a few cases they are right: I have found instances when the Agency has not exercised its discretion appropriately and has not been able to show it has investigated claims of "hardship". In the majority, however, I find that the Agency has

acted properly and that non-compliant parents' own actions have led them directly to the situations in which they find themselves. In general, I am highly supportive of the Agency's robust approach to collection of money owed for children.

3.7 That is not to suggest that further improvement is not possible. From the cases that come to my office, it is apparent that the Agency has not been as effective as it could have been in securing debt via capital holdings or property. In some cases the Agency fails to make checks at the earliest opportunity to establish whether a non-compliant NRP owns property. If it comes to light that property is owned, the Agency can apply to the court to have a charging order put on the property to prevent it from being sold. The Agency can then proceed, in England and Wales, to force a sale of such property. Decisive, timely action is essential to success and it is my experience that the Agency does not always act on time, and that, in some cases, it is unsure about the correct action to take. This can result in the NRP selling a property before the Agency has had the opportunity to get a charging order in place, and to a loss of opportunity for the parent with care. The following is one such example:

Ms C complained, amongst other things, that her ex-partner owned a property which he sold in May 2007. Although the CSA had obtained two liability orders, it had failed to obtain a charging order, and as a result, when the property was sold, she lost an opportunity at that time to recover the arrears owed, which amounted to approximately £20,000 (though this figure was predicated on an interim maintenance assessment because the NRP had not provided sufficient information to allow a full assessment to be made.)

My investigation revealed that the Agency had checked with Land Registry in March 2004 to establish if the NRP owned a property, and was informed that he did not. Therefore a charging order would not have been appropriate at that time. However, in March 2005, the NRP telephoned the Agency as distress action had commenced and bailiffs had called at his address. He confirmed that he owned the property, details of which the Agency already held. In May 2005 the Agency sent a referral for committal or disqualification from driving in respect of the NRP. The Agency stated that this action was taken because the NRP was not the legal owner of the property. I found no evidence to explain why the Agency reached this conclusion or why, following the NRP's comments in March 2005, it did not immediately check again with Land Registry to establish ownership. If it had done so, it could have applied for a charging order at that point.

In February 2007, Ms C informed the Agency that the NRP was in the process of selling his house. The same day the Agency wrote to Land Registry, seeking to register an interest in the property without a charging order. That did not prove possible. Despite that, when a second liability order was granted in March 2007, and permission was granted the following month to enforce it, the Agency again failed to apply immediately for a charging order and the property was sold by the NRP, without encumbrance, in or around May 2007.

My investigation highlighted the Agency's failings and the consequential loss to the PWC, and I upheld the complaint. At my recommendation, the Agency awarded Mrs C an advance payment of £3,519.71 plus interest of £670.00 in respect of that sum.

A disjointed approach

3.8 I am still seeing evidence where the CSA has, in the past, failed to take cohesive enforcement action. All too often, the evidence on older cases show that the Agency had followed a linear path to collecting maintenance arrears, exhausting one possibility before considering the next, such as taking parallel enforcement action. I call for a more joined-up approach, and encourage the Agency to pursue regular collection, perhaps via deduction from earnings order, while at the same time pursuing legal enforcement via liability and charging orders. I do acknowledge there has been a sea change in that the Agency is taking more, and earlier action, in cases of default in payment.

3.9 Nor does this lack of cohesion relate only to enforcement action: the Agency's operating model militates more broadly against cohesive action. The established practice of working in 'chimneys' of responsibility may be helpful in building specialist expertise; but it does nothing to prevent a fragmented and disjointed approach. This is evident within collection and enforcement areas, but is also evident between these areas and other areas who manage day to day administration or who attempt to resolve complaints: very much a case of the left hand not always knowing what the right hand is doing. Communication across the "chimneys" is at best patchy, making it difficult for me – and, much more importantly, difficult for the Agency's clients – to get a comprehensive picture of action being taken to progress their cases. This can and does result in errors and misunderstandings, enormous frustration and in missed opportunities, sometimes with serious consequences for children.

Inaccurate information

3.10 The Agency's inadvertent provision of inaccurate information to my office, in a small number of cases, is an issue that I have periodically had to bring to its attention throughout the period I have been in post, and it remains a matter of concern. In last year's annual report I acknowledged that some of the problems my office faced in obtaining adequate responses from CSA were attributable to inexperienced staff having been tasked with looking at ICE cases.

3.11 In some cases, the identification and correction of inaccurate information means that complainants can wait much longer than should be necessary to achieve proper resolution of their complaints. The following example demonstrates this:

Ms D complained that the Agency had failed to secure regular payments of child maintenance since the start of her case.

As a result of our representations the Agency provided Ms D with an accounts breakdown, advising that arrears amounting to over £48,000 were owed to her. The Agency advised her it would refer her case to its enforcement section to secure a liability order in respect of the arrears owing. The Agency also agreed to apologise to Ms D for the delays in dealing with her complaint and to award a consolatory payment for the inconvenience and a compensatory payment in respect of her communication costs.

Following the issue of our closure letter the Agency contacted my office to advise that when it had referred the case to enforcement they had queried the amount of debt outstanding. Having checked the accounts again it came to light that there were in fact no arrears outstanding as the debt had been adjusted to nil when an interim maintenance assessment was converted in 2002.

We contacted Ms D to advise her of the Agency's error, and that the Agency had agreed to apologise to Ms D for providing my office with incorrect information, and agreed to award a further consolatory payment to her. We agreed with Ms D that in view of the incorrect information provided by the Agency we would request the casepapers from the Agency and bring her case into investigation.

3.12 When I receive inaccurate or incomplete information from the Agency, it very obviously and sometimes critically inhibits my ability to investigate complaints thoroughly and to reach appropriate conclusions. It may also cause me to unknowingly pass on incorrect information to complainants, and that has a direct and detrimental effect on the reputation of my office. It may on occasion give the wholly false impression that we are either allowing ourselves to be duped by the Agency, or are in league with it in a deliberate attempt to deceive. It is therefore disappointing that during this financial year the Agency has provided my office with incorrect information in respect of a number of complainants, all of which we contacted to advise that the information we had provided to them in good faith, was incorrect. In all these cases I sought redress for the complainants from the Agency.

Recording customer contacts

3.13 Dispute between the Agency and its clients about the specifics of telephone conversations is a regular feature of my caseload. It is not unusual for me to see complaints about misunderstanding or misinterpretation of something that has been said by one party or another, which in some cases has led to inappropriate action by a complainant. These types of cases are particularly difficult to investigate in the absence of supporting evidence, and, in particular, of comprehensive records. Too often, although the Agency may record that a contact has been made, it does not appropriately record what has been said.

3.14 The Agency's new telephony system now provides the facility to record telephone conversations, and that can be enormously helpful. Where the Agency is able to supply my office with an audio recording, that constitutes definitive proof of what

was said, it allows me to reach a fully informed view of the reasonableness of subsequent action. Where that is not available (as it is not in respect of 'old scheme' cases still administered via the old computer system, or in respect of cases administered clerically) contemporaneous written records of conversations are the next best thing. Problems arise when neither are available.

3.15 I have emphasised to the Agency the impact of poor record keeping. I am aware that the Agency has issued reminders to its staff to make full use of its notepad facility for capturing pertinent details from telephone conversations. However, in some cases this remains an issue. The outcome in individual cases may be that I am obliged to reach conclusions based on balance of probability rather than on indisputable fact, and such decisions, even though carefully weighed and fully explained, are inevitably unpalatable to the party whose version of events I do not support.

3.16 The Agency has advised me that it has recently issued procedural guidance to staff to re-affirm the correct usage of free text to record information from telephone calls, and this guidance is available to staff on the Agency's intranet site. It has also informed me that its Quality Assurance teams now complete regular audits of cases to ensure that correct record keeping; in particular decisions are noted on case papers, free-text and notepad. I welcome these developments.

Clerical cases

3.17 Technical deficiencies with the Agency's computer system which became operational in March 2003 meant that many cases had to be taken off-line and dealt with clerically. From September 2006 cases were dealt with at a single central office. However, as the number of clerical cases has increased beyond initial forecasts, the Agency has returned some clerical cases to Agency Centres to allow them to be progressed.

3.18 From the cases investigated by my office I am pleased to see that the Agency is now much more effective in identifying when a case should be made clerical at a much earlier stage. However, I am still seeing cases where complainants experience problems following the decision to make their case clerical. These problems can range from failing to issue relevant notifications, failure to keep customers updated with regard to progress on their case, and a real danger that their case will remain unactioned because it is clerical. Several of these problems are demonstrated by the following example:

Mr A complained, amongst other things, that he considered the Agency was failing to provide the same standard of service to clients who have a clerical case.

Our investigation identified that problems started on Mr A's case when difficulties with the computer system led to both of his cases having to be dealt with clerically. When both cases were reassessed the Agency failed to issue notifications of the assessments and the assessments were not implemented. Our investigation revealed that although it appeared a calculation to align both Mr A's cases had been completed in June 2007,

this had never been implemented. An update provided to my office on 2 December 2009, advised that both of these calculations have now been implemented. However, the Agency could not provide my office with a copy of any notifications sent to Mr A regarding these calculations, or advise when they were issued. I was therefore unable to confirm when this action was completed, the details of such calculations, or whether Mr A was notified of these calculations. I upheld Mr A's complaint and recommended that the Agency reissue the original notifications to Mr A, and provide him with full details of how it had determined his maintenance liabilities since 2007. I also asked the Agency to apologise to Mr A, to award him a consolatory payment for the inconvenience he had suffered, and to ensure that he was properly notified of his appeal rights.

3.19 The Agency has advised my office that a clerical cases programme has been established to look for ways of improving the service provided in respect of clerical cases, with action being started in December 2009 to recover partial clerical cases. Future IT releases in 2010 and 2011 will help deliver significant reductions in stuck cases, and a user education package has been developed to help reduce the number of user incidents leading to clerical cases. I welcome these developments.

4. Working with the Child Support Agency

4.1 My office has continued to maintain effective working relationships with the CSA.

The Learning Loop

4.2 I have a dual role as the Independent Case Examiner in that, in addition to examining complaints about the agencies and businesses within my remit, I also provide insight to the businesses from the complaints that come to my office, with a view to helping them improve the service they provide.

4.3 With this aim in mind, it has been my practice from the outset to make recommendations and suggestions to CSA, arising from my casework, for improving its systems or processes: generally for improvements that could impact on multiple CSA customers. Initially, CSA was sometimes slow to respond to those suggestions, and my office was commonly obliged to seek responses repeatedly. That situation has greatly improved and I am pleased to acknowledge the progress that has been made, both in the speed of response from the Agency, and its willingness to take on board my suggestions. This should make a positive difference to the Agency's customers, and I applaud its efforts in this important area of work.

4.4 The following are examples of the systemic suggestions I have made to CSA during this reporting period:

- In May 2009 I asked CSA to consider introducing a process to ensure that follow up action is taken when Jobcentre Plus fails to respond to CSA's request for deductions to be made from an NRP's benefit. CSA has subsequently assured

me that its on-line procedures contain guidance on monitoring deductions from Jobcentre Plus and other benefit offices.

- In September 2009 I asked the Agency to review its guidance in post maintenance assessment cases where parentage becomes an issue significantly later. CSA has provided several updates and has recently advised that it is in the process of estimating potential savings from restricting refunds to the period following the denial of paternity.
- In November 2009 I asked CSA to review its guidance to managers about action to take if a parent threatens to harm themselves or others. The Agency has clarified that a dialogue should be held with Social Services, and that issues involving children should be referred to the police.
- In February 2010 I asked the Agency to consider updating its website to provide a direct link to the clerical case team to make it easier for its clerical customers to contact the Agency. The Agency is currently considering this.

4.5 I also copy all of my investigation reports to the Agency, to ensure that it is aware of my findings and recommendations in individual cases. In addition, I would expect the Agency to monitor and evaluate the content of those reports and extract any lessons to be learned from emerging themes, particularly in relation to its internal complaint handling. I urge the Agency to take full advantage of this resource.

4.6 The Agency has taken a number of initiatives to improve its complaint handling and the service it offers to customers, including:

- Introducing Civil Legal Triage and Criminal Legal Triage teams, which help direct cases to the business area most appropriate to take action. This has prioritised intake into legal teams and allowed those cases that do benefit from legal action to be processed much more quickly, producing greater results in collections of maintenance. Early achievements include additional payments on 12% of cases, with anticipated additional collections per annum of £2.3 million.
- An initiative called Case Surveillance to help improve how the Agency traces non-resident parents whose circumstances have changed, to enable it to contact them to start paying or increase their existing payments to clear outstanding debt. This is helped by the cooperation of one of the Agency's external partners who alerts the Agency to changes in a NRP's circumstances. This links closely to cases that have been moved out of legal teams because all action on current circumstances has been exhausted.
- Introduced payment by paperless direct debits, making it much easier for the NRP to set up regular monthly payments. The Agency now has 26,000 cases set up for payment via paperless direct debt.
- Completed a successful trial of an SMS Text service for 1000 parents with care. This informed the parent that their child maintenance payment had been received by the Agency and it would make speedy progress to get the money to them. National rollout to 21,500 parents with care began in February 2010, with take up

from parents offered the service at around 90%. The feedback has been extremely positive, as it provides piece of mind and negates unnecessary contact with the Agency.

- A campaign to deter non-compliance through early intervention. This included implementation of a completely re-written and re-styled set of letters and a leaflet for clients who fail to make their maintenance payments. These letters and leaflet emphasise the legal powers available to the Agency in combating non-compliance.
- Amending the Agency “How to make a complaint” leaflet, which was delivered in July 2009. The changes were made with input from my office, highlighting the improved closer working between both organisations.
- In conjunction with DVLA, CSA initiated a pilot to assess the value of providing driving license photographs in helping bailiffs to validate the identity of non-compliant NRPs.

Managing Complaint Resolution

Signposting

4.7 In last year’s annual report I highlighted that the services provided by my office are free, and that it is important that the ICE service should be accessible to *all* complainants, to obviate the involvement of profit making third party organisations. I asked CSA to explore how it might better promote ICE as a free, independent service, and I am pleased to report that it now includes this information in its signposting to my office.

4.8 In the vast majority (94%) of cases reaching my office, I am pleased to report that complainants have been appropriately signposted to me, though we are still dealing with some individuals whose access to the service we offer has been inhibited because they have not been signposted when they ought to have been. Although this omission on the Agency’s part often results from a genuine desire to resolve complaints, rather than pass them on, the effect of it may be that complainants have been stuck in a “hamster wheel”, obliged to remain in dialogue with the same person beyond the point at which resolution is likely to be achieved. I will continue to monitor this in the coming year.

“Bounce backs”

4.9 I do not generally look at a complaint unless CSA has had the opportunity to resolve it internally. When individuals approach my office prematurely, we will forward their complaints to the Agency, informing them that we have done so. That gives the Agency the opportunity to address the complaint, to engage with the complainant and to re-establish trust between itself and its client. However, we also make clear to complainants that, if they do not receive an adequate response from the Agency within a defined period, they may return to us.

4.10 In some cases, complainants do come back to ICE because the Agency has failed to contact them, or failed to issue them with an appropriate response within the prescribed period. I have discretion to accept these cases, and will normally do so. The volume of these “bounce back” cases has presented my office with a problem in previous years, to the extent that we made the decision to suspend accepting “bounce back” cases. I commented on this in last year’s annual report, though I was also able to say that the situation had improved significantly. We began to accept “bounce back” cases again from February 2009, and by the end of the financial year (March 2009) we had accepted only 37 such cases.

4.11 During this financial year we have accepted over 400 cases where we were unable to establish if the Agency had provided a final response to a complaint referred on by this office. I have again raised the matter with the Agency, expressing my concern at this and re-iterating my view that these can be lost opportunities to re-establish trust with complainants and to resolve complaints at the earliest opportunity. I will continue to discuss with the Agency the reasons for this and to jointly look for solutions, but I am pleased to report that the Agency has already taken steps to address my concerns.

Lack of action while a case is at ICE

4.12 Something that I have raised with the Agency on many occasions is the importance of continuing with the day to day administration of a case after it has been accepted by ICE for investigation. I continue to see cases in which a complaint to ICE has caused the Agency to interrupt routine action. This can mean that appropriate day to day action on a case is stalled for an unacceptable amount of time and that will attract unfavourable comment in my report.

“Comebacks” following resolution/settlement

4.13 When a complaint is resolved or settled by my office, the Agency will undertake to complete agreed actions within a defined timescale. It is therefore unsatisfactory to see an increase in complainants returning to ICE because those actions have not been completed by the due date. During the reporting year, we dealt with 610 complaints by either resolution or settlement (498 resolution and 112 settlement). Of these cases 70 complainants subsequently returned to my office because they were dissatisfied, 24 of these because the Agency had failed to complete agreed actions. In a number of these cases it is evident that complainants were then reluctant to enter into further mediated settlement with the Agency as they felt let down: an opportunity missed and a promise broken. 43 complainants returned to my office because they were dissatisfied with the actions taken by the Agency, either because they were continuing to experience problems on an ongoing basis, or because the Agency had failed to keep them informed.

4.14 This phenomenon has been more noticeable in the latter part of the year, with 14 individuals returning to ICE in the single month of March. This may be because the Agency’s focus was diverted at the end of the financial year towards collection of outstanding maintenance arrears, but the situation is no more satisfactory for that. I

have asked the Agency to give this matter its urgent attention and my office will continue to monitor the situation.

Collaborative Working

4.15 My office continues to work with CSA and its parent body, the Child Maintenance and Enforcement Commission, to share best practice and to find solutions to problems. For example:

- I met with Child Maintenance and Enforcement Commissioner Stephen Geraghty and Paul Lehmann, the Commission's Head of Corporate Communications and External Relationships, in September 2009, and I meet with senior CSA officials on a regular basis throughout the year to discuss issues arising from my caseload.
- In February 2010, I was invited to speak to the Agency's Complaints Review Team, and answer questions from staff, helping them to understand both my role and the importance of efficient complaint resolution.
- My Head of Office and Operations Manager liaise on a regular basis with Agency officials to resolve intractable cases or to resolve operational problems.
- At working level, quarterly liaison meetings take place between myself and senior CSA staff to facilitate mutual understanding.

5. The ICE Office

5.1 I am grateful to the management and staff of the ICE office, whose passion and enthusiasm I am proud to acknowledge in this report. They continue to put complainants and justice at the heart of what we do.

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 keep our service standards under review, and this year have introduced some changes to our key targets to bring them more closely into line with those of the Parliamentary and Health Service Ombudsman. For example, we have moved away from average clearance times to reporting the percentage of investigations completed within 6 and 12 months, which we believe will give complainants and potential complainants a more meaningful indication of what to expect.

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

Target	Performance 2008/9	Performance 2009/10
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Acknowledge complaints within 2 working days	96.2%	95.4%
Respond to correspondence within 10 working days	97.1%	98.8%
Decide within 20 working days whether we can accept a complaint for consideration	85.4%	N/A
Decide within 25 working days whether we can accept a complaint for consideration*	N/A	81.1%
Remind complainants at case closure of their right to approach the Parliamentary and Health Service Ombudsman	100%	100%
Clear cases accepted for action on average within 30 weeks*	27.94	N/A
To clear 55% of complaints within 6 months*	N/A	56.0%
To clear 85% of complaints within 12 months*	N/A	91.7%
To acknowledge complaints about us within 2 working days*	N/A	96.2%
To respond to complaints about us within 20 working days*	N/A	98.1%

*changes made to service standard

Complaints about our service and the outcome of my investigations

5.5 In accordance with best practice articulated by the British Standards Institute (BSI), we record as a complaint any expression of dissatisfaction by a complainant, about the service provided by my office, or the outcome of my investigation.

5.6 During the reporting year we received 213 complaints relating to our CSA caseload, 126 regarding the service provided by my office, 72 about the outcome of my investigation and 15 combined complaints about service and outcome. The majority of complaints received by my office are not upheld.

5.7 However, complaints can provide a valuable insight into the expectations and experiences of people who use our service and we routinely consider this feedback in the context of service improvements.

Findings of The Parliamentary and Health Service Ombudsman (PHSO)

5.8 Individuals who are dissatisfied with ICE investigations are free to ask Members of Parliament to progress their complaints to the Ombudsman. This year, the Ombudsman found that we could have done more in 6 CSA cases investigated by her office, and in each of those cases I have agreed to meet the Ombudsman's recommendations for redress. It is right and proper that an organisation such as ICE, which prides itself on the excellence of its processes, should be open to scrutiny and

should welcome constructive criticism and learn from it, as we encourage bodies within our jurisdiction to do.

Continuous Improvement

5.9 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 Investors in People (IiP) accreditation at gold standard (less than 1% of organisations achieve this standard): an accolade we are keen to retain and towards which we will work for this year's internal review. The ICE office is also in the process of gathering evidence for accreditation in Customer Service Excellence, which has replaced Charter Mark, an accreditation which we have held for over six years.

5.10 My office is an associate member of the British and Irish Ombudsman Association (BIOA) and staff from my office attend working group meetings to share best practice and discuss common themes. ICE office also provides a venue for some of these meetings.

Listening to what people say about our service

5.11 We want to know what people think about our service, both internally and externally, so that we can make improvements whenever possible. The table below details changes we have made in response to feedback from those who use our service:

Feedback received	Changes made
A number of people told us that a timescale of five working days allowed to them to agree our clarification of their complaint(s), was not long enough.	We have since extended the timescale to allow complainants ten working days to respond.
Some people told us that they did not feel they had been given ample opportunity to provide their evidence to inform our examination of their complaint.	We have reviewed our internal processes to include, at appropriate stages, a specific invitation to complainants to provide any evidence to assist my office in examining their complaint.
Our internal CSA customers told us that the ten day service level agreement, for responding to my draft investigation reports, was not long enough in respect of complex cases.	We have since extended the service level agreement to 20 days where a case is complex, to allow the Agency more time to provide a response.

5.12 My 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 of the difference our service has made to their lives, as the following quotes demonstrate:

The service provided was excellent. My case examiner was thorough and paid attention to detail. The service was professional at all times. Thank you. You have restored my faith.

Gave me hope at a very distressing time. Thank you.

Thank you for giving me a voice that could be heard.

Appendix – Child Support Agency: Supporting Evidence

1 Casework Statistics

The data and figures that follow are based on casework carried out in the twelve month period between 1 April 2009 and 31 March 2010. Comparisons are made with the twelve months from 1 April 2008 and 31 March 2009.

2 Complaints Received

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

	1/4/08-31/3/09	1/4/09-31/3/10
Received	2964	2806
Accepted	1111	1022

3 Case clearances

Details of clearances are outlined below:

	1/4/08-31/3/09	1/4/09-31/3/10
Resolution	930*	610*
Investigation	258	347
Withdrawn	81	52
Total	1269	1009

*includes 306 resolved with evidence (settled) for 2008/2009 and 112 resolved with evidence for 2009/2010

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 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 and the complainant, as this generally represents a quicker and more satisfactory result for both. We are still managing to resolve a high number of our cases, which is extremely positive and shows CSA's willingness to work with us. However, there is also a

negative side in that the Agency has also had the opportunity to resolve these complaints before they came to ICE.

4 Outcomes

4.1 My findings in respect of cases we could not resolve are detailed below. In cases where I find that the Agency has failed to provide an acceptable standard of service, when determining whether to uphold a complaint I 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, I do not uphold the complaint.

4.2 The number of “not upheld” complaints has increased again this year. This reflects CSA’s attempts to try to put things right, or explain to the complainant if there is nothing further it can do.

	1/4/08-31/3/09	1/4/09-31/3/10
Fully upheld	73	79
Partially upheld	107	159
Not upheld	78	109
Total	258	347

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 1/4/08- 31/3/09	Upheld	Not upheld	Resolved
Delay	96	47	540
Error	72	163	525
No action taken	114	85	622
Other	39	60	219

Subject of complaint 1/4/09- 31/3/10	Upheld	Not upheld	Resolved
Delay	108	67	371
Error	149	213	504
No action taken	159	179	447
Other	74	119	140

5.2 Delay, error and no action taken still seem to be the main areas of concern for CSA complainants. The fact that a very high number of these cases were subsequently resolved suggests that the Agency could have done more to put things right in the first instance. However, it is promising that I subsequently did not uphold a high number of complaints about error.

6 Caseload

Case load 1/4/08 - 31/3/09	653
Case load 1/4/09 - 31/3/10	748

7 Service Level Agreement

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

CSA Service Level Agreement Activity 1/4/09 - 31/3/10	
Resolution plans issued	645
Resolution plans returned	674
Returned within SLA (10 days)	434
Returned later than SLA	240
Record of evidence requested	515
Record of evidence returned	609
Returned within SLA (28 days)	238
Returned later than SLA	371
Draft reports issued	336
Draft reports returned	341
Returned within SLA (10 days)	224
Returned later than SLA (10 days)	117