

INDEPENDENT CASE EXAMINER

**For the Social Security Agency and Child Maintenance
Enforcement Division of the Department for Social
Development**

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 Social Security Agency (SSA) or Child Maintenance Enforcement Division (CMED) feel that it 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 provides by providing constructive comment and meaningful recommendations.

Our Aim

To provide a free, effective and impartial complaints review and resolution service for the Department's 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

CONTENTS

| | |
|---|----|
| Independent Case Examiner's foreword | 4 |
| Social Security Agency..... | 6 |
| 1. Casework | 6 |
| 2. Working Relationships..... | 6 |
| 3. Statistical Information | 6 |
| Child Maintenance Enforcement Division..... | 10 |
| 1. Context..... | 10 |
| 2. Casework | 10 |
| 3. Working with the Child Maintenance and Enforcement Division..... | 13 |
| 4. Statistical Information | 13 |
| Annex: - The ICE Office..... | 17 |

Independent Case Examiner's foreword

1.1 I am pleased to present my third Annual Report as Independent Case Examiner (ICE) for the Social Security Agency and Child Maintenance Enforcement Division of the Department for Social Development, Northern Ireland.

1.2 During this financial year, the Social Security Agency has paid a total of £4.16 billion in benefits, and by the end of the financial year 567, 691 customers were receiving benefits. The Child Maintenance Enforcement Division has collected and arranged over £24 million of child maintenance, with 69.5% of children now benefiting from maintenance, compared to 64.4% during the previous financial year.

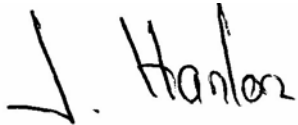
1.3 This report describes the work of the ICE office in the year ending 31 March 2010, and focuses on our experience of the Department's approach to complaint resolution. The number of complaints received by my office remains small and this, coupled with the fact that 32% of complaints accepted by my office have been resolved by agreement between the parties, reinforces my view that the Department is committed to addressing complaints at the earliest opportunity.

1.4 When things do go wrong, the way in which organisations respond to complaints and interact with complainants is critical in re-building relationships with their 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 of 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 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 officials has had a significant impact on one of their clients, that person receives appropriate redress, including the making good of any actual financial loss if it is proven. Redress can also range from apology 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. I hope that it will be received by the Department 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 Department to improve the service it provides to its customers.

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 period following it.

John Hanlon

Independent Case Examiner

3 August 2010

Social Security Agency

1. Casework

1.1. The small number of Social Security Agency complaints accepted for examination by my office again this year makes it impossible to draw conclusions about the work of that Agency, beyond the supposition that it manages its casework and its relationships with customers very well. The negligible rate of escalation to my office leads me to conclude that only the most intractable complaints reach me, and that is as it should be.

1.2 My belief that the Agency is fully committed to resolving complaints at the earliest opportunity is supported by the information provided by the Agency: I am assured that it is committed to learning from complaints received and that its business areas use the lessons learned from the investigation of complaints to effect improvements in processes and identify associated training needs.

2. Working Relationships

2.1 My office continues to have an excellent working relationship with the Social Security Agency. To share best practice I meet with the Social Security Agency's Chief Executive on a yearly basis to discuss any issues arising from cases.

3. Statistical Information

Casework Statistics

3.1 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 to 31 March 2009.

Complaints Received

3.2 Complaints received and accepted for action during the period are outlined below. Numbers received and accepted have been small for the last few years, although there has been a slight increase in complaints received in the current reporting period.

| | 1/4/08-31/3/09 | 1/4/09-31/3/10 |
|-----------------|-----------------------|-----------------------|
| Received | 8 | 13 |
| Accepted | 5 | 4 |

Case Clearances

3.3 Details of clearances are outlined below:

| | 1/4/08-31/3/09 | 1/4/09-31/3/10 |
|----------------------|----------------|----------------|
| Resolution | 4* | 3 |
| Investigation | 2 | 2 |
| Withdrawn | 1 | 0 |
| Total | 7 | 5 |

includes 2 cases resolved with evidence (settled) in 2008/2009

Withdrawn cases

3.4 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 the 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 the Agency has acted to address people's concerns.

Resolved cases

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

Outcomes

3.6 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, I consider what action the business has subsequently taken to try to put things right. If the Agency has fully addressed the complaint and appropriate redress has been provided, offered or instigated prior to referral to ICE, I do not uphold the complaint.

3.7 Although numbers are very low, it is promising that this year I have not fully upheld any of the cases investigated.

| | 1/4/08-31/3/09 | 1/4/09-31/3/10 |
|-------------------------|----------------|----------------|
| Fully upheld | 0 | 0 |
| Partially upheld | 0 | 1 |
| Not upheld | 2 | 1 |
| Total | 2 | 2 |

Subjects of complaint

3.8 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 | 0 | 0 | 1 |
| Error | 0 | 1 | 2 |
| No action taken | 0 | 1 | 0 |
| Other | 0 | 0 | 2 |

| Subject of complaint 1/4/09-31/3/10 | Upheld | Not upheld | Resolved |
|--|--------|------------|----------|
| Delay | 0 | 1 | 1 |
| Error | 0 | 1 | 2 |
| No action taken | 0 | 1 | 1 |
| Other | 1 | 1 | 1 |

3.9 Caseload

| | |
|----------------------------|---|
| Case load 1/4/08 - 31/3/09 | 3 |
| Case load 1/4/09 - 31/3/10 | 2 |

Service Level Agreement

3.10 We have a service level agreement with Social Security Agency with agreed timescales for provision of information to ICE.

| SSA Service Level Agreement Activity 1/4/09 - 31/3/10 | |
|---|---|
| Resolution plans issued | 2 |
| Resolution plans returned | 2 |
| Returned within SLA (10 days) | 2 |
| Returned later than SLA | 0 |
| | |
| Record of evidence requested | 1 |
| Record of evidence returned | 1 |
| Returned within SLA (28 days) | 0 |
| Returned later than SLA | 1 |

| Draft reports issued | 3 |
|-----------------------------------|---|
| Draft reports returned | 3 |
| Returned within SLA (10 days) | 3 |
| Returned later than SLA (10 days) | 0 |

Child Maintenance Enforcement Division

1. Context

1.1 The Division 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

2.1 While numbers remain small, the cases accepted at ICE have increased from 22 last year to 37 during this reporting period. The Division has advised that this level of activity reflects, to a degree, the fact that it has been working through older cases and, in addition, taking much firmer measures in relation to those cases where non-resident parents have not co-operated with the Division in the past. 57% of cases accepted have been resolved by agreement between the parties, which I consider to be the optimum outcome.

2.2 The limited number of complaints we receive makes it difficult to identify recurrent themes or to draw conclusions about the way in which the Division routinely deals with particular issues. However, given the nature of the business, it is not surprising that the collection of maintenance is a key driver of complaints to ICE, whether from parents with care who are dissatisfied with the actions taken to recover maintenance or from non-resident parents who feel aggrieved by what they perceive to be aggressive collection methods.

2.3 The Division has advised me that it has a strong focus on securing compliance at the earliest possible stage of case handling. Around 90% of its new applications are being processed within 12 weeks, meaning that the amount of arrears accruing on cases prior to setting up the non-resident parent's schedule is normally very low. This has led to the establishment of better relationships with non-resident parents from an early stage, and a greater level of co-operation in terms of willingness to pay. Caseworkers are also required to set up more reliable methods of collection (maintenance direct, direct debit or deduction from earnings order) at the outset which means that there is a much stronger chance of continued compliance.

2.4 The Division has also invested in training to assist caseworkers in the area of negotiation, leading to improved results in the collection of credit and debit card payments. It has advised me that where compliance breaks down, caseworkers are

acting quickly to re-establish payment and track cases to ensure that payments are received.

2.5 A broad range of enforcement powers have been and continue to be introduced which allow effective action to be taken against non-resident parents who refuse to pay, and during this reporting period I am pleased to say that I have seen a much more vigorous approach by the Division to encouraging compliance, and to getting money to children.

2.6 I have also seen more cases in which enforcement action is being taken at the earliest opportunity and some in which determinedly non-compliant parents are pursued as far as committal to prison. As a result, those 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 non-resident parent has been contacted as soon as arrears start to build to seek early payment and to warn of the potential for enforcement action and its consequences.

2.7 This renewed vigour may be the reason for an increase in complaints to me from non-resident parents with child support debt alleging unfair treatment. In a few cases they are right: I have found instances when the Division 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 it has acted properly and that non-compliant parents' own actions have led them directly to the situations in which they find themselves. I am highly supportive of a robust approach to collection of money properly owed for the maintenance of children.

2.8 I acknowledge the problem faced by the Division in attempting to collect maintenance payments in the context of a shared border with the Republic of Ireland, where it has no jurisdiction. When non-resident parents are so determined to evade their responsibilities that they are prepared to "border hop", that is to relocate to the Republic, it is very difficult for payment to be collected until and unless they return. Until such time as reciprocal legislation is introduced, that situation will continue.

2.9 Once a liability order is secured in Northern Ireland it is registered with the Enforcement of Judgements Office (EJO). Thereafter, all action taken to secure and enforce the payment of the debt is the responsibility of the EJO. Any payments secured from the non-resident parent in respect of the liability order are paid to the EJO and forwarded to the Division for issue to the parent with care. It is the responsibility of the EJO to monitor such payments of the liability order and take enforcement action if appropriate, rather than for the Agency to identify non-payment and request action, although if the EJO is unsuccessful in obtaining payment for any part of the liability order, the Agency can return to the courts to apply for the non-resident parent's driving licence to be taken away, or for committal to prison.

2.10 It is therefore crucial that the Division takes prompt action to register the liability order with the EJO. It also means that, for as long as the EJO is involved in a case, the Division must be vigilant in obtaining progress updates from the EJO and in relaying this information to the parent with care. It is also important that the Division should be at all times fully aware of the position with the EJO so it can consider any additional action that can be taken. Failure to take this action can result in delays and frustration on the part of the parent with care, as the following example demonstrates:

Mrs A complained that the Division has failed to take appropriate enforcement action to secure regular payments of child maintenance and that she has made numerous telephone calls to the Division and does not feel that she has been given adequate updates on progress.

My investigation highlighted that the Division had secured a liability order which was registered with the EJO IN July 2004. However, despite obtaining a second liability order in December 2005, it took the division ten months to register it with the EJO, although I did acknowledge that this delay would not have impacted on Mrs A's payments as the EJO had not yet collected sufficient regular payments to satisfy the first liability order. I also highlighted that Mrs A had telephoned the Division in June 2006 asking it to chase the arrears as they were subject to liability orders. However, there is no evidence that the Division chased progress with the EJO until September 2006, when it wrote to the EJO, asking it to do a check on the non-resident parent's vehicle registration.

My investigation also noted that the EJO imposed an Instalment Order in September 2005 for £200.00 per month in respect of the first liability order, but the non-resident parent did not keep to this agreement or make any payments during this time. Despite this, the next evidence of the Division pursuing this matter with the EJO was when it made a referral for committal proceedings in June 2007. My report highlighted that I would have expected the Division to have chased progress with the EJO on the instalment order by December 2005 at the latest.

I highlighted in my report several instances where the Division had failed to check any progress with the EJO when the non-resident parent's payments became sporadic.

2.11 The Division has advised me that it accepts there is a need for close engagement with the EJO, and that it is pleased to confirm that during this reporting period its senior team has worked hard to strengthen relationships with the EJO and to improve mutual understanding. I welcome this development.

3. Working with the Child Maintenance and Enforcement Division

3.1 My office continues to work with the Division, to share best practice and to find solutions to problems, and to that end it is my practice to meet with the Divisional Head on a yearly basis to discuss issues arising from my caseload.

3.2 In addition, I want the ICE Office to have a cordial relationship with the bodies whose complaints I adjudicate upon. That creates an environment in which they are receptive to learning from the cases I investigate where things have gone wrong for the citizen. I am pleased to report that the working relationship between the ICE office and Division is excellent. This in no way compromises my independence, which I guard dearly and which has been confirmed by the courts.

3.3 It is pleasing in that context to report that the Division has undertaken its own analysis in the current year to identify common themes from ICE investigations. It has recognised problems in two areas: in securing regular maintenance payments, on which I have commented above; and in resolving complaints at an early stage.

3.4 It has acknowledged that early resolution of complaints has clear benefits for both its customers and the organisation. Consequently, it has improved its processes to ensure that case workers are clear about their personal responsibility and accountability and take all possible action to resolve issues to the customer's satisfaction, removing the need for a formal complaint. This has resulted in a significant reduction in complaints over the past year, allowing experienced complaints teams to focus on the most difficult and complex complaints. I welcome this development.

4. Statistical Information

Casework Statistics

4.1. 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 to 31 March 2009.

Complaints Received

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

| | 1/4/08-31/3/09 | 1/4/09-31/3/10 |
|-----------------|----------------|----------------|
| Received | 56 | 65 |
| Accepted | 22 | 37 |

Case Clearances

4.3 Details of clearances are outlined below:

| | 1/4/08-31/3/09 | 1/4/09-31/3/10 |
|----------------------|----------------|----------------|
| Resolution | 12 | 21* |
| Investigation | 3 | 13 |
| Withdrawn | 0 | 1 |
| Total | 15 | 35 |

*includes 2 cases (settled) following a review of the evidence

Withdrawn cases

4.4 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 the Division 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 Division has acted to address people's concerns.

Resolved cases

4.5 We try to reach settlement of complaints by agreement between the Division 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 the majority of complaints, illustrating the Division's willingness to work with us. However, it may also indicate that there is scope for it to do more to address complaints in house at the earliest opportunity to prevent them coming to ICE.

Outcomes

4.6 My findings in respect of cases we could not resolve are detailed below. In cases where I find that the Division has failed to provide an acceptable standard of service, I consider what action it has subsequently taken to try to put things right. If the complaint has been fully addressed and appropriate redress has been provided, offered or instigated prior to referral to ICE office, I do not uphold.

4.7 The number of complaints not upheld is usually a good measure of the quality of the organisation's own response to the issues raised. While numbers are very low, I have not upheld the majority of cases I investigated.

| | 1/4/08-31/3/09 | 1/4/09-31/3/10 |
|-------------------------|----------------|----------------|
| Fully upheld | 0 | 2 |
| Partially upheld | 2 | 5 |
| Not upheld | 1 | 6 |
| Total | 3 | 13 |

Subject of complaint

4.8 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 | 1 | 0 | 9 |
| Error | 0 | 2 | 12 |
| No action taken | 1 | 2 | 3 |
| Other | 1 | 1 | 3 |

| Subject of complaint 1/4/09-31/3/10 | Upheld | Not upheld | Resolved |
|--|--------|------------|----------|
| Delay | 5 | 4 | 15 |
| Error | 3 | 8 | 19 |
| No action taken | 2 | 7 | 9 |
| Other | 1 | 8 | 5 |

4.9 Caseload

| | |
|---------------------------------|----|
| Case load 1/4/08-31/3/09 | 14 |
| Case load 1/4/09-31/3/10 | 20 |

Service Level Agreement

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

| CMED Service Level Agreement Activity 1/4/09 - 31/3/10 | |
|---|----|
| Resolution plans issued | 22 |
| Resolution plans returned | 22 |
| Returned within SLA (10 days) | 19 |

| | |
|-----------------------------------|----|
| Returned later than SLA | 3 |
| | |
| Record of evidence requested | 19 |
| Record of evidence returned | 17 |
| Returned within SLA (28 days) | 14 |
| Returned later than SLA | 3 |
| | |
| Draft reports issued | 10 |
| Draft reports returned | 10 |
| Returned within SLA (10 days) | 8 |
| Returned later than SLA (10 days) | 2 |

Annex: - The ICE Office

1.1 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

1.2 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.

1.3 We keep our service standards under review, and this year have introduced some changes to our key targets. 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.

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

| Target | Performance 2008/9 | Performance 2009/10 |
|---|--------------------|---------------------|
| 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 Northern Ireland 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

1.5 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.

1.6 During the reporting year we received 2 complaints relating to our Northern Ireland caseload, 1 SSA complaint regarding the service provided by my office, and 1 CMED complaint about the outcome of my investigation. The majority of complaints received by my office are not upheld.

1.7 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.

Continuous Improvement

1.8 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.

1.9 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

1.10 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. |

| | |
|---|---|
| <p>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.</p> | <p>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.</p> |
|---|---|

1.11 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.