

INDEPENDENT CASE EXAMINER
For the Department for Work and Pensions

ANNUAL REPORT
1 APRIL 2012 – 31 MARCH 2013

Judging the issues without taking sides

The Independent Case Examiner's Office

Our Mission

Judging the issues without taking sides

Our Purpose

We have two primary objectives: to act as an independent referee if customers of the Department for Work and Pensions (DWP) consider that it has not treated them fairly or has not dealt with complaints in a satisfactory manner; and to support DWP 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 DWP customers that makes a difference to the way in which DWP discharges its public responsibilities

Our Vision

To deliver a first rate service provided by professional staff

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Independent Case Examiner's foreword

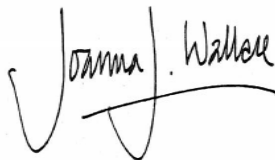
1.1 I am delighted to present my first Annual Report as Independent Case Examiner (ICE) for the Department for Work and Pensions, having taken over from John Hanlon in April this year. This report covers our work on the complaints that have been sent to us arising from Jobcentre Plus, The Pension Service, the Disability and Carers Service, and Debt Management. It also covers the Child Support Agency, who came back under the umbrella of the Department in July 2012.

1.2 I have taken up the post of ICE during a busy time as the office continues to face new challenges. In the previous reporting period the scope of our work was extended to cover private sector companies who support Jobcentre Plus in helping get unemployed people back to work by delivering Government Programmes such as the Work Programme. From 1 April 2013 the ICE office also became the independent tier for Budgeting Loan reviews.

1.3 In taking up the role as ICE, I want to ensure that I and my office continue to keep the independent perspective on the customer concerns that come to us and to secure outcomes that are right – for the complainant and for the businesses on whose behalf we work. I want us to be satisfied that we have added value for both parties so that we can be proud of the solutions we have brokered and the outcomes we have achieved. Our in-depth investigations allow us to shine a light of enquiry on sometimes long and complex episodes and to achieve solutions that allow all parties to move on, with an independent decision and if appropriate an agreed remedy.

1.4 This report provides a flavour of the complaints received by the ICE Office during 2012/13, and notes key themes and issues identified during my predecessor's tenure. For that reason, I refer throughout this report in general terms to ICE findings and observations.

1.5 My sincere thanks go to my predecessor, John Hanlon, who has left behind an effective and well run organisation, where customer service is at the heart of what the entire ICE support office does. I welcome the opportunity to pay tribute to the work that he did during his years in the role and look forward to building on his legacy of impartiality and integrity. Although I have only been in post for a short while, I have already been impressed by the talent, experience and commitment of the staff throughout the ICE office, and their determination to give the best possible service to complainants.



Joanna Wallace

23 August 2013

2. CHILD SUPPORT AGENCY – EXECUTIVE SUMMARY

Key messages 2012/13
<ul style="list-style-type: none"> ICE has upheld fewer complaints about CSA than ever before, which in part reflects Agency efficiency improvements and continued efforts, when things do go wrong, to put them right as soon as possible. Increasingly, when parents with care complain about the Agency's 'failure' to secure maintenance, we find that the Agency has done all that it reasonably could and that it is the non-resident parent's persistent non compliance that is the problem. We are also seeing a continuing trend for non-resident parents to complain about alleged maladministration when the Agency is taking wholly appropriate enforcement action against them.
<ul style="list-style-type: none"> The number of cases which ICE has been able to resolve by agreement with the parties has again decreased, following a downward trend in recent years. This is to be expected as the Agency gets to grips with dealing more effectively with those complaints that are more readily resolved, with only the more intractable escalating to ICE.
<ul style="list-style-type: none"> In last year's Annual Report my predecessor highlighted his disappointment that CSA had not been as effective as it had been previously at progressing systemic recommendations. This year has seen significant progress in this area, with the Agency responding much more effectively to ICE's suggestions regarding systemic change.

Summary of Performance		
	Performance 2011/12	Performance 2012/13
Received	1670	1457
Accepted	680	523
Total case clearances (of which):	851	743
Resolved	344*	212*
Investigated	471	522
Of those cases investigated % of cases partially upheld	33.3%	24.7%
Of those cases investigated % of cases fully upheld	17.2%	9%
Withdrawn	36	9

* This includes 13 resolved with evidence (settled) for 2011/2012 and 9 for 2012/2013.

2.1 During this financial year, the Agency has collected and arranged £1,223.4m child maintenance against a target of £1,200m, with 921,042 children now benefiting from child maintenance through the Agency, against a target of 900,000. This report, focusing as it does on cases where things may have gone wrong, should be viewed against this backdrop.

CASEWORK: THEMES AND LESSONS

2.2 Cases both received and accepted at ICE have again reduced this year. This coupled with a decrease in the number of cases resolved (without evidence) by ICE Office from 331 last year to 203 this year, partly reflects an improvement in the Agency's ability to resolve complaints through its internal process – the Agency too has seen almost a 10% reduction in the complaints received, compared with the previous financial year. In addition to this, ICE Office is also stricter about insisting that complaints are fully progressed through the complaints process within the CSA first. In relation to this, ICE office is beginning to see an increase in the volume of telephone calls from complainants, frustrated that CSA has not provided a final response to their concerns. We have raised this issue with the Agency, and ICE will continue to monitor the situation.

Effective action to secure compliance: parents with care

2.3 Of the complaints investigated by ICE, in which findings were reached, two thirds of cases were not upheld, compared to just less than half of last year's cases. Fewer complaints from parents with care were upheld, because ICE found in more cases that the Agency has explored every avenue in respect of non-resident parents who are wholly non-compliant. In cases such as these, managing expectations for the parents with care is key, in order to explain that the Agency is not always successful in enforcing payments from non-resident parents who are determined to evade their responsibilities to their children; they may confound the Agency's best efforts to trace them and collect monies due. The failure of these non-resident parents to meet their responsibilities can be difficult for parents with care to come to terms with, as can the concept that the Agency cannot guarantee success. The following example demonstrates this:

Mrs D complained, amongst other things, that CSA had failed to secure regular payments of maintenance and take appropriate enforcement action since she applied for maintenance collection in 2003. The ICE investigation found that the non-resident parent had shown a focused determination to avoid his responsibilities to provide financial support for his children. The Agency had secured child maintenance arrears by way of liability orders, imposed deduction from earnings orders when it was possible to do so, instructed bailiffs and requested deductions from the non-resident parent's State Benefit payments when it was possible to do so.

With this as a backdrop, ICE did not uphold Mrs D's complaint, finding that, had it not been for the actions of the Agency, Mrs D would not have received any money at all from the non-resident parent in financial support of his children.

ICE noted that, while the Agency is bound to pursue all reasonable avenues to secure maintenance on behalf of its clients, it is not ultimately for the Agency to support children financially, or stand in the stead of non-resident parents who have failed in their responsibility to support their children.

2.4 Nevertheless, ICE has also seen cases in which the Agency could and should have done more to secure maintenance for a parent with care. The following case example illustrates that:

Ms P complained that CSA had failed to secure payment of maintenance and take appropriate enforcement action since she applied. The non-resident parent in this case was uncooperative and non-compliant. As a result of his failure to cooperate, an interim maintenance assessment (IMA) had been in place between November 1994 and June 2001, when the Agency secured sufficient information to impose a full maintenance assessment (MA). Arrears over £6,000 were owed by the non-resident parent under the IMA.

ICE found that arrears had accrued largely because of the non-resident parent's non-compliance, and the Agency had latterly taken significant action to secure the greater part of the sum he owed through Liability Orders. However, it was unable to secure the IMA debt, most of which was out of statute (prior to 2006, legislation placed a 6-year limit on the recovery of child support debt). Therefore, while this portion of the outstanding debt was in theory recoverable from the non-resident parent, in practice, without the threat of legal enforcement and the powers that confers (e.g. bailiff intervention, or Charging Order on property or capital), ICE considered that the Agency's ability to enforce that part of the outstanding debt would be severely hindered.

ICE upheld Ms P's complaint to the extent that, prior to 2006, the Agency should have taken robust enforcement action to secure the full amount of debt outstanding before it fell out of statute. The Agency agreed to pay Ms P £6,765.97, in respect of the child maintenance debt that cannot be legally enforced. The Agency will make such efforts as are practicable to recoup this amount from the non-resident parent, should his circumstances change.

Effective action to secure compliance: non-resident parents

2.5 Conversely, the Agency's recent success in recovering debt owed by non-resident parents for the maintenance of their children has led to an increasing number of complainants, some who are disgruntled about this. These complainants often claim that they were not responsible for the accrual of arrears or were not aware that arrears had accrued. In the majority of such cases, ICE finds that the complainant is in fact responsible and was or clearly should have been aware of the accrual of arrears and ICE does not uphold the complaint. This is also a factor in the "not upheld" increase in the overall cases. An example of such a case is given below:

Mr G complained, amongst other things, that the Agency had pursued inappropriate action since January 2010 to secure payment of arrears, which failed to have regard to his dispute of the sum, or his circumstances.

ICE found that arrears of child maintenance had accrued in Mr G's case amounting to over £12,000 but when the Agency had contacted Mr G he had refused to make any arrears agreement. Consequently, the Agency issued a deduction from earnings order to collect payments of child maintenance. ICE noted that this action was reasonable given Mr G's non compliance.

Mr G claimed that the payments the Agency was collecting via the deduction from earnings order were causing him financial hardship, and that the Agency had failed to take into account a number of changes in his circumstances. ICE noted that Mr G had failed to report changes in his circumstances to the Agency, and that the Agency had been compelled to take trace action to track him down. ICE also noted that the Agency had contacted Mr G's employer to confirm that deductions taken from his wages had left him with the protected earnings rate and had also agreed to reduce the payments Mr G was making towards the arrears of maintenance. ICE did not uphold Mr G's complaint.

2.6 Of course, there are non-resident parents whose complaints about the Agency are entirely legitimate. When that is the case, ICE identifies what has gone wrong and secures appropriate redress for the complainant, as the following example illustrates.

Mr B complained, amongst other things, that the Agency had taken inappropriate legal enforcement action against him for a debt he did not owe.

ICE found that the Agency had been in the process of applying for a Liability Order against Mr B when he told them he had made direct payments of maintenance to the parent with care. The Agency's records incorrectly indicated that a Liability Order had been granted by the court, when, in fact, the application had been withdrawn by the Agency in order to investigate the direct payments.

Three years later the Agency referred this case to the bailiffs. ICE noted that this case should not have been referred to the bailiffs without the Agency obtaining a Liability Order from a court. In addition, an administrative error, made by the bailiffs, caused them to issue notice to Mr B of their intention to collect over £1000, when it later came to light that having taken into account the direct payments Mr B had made, he owed just over £500. During a telephone call the Agency told Mr B's solicitors that they would ask the bailiffs to amend the amount of debt. The bailiffs did not collect any payments from Mr B and returned the case to the Agency. It was not until over 3 months later that the Agency realised that a Liability Order had not been granted in this case.

ICE upheld this complaint, noting that the Agency was wrong to instruct the bailiffs. ICE recommended that the Agency apologise to Mr B for incorrectly taking bailiff action without it having obtained a Liability Order from a court, and that it award him a consolatory payment of £100.

Mr B had incurred legal fees and had experienced a loss of earnings as a result of the Agency's incorrect legal action. ICE recommended that the Agency make a payment of £62.00 to Mr B for loss of earnings, and a payment of £575.00 in recognition of the legal fees he had incurred.

Action stalling when non-resident parents receive benefit

2.7 ICE is still seeing cases in which the Agency does not take timely action to secure a contribution to maintenance when a non-resident parent is in receipt of a benefit. In such circumstances, the non-resident parent's maintenance liability will be nil or minimal. The Agency may, subject to the benefit being claimed, be able to request a deduction of a flat rate contribution to maintenance and arrears, and that action should be taken as a matter of course.

2.8 The Agency does not always take this action, and where it has not been taken but could have been, ICE has recommended that the Agency pay to the parent with care the equivalent of what might have been collected. The Agency will then recoup from the non-resident parent the public funds paid to the parent with care. The following example demonstrates this:

Ms A complained in April 2012 that the Agency had failed to secure payments of maintenance and take appropriate enforcement action since she applied in 2003.

The ICE investigation found that the Agency had been made aware on two separate occasions – one in 2004, the other in 2007 - that the non-resident parent was unemployed and had claimed benefit. During the second period, it had requested and secured maintenance contributions from his benefit; during the first it had made no such request to Jobcentre Plus.

ICE upheld Ms A's complaint to the extent that the Agency had not requested payments from the non-resident parent's State Benefit when it could have done. Following discussion with ICE Office, the Agency agreed to apologise to Ms A and give her an advance payment of maintenance of £260.72, plus interest on that sum of £54.08.

Committal to prison

2.9 Parents with care are frequently keen to ensure that the Agency has used its enforcement powers fully on a wholly non-compliant non-resident parent. In particular, when all else has failed, they may ask the Agency to apply to the courts to have the offender committed to prison. The Agency may do so when all other enforcement action has failed, provided it can demonstrate that the non-resident parent is in a financial position to pay child maintenance but is wilfully non-compliant.

2.10 During this financial year a judgment was handed down by the Court of Appeal concerning committal applications. This judgment confirmed that S39A of the Child Support Act 1991 was compliant with Article 6 of the ECHR (right to a fair trial) and that the Child Support Agency can continue to make committal applications. However, the

Court of Appeal stipulated that, before a person can be committed to prison, his or her current ability to pay must be firmly established. The Agency have amended the gateway procedures for progressing committal action, and must, within its submission to the court, provide the requisite details of the non-resident parent's financial circumstances and so may no longer rely on the courts to secure that information. Since May 2013, the Agency's legal teams have been presenting "show cause" cases (where the non-resident parent failed to comply with a suspended court order), and the courts have tested and accepted the revised committal approach.

2.11 This has hindered the Agency's ability to use committal as an enforcement tool in those cases in which determined non cooperation on the part of the non-resident parent has left the Agency with no knowledge of his or her current circumstances – often the very cases in which committal action has in the past proven most useful in securing compliance.

WORKING WITH THE CHILD SUPPORT AGENCY

2.12 ICE Office has continued to maintain effective working relationships with the CSA.

The Learning Loop

2.13 The role of the ICE is a dual one – as well as investigating complaints from individuals about the businesses within DWP, the ICE also seeks to provide insight from complaints to these businesses, so that lessons learned can be fed back to prevent future problems.

2.14 Last year, ICE reported that CSA had not been as effective as in previous years at progressing such systemic recommendations, and there were several outstanding from previous reporting years. Significant progress has been made during this reporting period and all outstanding recommendations have been accepted. No new systemic recommendations have been made to the Agency this year.

CSA Initiatives

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

- The Agency has informed me that during the financial year complaints have reduced by almost 10%. The Agency also undertook a trial of dealing with complaints by telephone. This was received positively by clients, and as a result they are introducing this across the organisation for first stage complaints.
- The Agency continues to focus on improving the effectiveness of its legal enforcement actions. During this financial period the Agency was granted 14,914 Liability Orders and made 13,365 referrals to bailiffs to recover the debt secured

by these orders. Additionally, deduction orders secured £2,031,615 on 1386 cases, deceased estates recovery action commenced on 912 cases, with a value of £5,458,095 and 1,966 charging orders were granted with 83 cases proceeding to a full order for sale being granted. Action for committal to prison and/or disqualification from driving continues to be used as an enforcement tool, and during this period the courts sentenced 301 clients to prison.

I welcome these developments.

Managing Complaint Resolution

Incorrect information provided by the Agency

2.16 The provision of inaccurate or incomplete information by the Agency to ICE continues to be an issue for ICE.

2.17 In some cases, the time taken to identify and correct inaccurate information means that complainants wait much longer than necessary to achieve proper resolution of their complaints. It also hinders ICE ability to investigate complaints thoroughly and delays the issue of our investigation reports.

2.18 In last year's Annual Report the ICE commented that he had asked the Agency to consider routinely assigning an experienced caseworker to each ICE case to check that all relevant evidence has been provided to ICE and that all necessary remedial work has been undertaken by the Agency on a case at ICE. The Agency agreed to consider what it could do and to pilot some options in this regard.

2.19 The Agency has since advised ICE that a pilot was rolled out in October 2012 whereby its caseworkers are now routinely taking a more holistic approach to ICE cases. They also perform a monthly assurance check on the evidence provided to help improve consistency and accuracy.

Collaborative Working

2.20 ICE continues to work with CSA to share best practice and to find solutions to problems. For example:

- The ICE meets with senior CSA officials on a quarterly basis to discuss matters arising from caseload and to provide feedback about the service matters referred to in this report.
- ICE Office managers liaise on a regular basis with Agency officials to drive operational improvement, agree working protocols and progress the most complex cases.
- Regular weekly discussions occur between ICE Office and the Agency's ICE Focal Point, where case specific queries or general issues are raised and

discussed. Additionally, case conferences between ICE Office and the Agency are held on particularly difficult and contentious cases.

- A liaison group has continued to meet throughout the year on a quarterly basis, with representatives from both the Agency and the ICE Office.

3. DWP BUSINESSES – EXECUTIVE SUMMARY

Key messages 2012/13	
<ul style="list-style-type: none"> The number of cases ICE has been able to resolve by agreement with the parties has again decreased. This suggests that the businesses may be getting more effective at finding early solutions to less complex complaints so that only the most intractable, requiring detailed investigation, reach ICE. 	
<ul style="list-style-type: none"> The number of complaints about DWP businesses upheld by ICE has decreased again. It is not uncommon, when we find that the service provided by DWP has been of a satisfactory standard, that dissatisfaction has been generated by unfavourable benefit decisions. 	
<ul style="list-style-type: none"> There has been an increase of over 50% in the number of complaints received at ICE, however the number of complaints accepted has reduced. Indications are that complainants are approaching ICE prematurely without first having completed the DWP businesses' own complaints process. 	
<ul style="list-style-type: none"> DWP has continued to work closely with the ICE office in progressing and implementing systemic recommendations made by ICE effectively. 	

Summary of Business Performance DWP as a whole		
Business Performance	2011/12	2012/13
Received	961	1481
Accepted	477	397
Total case clearances (of which):	522	527
Resolved	204*	138*
Investigated	284	363
Of those cases investigated % of cases partially upheld	15.5%	13.1%
Of those cases investigated % of cases fully upheld	6.3%	3.3%
Withdrawn	21	26

**This includes 7 cases resolved with evidence (settled) for 2011/12 and 5 cases for 2012/13.*

3.1 DWP continues to be the Government's largest delivery department. During this financial year DWP has processed almost 6.5 million benefit claims. Every month on average, DWP answers over 4.6 million telephone calls and sees over 28,000 customers face to face at home. During this reporting year Debt Management recovered debt owed to the Department in excess of £400 million. It is therefore important to consider the number of complaints received at ICE about DWP services within this context. The roll out of the Government's plans for welfare reform and the current economic climate mean that DWP staff are facing many challenges in delivering services. Against this backdrop, the number of cases accepted by my office remains low in comparison with DWP's total caseload. The majority of cases ICE investigated and reported on this year were not upheld.

3.2 The number of cases received for investigation at ICE has increased considerably this year whilst the number accepted for investigation has reduced slightly. There has been a notable increase in customers contacting my office before they have received a final response to their complaint from the relevant DWP business. We are seeing some indication that complaints are not being dealt with through the formal process, but are being treated as general enquiries, with the result that customers are not signposted to the next appropriate level and are contacting ICE to express frustration that they cannot progress matters.

3.3 During the year the ICE office conducted an independent review of DWP's responses to complaints at the first tier, which added to the sum of evidence on this point. The purpose of the review was to consider the quality and completeness of complaint resolution responses and if appropriate, to identify areas for improvement. While the responses were found to be clear and easy to read, the review did highlight a problem with signposting, with less than 40% of customers being directed to the next (and final) tier. That figure was significantly lower where complaints had been dealt with by telephone. We have raised concerns with DWP regarding both the premature approaches by customers and the lack of signposting and it is actively looking for ways to address these matters. ICE will continue to monitor the situation in the coming year.

CASEWORK: THEMES AND LESSONS

3.4 DWP business is wide-ranging and complaints relate to many different parts of that business, making it more difficult to identify common themes. There were, however, a few issues that came up regularly in ICE casework during the year.

Responsibility to make a claim

3.5 Social Security legislation places the onus on individuals to determine which benefit, or benefits, they wish to claim. Generally speaking, it is a customer's own responsibility to take reasonable steps to find out about their entitlement to benefit or pension. Claimants must make their own decisions and, critically, in order to establish entitlement, they must make a claim. DWP is expected to provide sufficient information to allow individuals to make informed decisions, to deal appropriately with specific

queries raised by members of the public and, when they do offer advice, to ensure that it is accurate and reasonable. If and when a claim is made, benefit entitlement must be considered and a decision made in accordance with the relevant legislation.

3.6 Sometimes, when people become aware that they have an entitlement to benefit or pension, they believe that it should be backdated to cover a past period during which they might have been entitled if they had made a timely claim. Statutory entitlement to backdated benefit is, however, limited and, while DWP has the means to make extra-statutory provision for a past period, it may do so only when maladministration has caused the affected individual not to claim at the proper time.

3.7 A common misapprehension, for example in the case of Winter Fuel Payments, is that eligible persons should be invited to claim. That is not the case, although DWP may invite claims from eligible persons known to them whose current details they hold. It is not unusual for ICE to receive complaints of this kind, relying on the perceived unfairness of an individual not having been invited to claim. Such complaints are not upheld.

3.8 Only when a complainant can show that they have been misadvised or misdirected by DWP will ICE recommend an extra-statutory payment for a period of lost entitlement. Each case is carefully considered on its own merits and the following are examples of cases in which ICE reached different conclusions about alleged misdirection, based on the evidence available.

Mrs O complained that Jobcentre Plus gave her incorrect advice in August 2005, when an adviser told her not to claim Incapacity Benefit in her own right and advised her husband to make a claim on her behalf. Mrs O said it came to light five years later that she had a shortfall in National Insurance credits and on querying this, she was told she had not received the credits because she had not been awarded Incapacity Benefit. Jobcentre Plus had explained that a letter had been sent to her husband in 2005 telling him that he could not make a joint claim for Incapacity Benefit because Mrs O was not in receipt of Child Benefit and that Mrs O would have to claim in her own right. Mrs O said she had not received that letter.

ICE noted that Mrs O had made a claim for Employment Support Allowance (which replaced Incapacity Benefit) in 2010 and asked for that claim to be backdated to 2005 when she first became unfit for work. Employment Support Allowance was backdated three months – the maximum amount allowed in legislation. Mrs O was awarded National Insurance credits from 2005. Mrs O's view was that Jobcentre Plus had admitted liability, by backdating National Insurance credits and it should do the same with Employment Support Allowance payments.

ICE took the view that a benefit claimant has a responsibility to check his claim form and to ensure that it is fully and correctly completed. Mrs O had confirmed that her husband had not checked the form before signing it. ICE found that no questions had been raised when Mrs O's husband was awarded Incapacity Benefit and the award notice issued to him did not show he was receiving any additional dependant payments

or when yearly statements were issued. Employment Support Allowance can be backdated 3 months and ICE found that Jobcentre Plus did this on this claim. ICE found that the backdating of National Insurance credits to 2005 was not an admission by Jobcentre Plus that it had provided incorrect advice in August 2005. The backdating of National Insurance Credits is considered separately to claims to receive Incapacity Benefit or Employment Support Allowance. ICE did not find evidence that Mrs O was misadvised in 2005 and did not uphold the complaint.

Mr T complained that he was misadvised about entitlement to claim Carer's Allowance for his daughter and as a result he had lost the opportunity to receive it between 2005 and 2010. Mr T had two children who had both been in receipt of the higher rate care component of Disability Living Allowance since 2004. Mr T had been in receipt of Carer's Allowance for his son since 2005, Mr T's wife had been receiving it for her daughter since 2010.

ICE found that following the award of Disability Living Allowance for his son, Mr T had made a claim for Carer's Allowance for him. On that claim form Mr T had provided details of his wife and both children and confirmed that both children needed specialist care. Carer's Allowance was awarded from 2005 for Mr T's son. In 2010 Mrs T made a claim for Carer's Allowance for her daughter. At that point she said that the Disability and Carers Service had told both her and Mr T that they could only apply for Carer's Allowance for one child. Mrs T requested that backdated Carer's Allowance was paid for her daughter. Mrs T was able to give ICE the first names of staff she had previously spoken to which matched with those detailed in records provided to ICE by the Disability and Carers Service.

ICE found that the advice given to Mr and Mrs T was accurate in that a claimant can claim Carer's Allowance for only one disabled person at any one time. However, there is no limit to the number of people within a household claiming for different disabled people in that household. Since Mr T had attempted to claim for both children, ICE took the view that his claim form should have been considered defective and that further enquiries should have been made by Disability and Carers Service. The Disability and Carers Service did not follow that process. ICE was persuaded that had enquiries been made by the Disability and Carers Service, the family's full circumstances would have been made known to them, which would, in all probability, have led the Disability and Carers Service to invite a claim from Mrs T in respect of her daughter. ICE upheld Mr T's complaint and recommended the Disability and Carers Service make a financial loss payment to Mrs T for £10,963.80*, plus interest of £503.46. ICE also recommended a consolatory payment was made to Mrs T.

**This payment was subject to adjustment to account for other State benefit payments received in that period.*

3.9 Towards the end of this year ICE has begun to see more complaints of misdirection in relation to State Pension deferral, particularly the implications of deferring pension when a claimant is in receipt of another benefit such as Carer's Allowance or Widow's benefit. Literature produced by DWP does make reference to the

fact that deferred pension cannot be claimed for periods during which a person remains in receipt of such benefits, and it is sometimes the case that complainants have either not read the information sent to them or have simply not appreciated the implications of what they have read. In such cases, no maladministration is established. Conversely, we have also seen instances of muddled or inaccurate advice given by inexperienced DWP staff as the new pension legislation bedded in. We will monitor this emerging issue in the coming year.

Documenting interviews with staff

3.10 Previous ICE reports have commented on the importance of DWP businesses keeping detailed records and it is particularly important that DWP should keep comprehensive case notes when they are investigating complaints about the conduct of their staff. Interviews are conducted by DWP managers who should be mindful of the possibility that a complaint will be escalated and of the need to maintain an audit trail. However we are still seeing cases where details of what was discussed or established at the interview are not properly recorded. In such cases ICE is unable to establish whether the complaint has been properly investigated, as the following case example shows:

Mrs B complained that Jobcentre Plus had failed to fully investigate and provide an adequate response to her complaint about the behaviour of a member of staff. Jobcentre Plus records provided to the ICE office indicated that as part of the investigation into Mrs B's complaint, a Senior Manager had spoken in detail to the officer concerned. ICE found that Jobcentre Plus had not retained any documentary evidence in relation to the investigation of the complaint. ICE also found that a Manager had informed Mrs B that it was not Jobcentre Plus policy to give details of the outcome of the investigations, which was inaccurate: Departmental guidance relating to complaints about staff clearly says that the complainant should be informed whether their complaint is upheld.

ICE found that Mrs B's complaint was justified and recommended that Jobcentre Plus apologise to Mrs B for failing to deal with this complaint properly, including its failure to maintain and retain the relevant documentation.

Dealing with appeals

3.11 Where claimants disagree with a benefit decision, they may exercise their dispute and appeal rights within one month of the decision notice. It is DWP's responsibility to consider the initial dispute and, where a decision is not changed in the claimant's favour, send the appeal to the First Tier Tribunal. When an appeal is made outside the prescribed period, it is for an Appeal Tribunal to determine whether to accept it as a late appeal. If an appeal is received more than 13 months after the decision notice was issued (the absolute time limit), it is highly unlikely that it will be accepted. Nevertheless, the late appeal should be referred immediately to Her Majesty's Courts and Tribunals Service (HMCTS) for a decision. Failure to take this action can have consequences for the claimant as the following case example shows:

Ms P complained that Debt Management had failed to follow correct procedures when it took action to recover an alleged overpayment of Incapacity Benefit.

In 2000 Jobcentre Plus decided that Ms P was no longer entitled to payments of Incapacity Benefit because she had been in employment which was not considered permitted work. Notification of that and later decisions were sent to an address at which Ms P later said she no longer lived. Jobcentre Plus informed Ms P that she had been overpaid benefit in excess of £1,400 and that amount was recoverable. Ms P was given appeal rights in respect of that decision but the notice was returned undelivered. The overpayment was referred to Debt Management to seek recovery from Ms P; however no action was taken to trace Ms P's address and she was not contacted at her new address for seven years. Ms P was informed that deductions would be taken from her Pension Credit to recover the overpayment. Ms P disputed that action on the grounds that she had not received the overpayment notification issued in 2000.

Ms P had repaid the overpayment by 2009 and at that point she sought to appeal the overpayment decision. Debt Management reconsidered the original decision and decided not to change it. Debt Management should have sent Ms P's appeal to HMCTS. It did not do so and took the view that the appeal was invalid because it was received outside of the 13-month period. That was not Debt Management's decision to make. Ms P's appeal was finally sent to HMCTS in April 2010. HMCTS subsequently accepted Ms P's appeal on the grounds that there were special reasons for it being made late. ICE upheld Ms P's complaint and recommended that Debt Management make a consolatory payment to her for its failure to process the appeal for a year.

WORKING WITH THE DWP BUSINESSES

The Learning Loop

3.12 Complainants often express the hope that others will benefit from their complaint. ICE office has continued to make recommendations and suggestions to the DWP businesses for improving systems or processes which affect service delivery.

3.13 The following are examples of systemic recommendations ICE made to the DWP businesses during this reporting period:

- In April 2012 ICE asked the Department (and Debt Management in particular) to consider whether, when there is a debt that the Department wants to recover, all the papers relating to that debt should be retained until after the debt is paid. This followed an investigation where a claimant had disputed an overpayment of Income Support following a fraud investigation, but had only raised her dispute more than 12 months after the overpayment notification had been issued to her by Debt Management. The fraud file had not been retained, and the claimant had challenged the accuracy of the information and wage records completed by a fraud officer at the time of the investigation in 2001. The claimant had asked Debt Management to provide proof of her employment, but it had not been able to do so. Debt

Management has issued guidance to all DWP staff to clarify that documents relating to an overpayment must be retained for 14 months after the overpayment has been fully recovered.

- In August 2012 ICE asked Jobcentre Plus to consider making changes to the Income Support computer system where claimants are being pursued for an overpayment of benefit payments. This followed an investigation which identified that a claimant had received notifications from Jobcentre Plus, regarding deductions that were to be made, showing an overpayment of £24,348.92 as £4,348.92. The limitations of the computer system meant it was unable to record more than £9,999.99 as the total amount owed. Jobcentre Plus has updated its Income Support computer system which prevents such errors when notifying claimants of large overpayments.
- In April 2012 a protocol was established for dealing with cross-department complaints. However, in August 2012 ICE identified a problem with communication between Government departments following an investigation which identified a discrepancy in HMRC's records relating to a claimant's income. In that case HMRC had been unwilling to engage with Jobcentre Plus who were attempting to rectify matters. Following ICE's intervention it was concluded there was a lack of staff awareness about the protocol and staff in both HMRC and Jobcentre Plus were reminded of it.
- In November 2012 ICE asked Jobcentre Plus to consider reminding staff of the guidance when dealing with benefit claims from claimants with ill or disabled children. This followed an investigation which identified that a claimant had been refused an award of Income Support despite having an entitlement on the basis that she was engaged in looking after a member of her family who was ill. The claimant's representative in that case, the Citizen's Advice Bureau, informed ICE that they had experienced similar errors in several cases they had been involved in. Jobcentre Plus subsequently issued guidance to staff which reminded them of the correct processes to follow in such situations and directed them to the appropriate information on the intranet.

DWP Initiatives

3.14 DWP has taken a number of initiatives to improve its approach to complaint handling and customer service.

3.15 Last year's ICE Annual Report detailed the Department's roll-out of its new 2-tier, telephony based complaint resolution process, aimed at ensuring that complaints from DWP customers are resolved promptly, and where possible to the customer's satisfaction, without the need for them to escalate their concerns in order to achieve a satisfactory outcome. The move to the new process was successfully completed in December 2012 with all areas of DWP operations now using the new model. Debt Management have seen an increase in complaint resolution by telephone from 25% in

2011 to 33% in 2012, with only 6% of customers requesting an additional written response.

3.16 Following the restructure of DWP's operational delivery, this year has also seen the move to a single Focal Point to deal with ICE enquiries relating to complaints about Jobcentre Plus, The Pension Service and the Disability and Carers Service. It is anticipated that this single point of contact will ensure consistency and an improvement in communications.

Collaborative Working

3.17 The ICE office continues to work with the DWP businesses to seek to improve customer service and share best practice. The ICE office holds quarterly meetings with DWP Focal Point staff and has case conferences to discuss case-specific queries. ICE Managers continue to liaise with DWP senior managers to discuss issues arising from case work, particularly with regard to complex or contentious cases. ICE Senior Managers also attend a regular Complaints Steering Group meeting, which the ICE attends personally twice a year. This gives the ICE the opportunity to present to Senior Managers from across the Department, issues arising from ICE casework.

3.18 ICE staff also continue to hold bi-monthly meetings with staff involved in the Work Programme Provider complaints, to monitor the service provided and discuss any concerns. ICE uses that feedback to maintain relationships with its contracted providers.

4. PRIVATE SECTOR SERVICE

4.1 Last year's ICE Annual Report explained that the office now has responsibility for investigating complaints about private sector companies delivering services on behalf of DWP. This year has seen a steady increase in such complaints; however the majority of complainants have approached ICE prematurely (before the provider has dealt with the complaint) and only 17% of cases received have been accepted for examination by ICE. Part of the problem appears to be premature signposting to ICE by Jobcentre Plus staff; there have also been difficulties, particularly in the early part of the year, arising from complainants not being properly navigated through the providers' complaints processes.

4.2 The cases brought to the ICE office include complaints about the behaviour of provider staff, poor complaint handling and the level of back to work support (both financial and practical), which has not met participants' expectations. Of the cases ICE has investigated this year, none have been upheld, although service failures on the part of the providers have been highlighted in some cases. ICE has found in some instances that the service failures lie with Jobcentre Plus rather than with the provider. In those cases ICE has asked Jobcentre Plus to take the corrective action and consider redress to the complainant. ICE has worked closely with the providers to resolve complaints to the satisfaction of the complainant and thereby remove the need for a full investigation.

Summary of Performance		
	Performance 2011/12	Performance 2012/13
Received	98	316
Accepted	7	55
Total case clearances (of which):	3	37
Resolved	2	7*
Investigated	1	27
Of those cases investigated % of cases partially upheld	0%	0%
Of those cases investigated % of cases fully upheld	0%	0%
Withdrawn	0	3

*For 2012/2013 this includes 2 cases. One of which was resolved with evidence (settled) and the other was a result of Merlin Mediation.

CASEWORK: THEMES AND LESSONS

4.3 ICE has resolved 7 provider cases this year, achieving some positive outcomes for complainants as the following examples show.

Mr A complained that a Work Programme Provider had provided him with incorrect information regarding the Wage Incentive Programme and had failed to consider the financial disappointment to his business as a result of providing that incorrect information.

The Wage Incentive Programme offers payments to employers when they employ young people aged 18 – 24 that are registered on the Work Programme, or (from 30 July 2012) who are registered as unemployed and live in one of 20 Local Authority areas which are designated as youth unemployment hotspots.

ICE's examination found that Mr A had heard about the scheme in a letter from DWP; he had then contacted his local Work Programme Provider, and had been given a list of candidates. Mr A had also interviewed the son of one of his employees who had previously undertaken work for him. Mr A said that this candidate was also on the unemployment register and so he telephoned the provider to check that if he employed this person, he would still qualify for the Wage Incentive Payment. He was told in an email from the provider that he would qualify for the payment as long as the candidate received benefits. Mr A subsequently employed that candidate and one from the provider's list on the understanding that he would receive a payment of £2,275.00 from the Wage Incentive Scheme for each of the two employees. Mr A said this was based on information provided by a provider employee, which had proved not to be correct. The fact that he had not received the payment had affected the company's budget. Mr A said it would be reasonable if the provider met him halfway on the loss of this money. ICE conducted enquiries with the provider who agreed to pay Mr A £1,137.50 as resolution of his complaint.

Miss F complained that the Work Programme Provider's sub-contractor inappropriately contacted her prospective employer without her consent. She said that action resulted in the employer retracting a job offer. Miss F said that she had purposely not provided her consent for the employer to be contacted by the Provider as she was aware that the employer had concerns about being involved with the Work Programme having had experience of it through another employee.

ICE's examination found that during Miss F's induction meeting with the sub-contractor, she told them of a job offer she had received with a start date two months later. (That start date subsequently fell through.) Miss F chose not to sign the Data Consent form providing permission for the sub-contractor to contact any future employers. However, despite not having authority to do so, the sub-contractor then contacted the prospective employer to confirm Miss F had started work there. At that point Miss F had not actually started work and in the employer's response to the sub-contractor they explained that they had a planned appointment with Miss F to discuss a new start date. The employer also commented that Miss F had previously told them they would never receive any

correspondence from the provider because she had not signed the consent form. The employer subsequently withdrew the job offer and, amongst other reasons, explained that the company did not have the time to complete the updates requested by the Work Programme provider and they did not feel they would receive full attention from Miss F whilst employed. Following ICE's enquiries with the provider they agreed to make a consolatory payment of £400 to Miss F for the inconvenience caused to her by their contact with the employer without authority.

5. THE ICE OFFICE

Standards of Service

5.1 Our published service standards explain how long it should take us to deal with complaints.

5.2 We keep our service standards under review. Our level of service for this reporting year and the last is given below:

Target	Performance 2012/13
Letters and e-mails Acknowledge complaints within 2 working days 2011/2012 – To respond to 90% within 10 working days of receipt 2012/2013 – To respond to 80% within 10 working days of receipt	100% 98.8%
Completing our investigations of complaints To clear 55% of complaints within 6 months To clear 85% of complaints within 12 months	46.3% 71.6%
Complaints about us To acknowledge complaints about us within 2 working days To respond to 90% within 20 working days	100% 96.1%

Target	Performance 2012/13
Correspondence To respond within 2 weeks to general enquiries To respond within 4 weeks to complaints about us	0.5 weeks 2.8 weeks
Our process To respond to complaints about the businesses we investigate within an average of 40 weeks from the date we accept them. However, if we are able to resolve a complaint by brokering agreement between the complainant and the relevant department, to do with an average of 15 weeks from the date we accept them.	34.6 weeks 9 weeks
Customer Satisfaction To achieve 80% or above satisfaction with ICE service	83.3%

Staffing issues and older cases

5.3 In last year's Annual Report we reported a backlog of case work that had affected our ability to meet performance targets.

5.4 This year, all targets have been met. In November 2011 we held 266 legacy cases (cases received prior to January 2011). Our challenge was to clear all of these complaints by 30 June 2012 and to reduce the number of remaining backlog cases (those awaiting investigation) by 1 October 2012. This challenge was met ahead of schedule when the ICE office reached steady state in August 2012.

Complaints about our service and the outcome of 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 the ICE Office or the outcome of the ICE investigation.

5.6 During the reporting year we received 371 complaints relating to our DWP caseload (including CSA and Work Providers) - 148 regarding the service provided; 210 about the findings of an ICE investigation; and 13 combined complaints about service and outcome. This represents just 11% of 3,254 cases received by ICE during the financial year, with the majority of those expressing dissatisfaction because ICE has not upheld their complaints.

5.7 We use the feedback we receive from service complaints to ensure we continue to provide an excellent service to our complainants, and to make service improvements where appropriate. For example, following feedback from one of our complainants, we have included further clarification on the ICE website about what a final response from the Agency/Businesses should include.

Findings of The Parliamentary and Health Service Ombudsman (PHSO)

5.8 Individuals who are dissatisfied with ICE investigations can ask Members of Parliament to progress their complaints to the Ombudsman. This year, the Ombudsman found that we could have done more in 5 DWP cases investigated by her office, and in each of those cases the ICE agreed to meet the Ombudsman's recommendations and accepted those as learning opportunities, as we encourage bodies within our jurisdiction to do.

Continuous Improvement

5.9 Having achieved Customer Service Excellence (which replaced Charter Mark) the ICE Office was reaccredited in December 2012 for the third year, gaining a further compliance plus score following the three already achieved by the ICE office. A diverse range of organisations from the public, private and voluntary sectors are trying to achieve CSE accreditation. ICE Office has also continued to build on its Investors in People gold standard achievement.

5.10 ICE is a complaint handler member of the Ombudsman Association and staff from the ICE Office attend working group meetings to share best practice and discuss common themes.

5.11 ICE is committed to providing an excellent service to our service users, who continue to tell us of high levels of satisfaction with the ICE service. They have also told us of the difference our service has made to their lives.

I have been treated politely, helpfully, considerately and reliably. The professionalism was 100%. I am not just saying this because I had a satisfactory result; I say it because that is how it is.

It is good to know, there are people out there to help fight in your corner, when all else fails.

Thank you for your very helpful and sensible intervention with regard to my case. I think you have been the only person to grasp the root of the problem.

INDEPENDENT CASE EXAMINER

For the Department for Work and Pensions

ANNUAL REPORT

1 APRIL 2012 – 31 MARCH 2013

SUPPORTING EVIDENCE

Judging the issues without taking sides

1. Casework Statistics

1.1 The data and figures that follow are based on casework in the twelve month period between 1 April 2012 and 31 March 2013. Comparisons are made with the twelve months from 1 April 2011 and 31 March 2012.

Withdrawn cases

1.2. Complaints may be withdrawn for several reasons. For example, some complainants decide to withdraw their complaint when we explain to them the need to appeal against legislative decisions, or that the nature of the complaint does not relate to maladministration. From time to time people also withdraw their complaint because the business subsequently takes action which addresses the complaint.

Resolved cases

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

Outcomes

1.4 In cases where I find that the business has failed to provide an acceptable standard of service, when determining whether to uphold a complaint I consider what action the business has taken subsequently to try to put things right. If the business has fully addressed the complaint and appropriate redress has been provided, offered or instigated prior to referral to ICE, I do not uphold the complaint.

Child Support Agency Business Performance

Complaints Received

Complaints received and accepted during the period are outlined below:

	01/04/11 – 31/03/12	01/04/12 – 31/03/13
Received	1670	1457
Accepted	680	523

Case clearances

Details of clearances are given below:

	Resolved	Investigated	Withdrawn	Total
01/04/11 – 31/03/12	344*	471	36	851
01/04/12 – 31/03/13	212*	522	9	743

* 2011/2012 figures include 13 resolved with evidence (settled) and 9 settled for 2012/2013

Outcomes

	Fully Upheld	Partially Upheld	Not Upheld
01/04/11 – 31/03/12	81	157	233
01/04/12 – 31/03/13	47	129	346

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 appropriate to be done in that case.

Subjects of complaint

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

*Subject of complaint 01/04/11 – 31/03/12	Upheld	Not upheld	Resolved
Delay	96	137	225
Error	93	386	263
No action taken	140	268	214
Other	79	233	70

*Subject of complaint 01/04/12-- 31/03/13	Upheld	Not upheld	Resolved
Delay	39	197	118
Error	69	391	174
No action taken	88	318	124
Other	34	260	59

* There can be multiple findings in respect of one complaint

Delay, error and no action taken are still the main areas leading to complaint from CSA complainants. The fact that some of these cases were subsequently resolved suggests that the Agency could have done more to put things right in the first instance. I did not uphold a high number of complaints of alleged error.

Caseload

Cases outstanding 01/04/11 -- 31/03/12	527
Cases outstanding 01/04/12 -- 31/03/13	391

*Cases outstanding at 31/03 brought forward to next financial year.

Jobcentre Plus Business Performance

Complaints received

Complaints received and accepted for action are outlined below:

	01/04/11 – 31/03/12	01/04/12 – 31/03/13
Received	681	1127
Accepted	334	263

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
01/04/11 – 31/03/12	136*	214	13	363
01/04/12 – 31/03/13	96*	262	13	371

* 2011/2012 includes 4 cases resolved with evidence (settled) and 4 resolved with evidence in 2012/2013.

Outcomes

	Fully Upheld	Partially Upheld	Not Upheld
01/04/11 – 31/03/12	12	38	164
01/04/12 – 31/03/13	6	38	218

It is very positive that such a high number of Jobcentre Plus cases have not been upheld by ICE.

Subject of Complaint

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

*Subject of complaint 01/04/11 – 31/03/12	Upheld	Not upheld	Resolved
Delay	21	86	67
Error	46	206	140
No action taken	9	90	51
Other	11	41	16

*Subject of complaint 01/04/12-- 31/03/13	Upheld	Not upheld	Resolved
Delay	11	99	37
Error	29	344	88
No action taken	9	121	42
Other	2	52	8

* There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 01/04/11 – 31/03/12	269
Cases outstanding 01/04/12 – 31/03/13	227

*Cases outstanding at 31/03 brought forward to next financial year

The Pension Service Business Performance

Complaints Received

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

	01/04/11 – 31/03/12	01/04/12 – 31/03/13
Received	155	193
Accepted	89	79

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
01/04/11 – 31/03/12	49*	35	6	90
01/04/12 – 31/03/13	26*	57	2	85

* 2011/2012 includes 3 resolved with evidence (settled) and 1 case for 2012/2013.

Outcomes

	Fully Upheld	Partially Upheld	Not Upheld
01/04/11 – 31/03/12	3	4	28
01/04/12 – 31/03/13	3	6	48

It is extremely positive that ICE has not upheld a high percentage of The Pension Service cases.

Subject of Complaint

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

*Subject of complaint 01/04/11 – 31/03/12	Upheld	Not upheld	Resolved
Delay	1	8	23
Error	6	31	33
No action taken	1	10	23
Other	0	1	4

*Subject of complaint 1/4/12 – 31/03/13	Upheld	Not upheld	Resolved
Delay	3	22	7
Error	9	49	22
No action taken	5	14	11
Other	0	6	2

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 01/04/11 – 31/03/12	51
Cases outstanding 01/04/12 – 31/03/13	69

*Cases outstanding at 31/03 brought forward to next financial year

The Disability and Carers Service Business Performance

Complaints Received

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

	01/04/11 – 31/03/12	01/04/12 – 31/03/13
Received	94	139
Accepted	42	50

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/11- 31/3/12	14	30	2	46
1/4/12- 31/3/13	14	32	11	57

Outcomes

	Fully Upheld	Partially Upheld	Not Upheld
01/04/11 – 31/03/12	3	2	25
01/04/12 – 31/03/13	1	2	29

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

Subject of Complaint

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

*Subject of complaint 01/04/11 – 31/03/12	Upheld	Not upheld	Resolved
Delay	4	15	4
Error	6	33	13
No action taken	0	5	11
Other	1	2	1

*Subject of complaint 01/04/12-- 31/03/13	Upheld	Not upheld	Resolved
Delay	3	15	9
Error	1	35	13
No action taken	0	7	5
Other	0	1	1

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 01/04/11 – 31/03/12	40
Cases outstanding 01/04/12 – 31/03/13	46

*Cases outstanding at 31/03 brought forward to next financial year

Debt Management Business Performance

Complaints Received

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

	01/04/11 – 31/03/12	01/04/12 – 31/03/13
Received	30	22
Accepted	11	5

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
01/04/11 – 31/03/12	5	4	0	9
01/04/12 – 31/03/13	2	12	0	14

Outcomes

	Fully Upheld	Partially Upheld	Not Upheld
01/04/11 – 31/03/12	0	0	4
01/04/12 – 31/03/13	2	2	8

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

Subject of Complaint

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

*Subject of complaint 01/04/11 – 31/03/12	Upheld	Not upheld	Resolved
Delay	0	2	0
Error	0	2	6
No action taken	0	0	3
Other	0	0	0

*Subject of complaint 01/04/12-- 31/03/13	Upheld	Not upheld	Resolved
Delay	1	6	1
Error	4	14	0
No action taken	1	2	1
Other	0	2	0

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 01/04/11 – 31/03/12	11
Cases outstanding 01/04/12 – 31/03/13	4

*Cases outstanding at 31/3 brought forward to next financial year

Private Sector Providers: Supporting Evidence

Complaints Received

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

	01/04/11 – 31/03/12	01/04/12 – 31/03/13
Received	98	316
Accepted	7	55

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
01/04/11 – 31/03/12	2	1	0	3
01/04/12 – 31/03/13	7*	27	3	37

For 2012/2013 this includes 2 cases. One of which was resolved with evidence (settled) and the other was as a result of mediation.

Outcomes

	01/04/11 – 31/03/12	01/04/12 – 31/03/13
Fully upheld	0 (0%)	0 (0%)
Partially upheld	0 (0%)	0 (0%)
Not upheld	1 (100%)	27 (100%)
Total	1	27

Caseload

Cases outstanding 01/04/11 – 31/03/12	20
Cases outstanding 01/04/12 – 31/03/13	54

*Cases outstanding at 31/03 brought forward to next financial year