



Independent Case Examiner



# Our service

How to bring a complaint to the  
Independent Case Examiner

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## How to bring a complaint to the Independent Case Examiner

The Independent Case Examiner (ICE) reviews complaints about certain government organisations that deal with benefits, work and financial support.

We act as an impartial referee for people who:

- feel they have been treated unfairly
- are unhappy with the way their complaint has been dealt with by the business or agency

## 1. Organisations we deal with

We can review complaints made by users of:

- the Child Support Agency
- the Child Maintenance Service
- Jobcentre Plus (including most work provider services)
- The Pension Service
- the Disability and Carers Service
- Debt Management (part of DWP)
- the Financial Assistance Scheme
- the Child Maintenance and Enforcement Division (Northern Ireland)
- Northern Ireland – benefits and pensions only (Department for Communities)
- the Independent Living Fund
- the government's Work Programme
- Fit for Work (the government-funded advice service)

Examples of complaints we look at include:

- failure to follow proper procedures
- excessive delays
- poor customer service

## 2. When to contact us

We can only consider your complaint if you have:

- already complained to the agency or business
- waited until they have finished their complaints procedure
- received a final response from the agency or business that explains that you can bring your complaint to us if you're not satisfied with their response
- contacted us within 6 months of receiving the final response

All the conditions listed above must apply.

If you complain to the agency or business but don't give them the opportunity to respond, we won't investigate your complaint.

**Please don't contact us until you get a final response from the agency or business that says you can bring your case to us.**

### 3. The information we need

You must tell us your:

- name and address
- National Insurance number
- phone number

#### 3.1 The final response to your complaint

You must send us a copy of the final response to your complaint from the agency or business.

If the final response was by phone, you must tell us:

- the date of the phone call
- the name of the agency or business
- the name of the person who spoke to you
- a summary of what they said

**We will only consider your complaint if the agency or business has told you, in writing or by phone, that you can bring your complaint to us.**

### 4. How to contact us

You can contact us by phone or in writing. Please explain all the relevant facts, simply and clearly.

You can appoint a representative to act on your behalf, if you want to.

If you change your address or phone number while we are dealing with your complaint, please let us know.

If you want us to return any documents you send us, please tell us when you send them.

We deal with post received after 12 noon on the next working day.

## The Independent Case Examiner

PO Box 209  
Bootle  
L20 7WA

Email [ice@dpw.gsi.gov.uk](mailto:ice@dpw.gsi.gov.uk)

Telephone 0800 414 8529

Fax 0151 221 6601

Telephone from outside the UK +44 151 221 6500

Text Relay – if you call from a textphone 18001 0800 414 8529

There will usually be someone available to take your call Monday to Friday between 8am and 6pm.

### 4.1 Emails

We deal with emails received after 12 noon on the next working day.

Emails are not a secure way of sending personal information because they can be intercepted.

## 5. Cases we can't deal with

We can't deal with complaints or disputes:

- about matters of law
- that are, or have been, subject to legal proceedings (this doesn't include appeals)
- about how any of the agencies or businesses fulfil their responsibilities as an employer
- to which the agency or business has not given a final response that says you can bring your case to us if you're not satisfied with their decision
- received more than 6 months after the agency or business has sent a final response
- that involve the [Parliamentary and Health Service Ombudsman](#) or the [Northern Ireland Ombudsman](#)

## **6. How we deal with your complaint**

We look at both sides of a complaint and, if necessary, recommend how things can be put right.

We may pass on any information you send us to the agency or business. If you need more information from the agency or business about your case, you must contact them yourself.

We'll tell you within 2 weeks whether we can accept your complaint or not. Then, if we accept it, we'll agree with you what your complaint covers.

### **6.1 If you and the agency or business can agree what needs to be done**

If you and the agency or business can agree what needs to be done, we'll set out the agreed action in writing and send a copy to you and the organisation. We'll check that the organisation does what they've agreed to do.

If we are able to deal with complaints this way, we aim to do so within 8 weeks of accepting them.

### **6.2 If you and the agency or business can't agree**

If you and the agency or business can't agree, we'll ask them for the papers about your case and let you know how long this might take.

We deal with cases in the order they're received and pass them to an investigation case manager. When we've reviewed all the evidence, we may contact you to consider the possibility of settling your complaint – although in most cases we'll start an investigation.

The investigation case manager will prepare a report for examination by the Independent Case Examiner. They'll ask the agency or business to make sure that the technical details are correct and provide any other information we need.

If we are able to settle your complaint, we aim to complete our action within 15 weeks of allocation to an investigation case manager. If a case requires a report from the Independent Case Examiner, we aim to complete our action within 20 weeks of allocation to an investigation case manager.

### **6.3 Evidence of maladministration**

When our report is ready, the Independent Case Examiner will decide if there is any evidence of maladministration. If there's no evidence of maladministration, the complaint won't be upheld.

If there's evidence of maladministration, the Independent Case Examiner will look at what the agency or business did before the complaint was made to her.

### **6.4 Appropriate redress**

If the agency or business offered appropriate redress before the complaint was made to the Independent Case Examiner, the complaint won't be upheld. If they didn't, the complaint will be upheld.

### **6.5 Implementing the recommendations**

The agency or business will implement the Independent Case Examiner's recommendations unless they are prevented from doing so by legislation or policy. If the recommendations cannot be implemented, the agency or business will explain why.

### **6.6 If you are unhappy with our review of your complaint**

Please let us know within 3 months of getting our report if:

- you are unhappy with the outcome, **and**
- you have new evidence that you think would materially affect it or which shows that it contained a factual error

We'll consider the new evidence and change our findings, if appropriate.

If you're still unhappy with the outcome, or if you have no new evidence, you can ask your Member of Parliament to refer your complaint to the [Parliamentary and Health Service Ombudsman](#).

In Northern Ireland, you refer your complaint to the [Northern Ireland Public Services Ombudsman](#).

## **7. Complaints about the service we provide**

We aim to provide the highest standards of service. However, if things go wrong, we will acknowledge and apologise for our mistakes. Please read our [complaints procedure](#) for more information.

## **8. Unacceptable behaviour**

Our service is publicly funded and we must make sure we spend funds wisely. We want to provide a fair, impartial and high quality service and any unacceptable behaviour can affect our ability to do this.

### **8.1 Vexatious and persistent complaints**

A small number of complainants contact us so frequently that they hinder our consideration of their own and other people's complaints. When that happens, we ask them to change their behaviour. For example, we may, ask them to stop contacting us for a certain period or about a particular issue. If they don't comply, we may decide to terminate contact altogether.

When we make such decisions, we always explain how people can complain about our service.

### **8.2 Abusive, offensive or threatening behaviour**

We know that people have sometimes struggled to get their complaints resolved and may be frustrated, anxious or stressed when they contact us. We try to make allowances for that.

We also have to consider the safety and welfare of our staff and we don't expect them to tolerate behaviour from members of the public which is abusive, offensive or threatening. We tell customers who behave in that way why we think their behaviour is unacceptable and ask them to change it.

If the unacceptable behaviour continues, we'll restrict their contact with us. We may, for example, refuse to deal with them by phone or ask them to get in touch only at certain times or with certain named officers. If all else fails, and the behaviour continues, we may terminate contact altogether. If the behaviour is so extreme that it threatens the safety or welfare of our staff, we may report it to the police or take legal action.

When we make such decisions, we always explain how people can complain about our service.

## **9. Professional fees**

We're sometimes asked to reimburse fees charged by solicitors, accountants or other consultants for helping people with their complaints.

## How to bring a complaint to the Independent Case Examiner

Our view is that you shouldn't need to get professional help to make a complaint – and, if you do, you should accept responsibility for the costs.

In an exceptional case, we might recommend that professional fees be reimbursed by the agency or business if:

- the investigation finds evidence of maladministration, and
- you can show that you couldn't deal with your complaint on your own or by using free sources of help and advice

Before we can consider such a claim for reimbursement, you would need to provide information about, but not necessarily limited to, the following:

- why you were unable to progress your complaint yourself
- why you needed to use a fee-charging professional
- what you needed help with and how they helped
- whether you tried a non fee-paying alternative like [Citizens Advice](#) and, if so, why you still decided to use a fee-charging service
- an invoice itemising all the charges
- if you've paid the bill, a copy of the receipt