



Department
for Work &
Pensions

INDEPENDENT CASE EXAMINER

for the Department for Work and Pensions

Annual report

1 April 2013 – 31 March 2014

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 they have not been treated fairly or have not had their complaints dealt with in a satisfactory manner; and to support DWP in improving the service they deliver 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 discharge their public responsibilities.

Our Vision To deliver a first rate service provided by professional staff.

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Independent Case Examiner's foreword



This is my second annual report, although the first that reports on a year of my decision making, as I took up office over a year ago in April 2013.

I have decided to use this report to show some examples of the cases we work on, the issues we investigate and the decisions we reach. I hope that as well as giving you information on the volume and type of work we have undertaken for the DWP during the year we can also give it some real meaning for you. The businesses whose complex complaints we investigate - including Jobcentre Plus, The Pension Service and Disability & Carers Service, Debt Management and Child Support Agency, work in some of the most personally difficult and important areas of our lives. I hope this report can demonstrate the value we bring to resolving the often very difficult disputes that can arise.

I have had an exciting and fulfilling first year and want to thank all the staff here who have worked with me - they tread a careful path ensuring that investigations are thorough and accurate, then working with me to ensure that I am fully informed about every aspect of the case, before stepping back and respecting my role as the independent final decision maker. They manage this superbly well and I am proud to work with such a dedicated team.

I hope this report is interesting and informative; we thank you for reading it and look forward to any feedback you may have.

A handwritten signature in black ink that reads "Joanna Wallace". The signature is written in a cursive style with a long horizontal stroke at the end.

Joanna Wallace
20 August 2014

Introduction

My limited experience in the Independent Case Examiner role does not allow me to comment meaningfully on how business performance in 2013/14 compares with previous years or to have identified many clear themes from which lessons can be learned.

It has been sufficient, however, to give me a clear appreciation of the breadth of the work undertaken by the Department for Work and Pensions and of the effect, for good or ill, a large Government Department can have on people's lives.

In order to give a flavour of that, the main focus of my report is on providing examples of the cases we see, illustrating some of the more unusual and extreme circumstances we come across but also exemplifying the complaints we more commonly investigate and my general approach to identifying maladministration and taking account of its impact. We treat each case strictly on its own merits, taking account of individual circumstances, and nuanced differences in order to determine appropriate redress, even where the facts of the case appear superficially to be similar.

The way in which my office handles cases has evolved over time and I am confident that our current approach aims to provide the best possible service to the public and the businesses within our jurisdiction. Having accepted a complaint, we routinely attempt to resolve it at the earliest opportunity, identifying the complainant's key concerns and aspirations and exploring with the relevant body the potential for achieving a mutually acceptable solution. This year we resolved just over 35% of our cases at this stage bringing complaints to a satisfactory conclusion for our complainants as soon as is reasonably practicable.

Where resolution cannot be achieved, the complex nature of the majority of the complaints we receive dictates that our investigations are likely to take some months to complete. To ensure that our conclusions are sound and based in fact, we examine sometimes large amounts of evidence which may be provided by the body about which the complaint has been made or by the complainant –

often by both. In order to ensure our investigations are completed within reasonable timescales we have agreements in place with the businesses to provide us with the information we need in a timely manner. During the investigation process, it is our policy to communicate regularly with both parties to the complaint and to ensure that they have been given adequate opportunity to put their perspective to us.

The following table shows the number of cases we have dealt with this year, and the way in which they have been concluded.

DWP Business Performance as a whole

Business Performance	2013/14
Received	3182
Accepted	1103
Total case clearances (of which):	1186
Resolved by agreement between the parties	367*
Investigated	796
Of those complaints investigated % partially upheld	33% (263)
Of those complaints investigated % of fully upheld	18% (142)
Of those complaints investigated % of cases not upheld**	49% (391)
Withdrawn	21

*This includes 6 cases resolved with evidence

**This includes cases which we deem justified, because although the complaints have merit, the business have taken all necessary action to remedy them prior to the complainant's approach to ICE.

Subsequent chapters provide more detail of the workload originating from the Department's component parts, the outcomes of our investigations and anonymous examples of the work we do and the outcomes we achieve.

CASE WORK

Jobcentre Plus

At a glance...

Cases received	1204
Cases accepted	344
Cases resolved by agreement	100
Cases investigated	230
Fully upheld	34 (14.8%)
Partially upheld	64 (27.8%)
Not upheld	132 (57.4%)

Overview

Jobcentre Plus is the part of the Department for Work and Pensions (DWP), that provides services to people of working age - primarily to those trying to find work and to those who are out of work and need financial assistance. They also provide social security benefits to those without an income due to illness or incapacity. Complaints received at ICE about Jobcentre Plus cover the full range of the services they provide.

Jobcentre Plus complainants often approach us before they have received their final response from the business so we have accepted a proportionately smaller number of complaints that have come to us than for any other DWP business as we usually insist the full internal complaints process has been exhausted before accepting a case. Complainants' unwillingness to engage with Jobcentre Plus is undoubtedly one reason for these early approaches but there is also evidence to suggest that people experience difficulty in navigating through the complaints process, and we have brought that to Jobcentre Plus' attention.

Case study 1

Mr A complained that Jobcentre Plus had failed to fully consider the consequences of their inappropriate disclosure of information.

Mr A is a student who was in receipt of Jobseekers Allowance. He had been allocated a Disablement Employment Adviser (DEA) at his local Jobcentre. Mr A had been adopted in the same area where his birth family lived but since his adoption he had chosen not to be in contact with his birth mother.

Our investigation found that Mr A's DEA gave information to his birth mother that allowed her to trace him. The birth mother located and approached Mr A who was clear he did not want to renew contact with her.

Jobcentre Plus conducted an investigation into the events and found the DEA to have breached confidentiality. They decided that a consolatory payment of £3,000 should be made to Mr A because of the anguish and distress caused to him. Mr A claimed financial loss of £4,470 because the incident with his birth mother had disturbed him so much that he had decided to move away from the area to study in order to avoid any further contact with her.

ICE upheld Mr A's complaint and found that the £3,000 consolatory payment was sufficient but that Mr A had experienced financial loss as he felt he had needed to move away from the area as a result of Jobcentre Plus' maladministration. We therefore recommended that they pay additional costs of £4,344 to Mr A.

Case study 2

Mrs B complained that Jobcentre Plus had misdirected her about claiming Carer's Allowance.

Mrs B, a lone parent, had been receiving the lower rate mobility and middle rate care components of Disability Living Allowance for her son since 2002. In June 2010 Jobcentre Plus wrote to Mrs B and advised her to claim Carer's Allowance, and she was subsequently awarded Carer's Allowance from September 2010.

Mrs B complained to Jobcentre Plus that she had not been advised to claim Carer's Allowance from 2002, despite attending six-monthly lone parent interviews to discuss employment options – she said that she wanted the money she had lost for those years. Despite initially accepting that she had been misdirected, Jobcentre Plus later changed their view – they awarded her a consolatory payment of £250 for raising her expectations.

Our investigation found that it was more likely than not that Jobcentre Plus had failed to advise Mrs B that she could claim Carer's Allowance for her son, concluding that she would have made a claim had she been aware of this.

ICE upheld Mrs B's complaint. We recommended that Jobcentre Plus award her a payment of £11,362.45 to cover the relevant period and that they apologise and award her a consolatory payment of £250 for failing to advise her properly in 2002.

Case study 3

Mrs C complained that Jobcentre Plus had failed to ensure the claim she made for Personal Independence Payment in June 2013 would be fast-tracked as promised following an earlier complaint she had made.

Our examination found that Jobcentre Plus had written to Mrs C in August 2013 and told her that her claim for Personal Independence Payment would be fast tracked. This payment is dealt with by a different part of DWP (Disability and Carers Service) who subsequently confirmed to ICE that there is no option to fast-track Personal Independence Payments except in very exceptional circumstances.

We resolved Mrs C's complaint with Jobcentre Plus' agreement to apologise and award a consolatory payment of £50.

The Pension Service

At a glance...

Cases received	194
Cases accepted	73
Cases resolved by agreement	36
Cases investigated	68
Fully upheld	14 (20.6%)
Partially upheld	17 (25%)
Not upheld	37 (54.4%)

Overview

The Pension Service is the part of DWP that provides services – mainly pension payment and pensions estimate services – to those of Pension age. Allegations of misdirection about deferring State Pension have been a particular feature of this reporting year.

Case study 1

Mrs D complained that The Pension Service had misdirected her about deferring her State Retirement Pension during a telephone conversation in 2005.

Some five months before Mrs D's sixtieth birthday The Pension Service sent her a leaflet which explained about receiving and deferring State Retirement Pension. Mrs D said that she telephoned The Pension Service about the information in the leaflet which she found confusing. She said that she told them that she wished to accrue her State Retirement Pension until she was no longer working full time and that they confirmed that her Pension would automatically accrue until she made a claim. Mrs D accepted that during the call she had not mentioned that she received a Widow's Pension.

Mrs D reached her sixtieth birthday and continued working. She did not claim State Retirement Pension and she continued to receive Widow's Pension until she reached 65.

The Pension Service telephoned Mrs D just before her 65th birthday. During that call it was made clear to her that because she had received Widow's Pension she had not accrued any benefit from deferring her Retirement Pension. Although Mrs D accepted that she had not mentioned being in receipt of Widow's Pension she also said that she had not been asked about it.

Our investigation found that the information in the leaflet which was sent to Mrs D had made it clear that those choosing to keep their Widow's Pension after State Retirement Pension age could not benefit from deferring their State Retirement Pension. We did not accept that she had been misdirected during the 2005 telephone call because she had not mentioned the critical information that she was in receipt of Widow's Pension, so the information she had received was correct and not unreasonable. We did not uphold Mrs D's complaint.

Case study 2

Mrs E complained that during a telephone call in March 2006, The Pension Service misadvised her about the State Pension lump sum that she would receive if she deferred her State Pension.

Mrs E reached State Pension age on 28 July 2006. She had been claiming Carer's Allowance since August 1997. A State Pension invitation form had been sent to Mrs E in March 2006, which included a leaflet explaining about deferring State Pension. If a claimant receives Carer's Allowance at the same time as they put off claiming State Pension, any days for which Carer's Allowance is paid will not count towards any extra State Pension or lump sum payment, and this is explained in the leaflet.

Mrs E's recollection is that she telephoned The Pension Service in 2006 and was told that she would receive the difference between State Pension and Carer's Allowance (from State Pension age) in a lump sum when she applied for her State Pension. The Pension Service do not have a recording of this telephone call. They accept that it is probable that Mrs E did telephone in 2006 but have said that they do not accept error or misdirection in relation to this telephone call.

On 24 August 2006 it was recorded that Mrs E had not claimed State Pension and continued to receive Carer's Allowance.

Mrs E telephoned The Pension Service in 2010. This conversation was recorded and was listened to as part of our investigation. Mrs E told the adviser that she was 63 and had deferred her State Pension and wanted to know the effect that Carer's allowance would have on it. The adviser told Mrs E incorrectly that Carer's Allowance payments would be deducted from the lump sum State Pension amount that was accruing on her behalf. That was not the case: State Pension could not be accrued for any period that Carer's Allowance was in payment.

Despite unequivocal evidence concerning incorrect information given to Mrs E in the telephone call, The Pension Service did not accept that she was misinformed. In their review, they said that a recording of the

call was not available to listen to, when in fact it was, which we found disappointing.

We upheld Mrs E's complaint, and concluded that it is most likely that she was given incorrect advice during the telephone call in 2006 as she was undeniably four years later. Otherwise we considered it more likely than not that she would have taken the most financially advantageous route available to her which was claiming her State Pension from 28 July 2006. As the result of our investigation The Pension Service agreed to pay Mrs E £10,996.85 – the difference between the actual amount of Carer's Allowance (£12,038.40) paid to her and the amount of State Pension she would have received (£23,035.25) from July 2006 to January 2011 had she not been misadvised. In addition, The Pension Service agreed to make an interest payment for the sum of £516.61.

Case study 3

Mrs F's representative complained that The Pension Service had failed to make appropriate enquiries about Mrs F's circumstances when they froze her entitlement to State Retirement Pension in 1998.

Mrs F had emigrated to Israel in 1978, taking her State Retirement Pension with her in accordance with the UK's reciprocal arrangements with Israel which date back to 1957 - before the 1967 conflict that saw Israel take over the administration of further territories (often referred to as the West Bank or Judea and Samaria). The 1957 legislation defined the State of Israel according to the 1956 borders (the cease fire or 'green' line). After the 1967 war some Israeli citizens went to live in East Jerusalem, and settlements in Judea and Samaria but those people in receipt of UK State Retirement Pension no longer received annual incremental increases.

However, a Social Security Commissioner decided in 1981 that a residence qualification should not apply to a pensioner living in East Jerusalem who conducted their day to day affairs in the part of Jerusalem (West) covered by the agreement. As a consequence, any Israeli who could show that they spent time within the 1956 borders could receive annual incremental increases to UK State Retirement Pension. DWP made contact with other potentially affected Pensioners to establish whether they spent time within the 1956 borders after their move.

In 1998, when she was 90 years of age, Mrs F moved out of the territory of Israel that had been administered by the Israeli Government prior to July 1956. Her UK State Retirement Pension was therefore frozen at the then weekly rate of £64.95, and remained payable at that rate until she died in September 2007.

After her death, her family complained that she had never been made aware of the position described above. They said that her centre of interest had remained within the 1956 borders (in Haifa) and that she should have received annual increments to her Pension.

We did not accept the family's contention that Mrs F had received no communication from the UK Government in 1998 or afterwards, notwithstanding the passage of time and the consequential lack of official records. Nor did we accept without supporting evidence their assertion that Mrs F had spent considerable time in Haifa, given her advanced age at the time of her move and the 250 mile distance between her home and Haifa. We were not able to establish any financial loss to Mrs F's estate caused by maladministration and no case for making any consolatory payment to third parties who, whatever the facts of the matter, had not suffered any personal inconvenience.

Case study 4

Mr G complained that The Pension Service failed to take timely and appropriate action to address the concerns he raised in his letters dated 9 July 2012 and 24 January 2013.

Mr G and his wife live in Malaysia and corresponded with The Pension Service for several months trying to establish what Pension they would each receive if the other one died. Our examination found that The Pension Service just did not provide a simple answer to a simple question.

We resolved Mr G's complaint by securing an agreement from The Pension Service that they would provide a comprehensive response to Mr G's queries, an apology for the delay in doing so and a consolatory payment of £100 for the inconvenience.

Case study 5

Mrs H complained, amongst other things, that The Pension Service had provided misleading information in respect of her State Pension and Widow's benefit.

Our examination found that The Pension Service failed to locate a telephone call between her, her accountant and The Pension Service that took place on 23 October 2007 and on this basis refused to accept that Mrs H had been mis-directed. Following the involvement of this office, The Pension Service conducted a trace and located the telephone call.

The Pension Service accepted that after listening to the call the adviser had provided Mrs H with confusing information regarding

Widow's benefit and State Pension deferral. Amongst other matters, the adviser had informed Mrs H that if she remained on Widow's benefit whilst deferring her State Pension the monies she had received in respect of Widow's benefit would be deducted from her lump sum payment once she claimed her State Pension.

We resolved Mrs H's complaint with The Pension Service's agreement to award Mrs H £5595.73 in respect of loss of an accrued State Pension lump sum. The total loss of pension for this period totalled £12,415.29 after tax; however deductions of Widow's benefit (£2001.24) for one period and backdated State Pension (£4818.32) for another were made.

The Pension Service also agreed to apologise to Mrs H, make a payment of £94.06 for the loss of interest on the lump sum payment, make an additional consolatory payment of £75 (they had previously awarded £150) and a £50 payment towards her communication costs.

Debt Management

At a glance...

Cases received	30
Cases accepted	7
Cases resolved by agreement	1
Cases investigated	5
Fully upheld	2 (40%)
Partially upheld	0 (0%)
Not upheld	3 (60%)

Overview

Debt Management is the part of DWP responsible for managing and recovering debt including benefit overpayments and Social Fund loans. Complaints received at ICE about Debt Management are commonly disputes about a loan that has been taken out or the attempted recovery of an overpayment. We most often do not find for the complainant and determine that loans and overpayments have been made and that the complainants have been duly notified. We are more likely to find merit in complaints about the delays in starting recovery action.

Case study 1

Mr I complained that since 2005 DWP had failed to follow the correct procedures in a timely manner in relation to an alleged overpayment of benefit.

Mr I was informed that he had been overpaid Jobseekers Allowance of £5,045.49 which was recoverable but it took three and a half years for Debt Management to contact Mr I to arrange repayment of the sum owed.

Mr I complained about having to repay the money and that he had been given conflicting information, first being told that the overpayment had been cancelled but later that it remained payable.

We upheld Mr I's complaint and found that the time taken for Debt Management to start recovery action was unreasonable. We recommended that Debt Management apologise and make a consolatory payment of £100 for the delay.

Disability and Carers Service

At a glance...

Cases received	116
Cases accepted	49
Cases resolved by agreement	21
Cases investigated	39
Fully upheld	5 (12.8%)
Partially upheld	7 (18%)
Not upheld	27 (69.2%)

Overview

Disability and Carers Service is the part of DWP responsible for paying benefits to those who have a disability or long term illness or those who have caring responsibilities. Complaints received at ICE relate to various aspects of the service provided, including delays in processing benefits but most frequently contain elements of dissatisfaction with the medical assessment.

Case study 1

Ms J, who is appointee for her son, complained that the Disability and Carers Service had delayed in dealing with her Disability Living Allowance renewal application and in seeking medical evidence from her son's consultant in support of the application.

Ms J's son was receiving the higher rate mobility component and highest rate care component of Disability Living Allowance when in February 2012 the Disability and Carers Service sent a renewal application as the award was due to expire on 30 June 2012. After returning the form in March 2012, Ms J made several telephone calls asking when the Disability Living Allowance claim would be processed and questioning the effect of delay on her son's Motability car.

The Disability and Carers Service telephoned Ms J on 4 June 2012 and said that they needed an up to date hospital report. Ms J repeated her concern about the car, and was told that she would be allowed to keep it for four weeks following the end of entitlement. The Disability Living Allowance claim was subsequently reviewed without the benefit of a hospital report, and Ms J's son was awarded lower rate Disability Living Allowance Mobility component and higher rate Disability Living Allowance Care component. Ms J challenged the decision and the fact that it had been made in the absence of the hospital report. She was advised to raise a formal dispute but, in the meantime, the Disability and Carers Service spoke to a doctor from ATOS Healthcare who provided an opinion that led to a review. The Disability Living Allowance award was revised to higher rate Mobility component and higher rate Care component.

Ms J's husband subsequently complained saying that he had experienced increased stress and had felt obliged to purchase an alternative vehicle privately in July 2012 despite having the Motability car until August. The Disability and Carers service declined to refund the cost of the car but apologised for the delays and awarded a consolatory payment totalling £100.

We found that there had been a delay in dealing with the DLA renewal claim and that the Disability and Carers Service had made a decision without the hospital report. Although they had taken that step to expedite the claim, their actions had the effect of removing entitlement to the Motability car. We found the complaint to be justified. We did not therefore recommend financial redress in respect of the replacement car because our investigation showed that the hire purchase agreement had not been signed until two days after the higher mobility component had been awarded, and over a week before the Motability car was due to be returned – and that the agreement contained a 14 day option to withdraw.

Private Sector Service

At a glance...

Cases received	277
Cases accepted	80
Cases resolved by agreement	8
Cases investigated	55
Fully upheld	3 (5.5%)
Partially upheld	7 (12.7%)
Not upheld	45 (81.8%)

Overview

The Department for Work and Pensions has contracts with private and voluntary sector partners to deliver various services on its behalf, most notably the Work Programme - a welfare-to-work programme launched in 2011 to support people in their search to find work. Complaints received at ICE about these services are as varied as those relating to other DWP business, though a common feature of complaints about Work Programme providers is dissatisfaction with the programme itself. In some cases complaints about contracted provision - as with complaints about Jobcentre Plus - may also be driven by the participant's unrealistic expectations of what is achievable.

Although contracted medical services have also generated complaints during the reporting year, for the most part these have been investigated as part of a broader complaint about Jobcentre Plus or the Disability and Carers Service. It was not until the final quarter of the year that ICE was given direct jurisdiction in respect of medical services complaints, and the small number of complaints we received relating solely to the contracted service had not been concluded by year end.

Case study 1

Ms Q, appointee for her disabled son, complained that a Provider had failed to offer appropriate funding to support his move into employment.

Providers have flexibility to design a personalised approach to help an individual back to work, which should focus on what is stopping the claimant getting work and sourcing specialist help from the best organisations to help. In this case the Provider was aware that Ms Q's son was involved with Mencap but they did not liaise with Mencap about his needs. Nor, following a brief initial involvement with him, did they reconnect with him on his return from holiday.

Despite this, Ms Q's son was successful in getting a job and Mencap arranged for a job coach to support him. A funding request from the job coach to the Provider went unanswered and the Provider made no attempt to arrange for a needs assessment to determine what support might be appropriate. In response to her enquiry, the Provider informed Ms Q that they were not contractually obliged to fund a job coach. She funded the coach herself to keep her son in work.

We found that although the Provider was not contractually required to fund a job coach, they were required to properly assess their client's support needs. We found that they had not done so and had not properly investigated Ms Q's complaint or reached reasonable conclusions about refunding to her the cost of support.

Taking account of Mencap's expertise in this area and in the absence of any other evidence from the Provider, we found that a job coach was a reasonable means of providing support for Ms Q's son. We upheld her complaint and found that the Provider did not adequately engage with Ms Q's son following his referral to the Work Programme, and did not properly assess his in-work support. We recommended that the Provider refund to Ms Q the job coach costs of £833.25 and apologise for the distress caused to her.

Child Support Agency

At a glance...

Cases received	1354
Cases accepted	545
Cases resolved by agreement	200
Cases investigated	399
Fully upheld	84 (21%)
Partially upheld	168 (42.1%)
Not upheld	147 (36.8%)

Overview

The Child Support Agency calculates how much maintenance should be paid for the financial support of a child or children and they can also collect maintenance. From 25 November 2013 the Agency stopped accepting new applications and the Child Maintenance Service was introduced. Like the Agency the Child Maintenance Service can calculate how much maintenance should be paid and collect payments – charges are to be applied for using the collection services of the Child Maintenance Service.

Complaints about the Agency can go back over many years and require us to review sometimes huge amounts of evidence during our investigations. We receive complaints from parents with care, non resident parents and their representatives. Most commonly we receive complaints about arrears of maintenance, either that the Agency have not collected or that the collected amounts are incorrect but we also receive complaints about more diverse issues. We have included a sample of case studies from the Child Support Agency to reflect the work that we do. There are no case studies relating to the Child Maintenance Service because, although we have started to receive a small number of complaints, no investigations have yet been concluded.

Case study 1

Miss A was a parent with care until her daughter moved to live with her father when she became the non resident parent. She complained that the Agency had not taken appropriate action to collect the maintenance and arrears due to her when she was a parent with care and that they had not fully considered her request to offset the monies she owed as a non resident parent against those that were owed to her.

Miss A made an application for maintenance from Mr A for her daughter in 2000. Mr A did not comply with the Agency's requests for information and the Agency took tracing action, establishing that he had been in receipt of benefit and had also spent time in prison – due to his circumstances, Mr A was not required to pay maintenance.

From 2003 onwards Mr A's circumstances changed many times: he was employed, self employed and sometimes unemployed. The Agency implemented maintenance assessments to reflect the changes but Mr A didn't co-operate and arrears accrued.

A liability order was obtained, but bailiff action was unsuccessful and the only enforcement available to the Agency was to apply to the courts to commit Mr A to prison or remove his driving licence, which they did in 2006. Mr A paid the arrears secured under the liability order in full in June 2007, after which the Agency had to start the enforcement process again to secure arrears that had built up again. Mr A still did not co-operate which delayed progress but in November 2011 he was found guilty of culpable neglect and disqualified from driving for two years, suspended on grounds that he made regular weekly payments – which he continues to make.

Miss A became the non resident parent after their daughter moved to live with Mr A in January 2012 and asked that any maintenance payments she was assessed to make be offset against the significant arrears that Mr A owed to her.

Some of the arrears that Mr A owes are calculated at penalty rates as he had refused to supply information, and therefore might change if he provides sufficient information to allow his liability to be fully assessed. The Agency agreed to offset the arrears Miss A was accruing every six months - a permanent offset arrangement will be put in place when the true amount of arrears Mr A owes is confirmed.

We did not uphold Miss A's complaints as we were satisfied that the Agency had taken action to secure payments for her – it was Mr A's wilful non-compliance that had prevented her receiving maintenance despite the Agency's best efforts. While acknowledging Miss A's view that the Agency were unreasonably asking her to make payments when she is owed a substantial amount of arrears, we found that the Agency's agreement to offset payments on a six monthly basis until Mr A's definitive arrears position can be calculated was not unreasonable.

Case study 2

Ms F complained that the Agency had not sent her payments that they had collected from Mr F.

Mr F was making payments through a deduction from earnings order and earlier in the case there had been delays in the Agency sending payments they had received from him on to Ms F – she had received consolatory payments for this.

We identified further delays in making payments to Miss F and the Agency agreed to apologise and make another consolatory payment. Miss F said that because of the delay in receiving payments she had incurred charges for late payment of her mortgage. The Agency agreed that they would consider making a payment to Ms F in

respect of the charges if she provided verification. Ms F was satisfied that we had resolved her complaint without the need for us to conduct a full investigation.

Case study 3

Mr B complained that the Agency had not reimbursed him after he proved that the child he had been paying maintenance for was not his biological son.

Ms B made an application for maintenance for her son from Mr B in April 2000. Mr B accepted that he was the father of the child and made payments through the Agency directly from his salary.

In November 2010 Mr B telephoned the Agency and asked them to arrange a DNA test. They provided him with details of the company they used for such testing and told him that because he had accepted paternity at the outset the onus was on him to arrange a test – his payments continued.

In January 2012 Mr B told the Agency that a DNA test had proven that he was not the child's biological father; Ms B also reported the test results to the Agency and they closed the case and stopped collecting maintenance.

The Agency calculated that Mr B had paid maintenance totalling over £35,000.00. However, the Agency's policy on reimbursement of maintenance in disputed paternity cases had changed in March 2011. Prior to that date, it had been their practice to reimburse all maintenance paid over the duration of a case when non-paternity was proven. After that date, only maintenance paid after paternity had been disputed was to be reimbursed. Consequently, only £3,000.00 was refunded to Mr B who complained to the Agency, pointing out that their website and leaflets contained unclear and conflicting information.

We upheld Mr B's complaint. While we took no issue with the Agency's revised policy, we found that the Agency had applied the new policy retrospectively and that was unreasonable. As Mr B had first disputed paternity in November 2010, prior to the policy change in March 2011, we determined that the Agency should have reimbursed all the payments he had made throughout the case. We also found that the Agency had delayed in updating their website to reflect the policy change. As a result of our investigation Mr B received a full reimbursement of the maintenance he had paid and a consolatory payment.

Case study 4

Ms C complained that the Agency had incorrectly closed her case in 2003 and that they had failed to take appropriate action to secure payment of maintenance from 2008.

The Agency incorrectly closed Ms C's case in January 2006 on grounds that the non resident parent, Mr C, was no longer living in the UK, but the case was not reopened until March 2009.

The Agency imposed maintenance assessments for the period the case was incorrectly closed, which Ms C appealed against as they were based on outdated earnings. Ms C's appeal was allowed by a tribunal in April 2011, increasing the arrears due to her to over £25,000.00 – payments were collected directly from Mr C's salary, although not for the correct amount.

The case was closed in September 2011 but the arrears remained collectable and over the following year the Agency provided Ms C and her MP with conflicting information about the amount of arrears owed to her. Ms C requested that the Agency make an advance payment of arrears to her and they made a payment of approximately £1,500.00 in November 2012. Ms C remained dissatisfied with the Agency's handling of her case and she contacted our office.

We upheld Ms C's complaints because the Agency delayed in reopening her case and they had not correctly progressed her application for appeal against the closure. The Agency also made mistakes deducting payments from Mr C's salary and consequently Ms C did not receive the correct payments. As a result of our investigation Ms C received an advance payment of arrears of over £23,000.00, an apology and a consolatory payment.

Case study 5

Mr D complained that the Agency had given him incorrect information and had failed to take into account information he had provided about shared care. Mr D also complained that the Agency had delayed in telling him about arrears he owed and that they had not replied to letters he had sent them.

The initial maintenance assessment in March 1997 included an allowance for shared care of Mr D's daughter. Later that month Mr D disputed that allowance and provided details about his shared care of his daughter.

The Agency received a copy of a court order made in respect of Mr D's shared care of his daughter, based on which they decided that no allowance for shared care should be made in the assessment – the review was completed in July 1997. Mr D continued to challenge the

decision but provided no evidence to support his dispute. Shared care was again allowed from October 1997 following receipt of information from the parent with care, Ms D, but Mr D continued to dispute the amount.

In September 1999 the Agency closed the case because Mr D's daughter was then primarily living with him but he owed arrears of over £2,000.00.

The Agency made several attempts to get him to pay and in April 2000 he made one small payment. The Agency suspended collection of the arrears in 2002 pending Ms D's confirmation that she wished to receive them.

Mr D was not contacted about the arrears again until 8 July 2011, when he did not pay, and an order was issued to take payment directly from his salary, this led him to dispute that he owed any arrears and the Agency to suspend collection again but collection was reinstated when the facts were shown to be correct.

We did not uphold Mr D's complaints, finding that the Agency had considered the information he had provided about shared care of his daughter, they had responded to his complaints and had thoroughly explained to him how arrears had accrued. The fact that there was a delay in recovering the arrears did not make them any less payable by Mr D.

Case study 6

Mr E complained that the Agency had not taken his financial circumstances into account when collecting arrears from him.

Mr E told us that the amount being collected towards maintenance arrears he owed directly from his earnings was causing him hardship. He said that he had mortgage arrears and a credit card debt; he was over drawn and had sold his car in order to pay his household bills.

Mr E provided ICE with information to show that his mortgage payments had been missed or late and that he was usually behind in his payments but credit reference checks completed by the Agency showed that he was not officially in arrears with his mortgage payments.

The Agency told us that collection of the maintenance arrears had already been extended to over five years but said they were willing to review the amount of repayments if Mr E provided details and verification of his monthly expenditure.

Mr E agreed that his complaint was resolved on that basis, without ICE conducting an investigation, however despite him agreeing to send the Agency the information they needed, he failed to provide it and the Agency did not change his payments.

THE ICE OFFICE

Standards of Service

Our published service standards explain how long it should take us to deal with complaints. 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 To respond within 2 weeks to general enquiries To respond within 4 weeks to complaints about us	0.48 weeks 2.84 weeks
Completing our investigations of complaints To respond to complaints about the businesses we investigate within an average of 40 weeks from the date we accept a complaint However, if we are able to resolve a complaint by brokering agreement between the complainant and the relevant department, to do so within an average of 15 weeks from the date we accept a complaint	34.63 weeks 9 weeks
Customer Satisfaction 80% of complainants surveyed will be satisfied with the overall customer service provided	83.3%
Target	Performance 2013/14
Letters and e-mails To respond within 2 weeks to general enquiries To respond within 3 weeks to complaints about us	0.46 weeks 1.96 weeks
Completing our investigations of complaints To respond to complaints about the businesses we investigate within an average of 38 weeks from the date we accept a complaint However, if we are able to resolve a complaint by brokering agreement between the complainant and the relevant department, to do so within an average of 15 weeks from the date we accept a complaint	25.16 weeks 9.09 weeks
Customer Satisfaction 80% of complainants surveyed will be satisfied with the overall customer service provided	73%

We are disappointed that we have not met our Customer Satisfaction target for the first year. In the coming financial year we will be looking at feedback from our customers to see how we can improve the service we offer to them.

Complaints about our service and the outcome of investigations

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.

During the reporting year we received 387 complaints relating to our DWP caseload (including CSA and Work Providers) - 164 regarding the service provided; 208 about the findings of an ICE investigation; and 15 combined complaints about service and outcome. This represents just 12% of 3,182 cases received by ICE during the financial year, with the majority of those expressing dissatisfaction because ICE have not upheld their complaints.

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.

Findings of The Parliamentary and Health Service Ombudsman (PHSO)

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 7 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

Having achieved Customer Service Excellence (which replaced Charter Mark) the ICE Office was reaccredited at the beginning of 2014 for the fourth year. A diverse range of organisations from the public, private and voluntary sectors are trying to achieve CSE accreditation. ICE are also accredited against the British Standards Institute (BSI) for complaint handling.

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.

ICE is committed to providing an excellent service to our complainants, 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.



You will never know how much I appreciate all your hard work”

I have been very happy with the service provided by you, even if the end result was not what I wanted”

The response received was very detailed, clearly time and care had been taken”

INDEPENDENT CASE EXAMINER

for the Department for Work and Pensions

Annual report
1 April 2013 – 31 March 2014

SUPPORTING EVIDENCE

Casework Statistics

The data and figures that follow are based on casework in the twelve month period between 1 April 2013 and 31 March 2014.

Withdrawn cases

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

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

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

Jobcentre Plus business performance

Complaints received

Complaints received and accepted for action are outlined below:

	1/4/13 – 31/3/14
Received	1204
Accepted	344

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/13 - 31/3/14	100*	230	5	335

*This includes 1 case resolved with evidence (settled)

Outcomes

	Fully upheld	Partially upheld	Not upheld
1/4/13 - 31/3/14	34 (14.8%)	64 (27.8%)	132 (57.4%)

Subject of complaint

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

Subject* 1/4/13 - 31/3/14	Upheld	Not upheld	Resolved
Delay	40	82	37
Error	77	230	84
No action taken	16	84	33
Other	6	26	7

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 1/4/13 – 31/3/14 | 277

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

The Pension Service business performance

Complaints received

Complaints received and accepted for action are outlined below:

	1/4/13 – 31/3/14
Received	194
Accepted	73

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/13 - 31/3/14	36*	68	1	105

*This includes 2 cases resolved with evidence (settled)

Outcomes

	Fully upheld	Partially upheld	Not upheld
1/4/13 - 31/3/14	14 (20.6%)	17 (25%)	37 (54.4%)

Subject of complaint

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

Subject* 1/4/13 - 31/3/14	Upheld	Not upheld	Resolved
Delay	12	10	15
Error	22	51	37
No action taken	9	10	3
Other	1	1	2

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 1/4/13 – 31/3/14	49
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*Cases outstanding at 31/3 brought forward to next financial year

Disability and Carers Service business performance

Complaints received

Complaints received and accepted for action are outlined below:

	1/4/13 – 31/3/14
Received	116
Accepted	49

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/13 - 31/3/14	21*	39	1	61

*This includes 1 case resolved with evidence (settled)

Outcomes

	Fully upheld	Partially upheld	Not upheld
1/4/13 - 31/3/14	5 (12.8%)	7 (18%)	27 (69.2%)

Subject of complaint

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

Subject* 1/4/13 - 31/3/14	Upheld	Not upheld	Resolved
Delay	5	6	10
Error	6	47	13
No action taken	0	11	5
Other	0	0	0

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 1/4/13 – 31/3/14	30
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*Cases outstanding at 31/3 brought forward to next financial year

Debt Management business performance

Complaints received

Complaints received and accepted for action are outlined below:

	1/4/13 – 31/3/14
Received	30
Accepted	7

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/13 – 31/3/14	1	5	0	6

Outcomes

	Fully upheld	Partially upheld	Not upheld
1/4/13 – 31/3/14	2 (40%)	0 (0%)	3 (60%)

Subject of complaint

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

Subject* 1/4/13 – 31/3/14	Upheld	Not upheld	Resolved
Delay	0	2	1
Error	2	8	3
No action taken	0	2	0
Other	0	0	0

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 1/4/13 – 31/3/14	6
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*Cases outstanding at 31/3 brought forward to next financial year

Private Sector Service business performance

Complaints received

Complaints received and accepted for action are outlined below:

	1/4/13 – 31/3/14
Received	277
Accepted	80

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/13 - 31/3/14	8	55	6	69

Outcomes

	Fully upheld	Partially upheld	Not upheld
1/4/13 - 31/3/14	3 (5.5%)	7 (12.7%)	45 (81.8%)

Subject of complaint

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

Subject* 1/4/13 - 31/3/14	Upheld	Not upheld	Resolved
Delay	4	14	0
Error	5	68	2
No action taken	10	51	5
Other	1	21	2

Caseload

Cases outstanding 1/4/13 – 31/3/14	100
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*Cases outstanding at 31/3 brought forward to next financial year

Child Support Agency business performance

Complaints received

Complaints received and accepted for action are outlined below:

	1/4/13 – 31/3/14
Received	1354
Accepted	545

Case clearances

Details of clearances are outlined below:

	Resolved	Investigated	Withdrawn	Total
1/4/13 - 31/3/14	200*	399	8	607

*This includes 2 cases resolved with evidence (settled)

Outcomes

	Fully upheld	Partially upheld	Not upheld
1/4/13 - 31/3/14	84 (21.1%)	168 (42.1%)	147 (36.8%)

Subject of complaint

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

Subject* 1/4/13 - 31/3/14	Upheld	Not upheld	Resolved
Delay	81	86	113
Error	144	228	217
No action taken	107	201	87
Other	62	177	50

*There can be multiple findings in respect of one complaint

Caseload

Cases outstanding 1/4/13 – 31/3/14	346
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*Cases outstanding at 31/3 brought forward to next financial year