



Independent
Case Examiner

The ICE Service

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 Social Development (DSD) consider that they have not been treated fairly or have not had their complaints dealt with in a satisfactory manner; and to support DSD 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 DSD customers that makes a difference to the way in which DSD discharge their public responsibilities

Our Vision

To deliver a first rate service provided by professional staff

1. Overview

The Independent Case Examiner's Office consider 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 may appear superficially to be similar.

2. Possible complaint outcomes

Withdrawn cases

Complaints may be withdrawn for several reasons.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

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.

Findings

In cases where I find that the business have failed to provide an acceptable standard of service, I consider what action the business have taken subsequently to try to put things right. Below are details of the findings I can reach:

- **Upheld**

If there is evidence of maladministration in relation to the complaint which was not remedied prior to our involvement, the complaint is upheld.

- **Partially upheld**

If only some aspects of the complaint are upheld, but others are not, the complaint is partially upheld.

- **Not upheld**

If there is no evidence of maladministration in relation to the complaint, the complaint is not upheld.

- **Justified**

Although the complaint may have merit, the business has taken all necessary action to remedy it prior to the complainant's approach to ICE.

Redress

If I uphold or partially uphold some or all elements of complaint I will make recommendations for redress such as an apology, a consolatory payment or financial loss payment.

3. Social Security Agency

Context

The Social Security Agency (SSA) administers and provides guidance on a range of social security benefits and pensions to the people of Northern Ireland. The number of cases received at ICE from Northern Ireland remains relatively small and as in previous years, the overall picture of how the SSA deals with complaints remains positive.

Statistical Information 1 April 2014 to 31 March 2015

Complaints Received

Complaints received and accepted during the period are given in the table below:

Received	13
Accepted	8

Case Clearances

The table below details the number of cases cleared during the reporting period:

Resolution	2
Investigation Report	11
Total	13*

*case clearances can be higher than cases accepted as some cases cleared were accepted in the previous financial year

Case Study 1

Ms D complained that the Social Security Agency (SSA) had failed to reply to her correspondence and act on information she had provided to them.

At the point the complaint was referred to my office, the SSA had already responded to her complaint, awarded a consolatory payment of £100 and provided an assurance that staff had been reminded of the importance of following the correct procedures when dealing with correspondence. Ms D was dissatisfied with the response, saying that there had since been more service failures.

In response to our representations the SSA accepted that there had been further service failures and agreed to make a further consolatory payment of £75 in recognition of the impact of these on Ms D and to reimburse communication costs amounting to £30. The SSA also agreed to provide Ms D with an assurance that any staff training needs would be identified and addressed. Ms D agreed that the action taken by the SSA resolved her complaint with us without a need to progress to full investigation.

Outcomes

ICE investigation report findings are detailed below.

Fully upheld	3 (27.3%)
Partially upheld	1 (9.1%)
Not upheld	7 (63.6%)
Total	11

Case Study 2

Mrs E complained that she had reported that she was receiving an occupational pension but this had not been recorded or actioned by the SSA.

Mrs E claimed Incapacity Benefit from spring 2007 – she did not say that she was waiting to hear about a pension, but she did include reference to the fact that she had been advised to retire because of ill health. Mrs E was awarded payments of Incapacity Benefit from the start of 2007, the award notification told her she should tell the SSA if she received a pension and if her income changed. That message was repeated in annual notifications that were sent to Mrs E from 2008 to 2012.

In summer 2011 the SSA became aware that Mrs E was receiving an occupational pension. Her pension provider confirmed that Mrs E had been receiving a pension since spring 2007 and payments had increased every year. In early 2012 the SSA decided that Mrs E was still entitled to receive Incapacity Benefit from 2007 but not at the rate she had been – they calculated that she had been overpaid by over £10,000 and that the overpayment should be recovered from her. When the SSA asked Mrs E to make repayments she agreed and set up a repayment plan – she did not dispute that she owed that money.

The following year the SSA asked Mrs E to increase the rate at which she was repaying the overpayment, which prompted her to appeal the overpayment. The SSA explained that her appeal was out of time and that the overpayment decision would not be changed. Mrs E complained saying she had reported that she was receiving an occupational pension during a telephone call to the SSA in spring 2007 and that the repayments were causing her financial hardship.

The SSA told Mrs E that there was no evidence that she had told them about her occupational pension, but said they would reconsider the level of repayments if she

provided details to support her claim of hardship. Mrs E decided not to progress her hardship claim and in spring 2014 the SSA started taking deductions towards the overpayment from Mrs E's Disability Living Allowance payments.

I did not uphold Mrs E's complaint - I found no evidence that she told the SSA that she was receiving an occupational pension, despite being regularly notified that she should do so. I was satisfied that the SSA addressed her complaint appropriately and that they correctly offered to consider her representations of financial hardship.

Subjects of complaint

ICE office records details of the subject of complaint for each element of complaint whether resolved or investigated. This shows:

*Subject of complaint	Upheld	Not upheld	Resolved
Delay	3	5	3
Error	0	7	0
No action taken	2	5	2
Other	0	1	0

*There can be multiple findings in respect of one complaint

Live caseload

Cases outstanding at 31/3/15	5
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4. Child Maintenance Service

Context

The Child Maintenance Service (CMS) operates within the same legislative framework and in the same way as the Child Maintenance Group in other parts of the United Kingdom. It also administers Child Support applications originating from some parts of England. The number of cases received at ICE from Northern Ireland remains relatively small and as in previous years, the overall picture of how the CMS deals with complaints remains positive.

Statistical Information 1 April 2014 to 31 March 2015

Complaints Received

Complaints received and accepted during the period are given in the table below:

Received	26
Accepted	16

Case Clearances

The table below details the number of cases cleared during the reporting period:

Resolution	4
Investigation Report	7
Total	11

Case study 1

Miss A complained that the Child Maintenance Service (CMS) delayed in making payments to her, following their receipt from the non resident parent.

We reviewed the payment details provided by the CMS and found that, with a few exceptions, payments had been made to Miss A within acceptable timescales.

Miss A accepted the explanation of our review findings and acknowledged that a consolatory payment had recently been received from the CMS. Miss A agreed that our explanation and the consolatory payment resolved her complaint with us.

Outcomes

ICE investigation report findings are detailed below.

Fully upheld	3 (42.9%)
Partially upheld	1 (14.2%)
Not upheld	3 (42.9%)
Total	7

Case study 2

Ms M complained that the Child Maintenance Service had failed to secure maintenance payments for several years.

Mr Q owed arrears of maintenance – he was making payments through a deduction from earnings order, but because a review was outstanding the Child Maintenance Service suspended collections. When the review was complete, Mr Q was made redundant so maintenance deductions did not resume. Ms M told the Child Maintenance Service that Mr Q had received a large redundancy payment, but a deduction from his bank account was not possible and they were unable to secure any payment from the lump sum.

No payments were collected from Mr Q until further reviews were completed to reflect the income he received from an occupational pension, following which a deduction from earnings order was issued to his pension provider – there were then delays in releasing some of those payments to Ms M.

Ms M reported that Mr Q was working again - reviews were completed and because he was receiving income from two sources, Mr Q was asked to make part of his payments through a standing order. Mr Q did not set up a standing order but payments continued through the deduction from earnings order on his occupational pension.

I upheld Ms M's complaint on the grounds that the Child Maintenance Service had not been as robust as they should have been in securing payments for her, allowing arrears to accrue, and there were delays in releasing payments to her. I recommended that the Child Maintenance Service apologise to Ms M and award her a consolatory payment of £200. I also asked them to explain to Ms M what action they would take if Mr Q continued to make payments which fell short of his assessed liability.

Subject of complaint

ICE records details of the subject of complaint for each element of complaint whether resolved or investigated. This shows:

Delay	1	0	2
Error	3	0	3
No action taken	1	4	3
Other	0	1	1

*There can be multiple findings in respect of one complaint

Live caseload:

Cases outstanding at 31/3/15	13
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