



Independent  
Case Examiner

## **2016-17 – ICE Annual report in respect of the former SSA – Northern Ireland Social Security Benefit (NISSB) and the Child Maintenance Service (CMS)**

### **The ICE Service**

#### **Our Purpose**

We provide a free independent complaints review service for the Department for Communities.

We have two primary objectives:

- to act as an independent referee if a customer considers that they have not been treated fairly or have not had their complaints dealt with in a satisfactory manner; and
- to support service improvements by providing constructive comment and meaningful recommendations.

#### **Our Mission**

To judge the issues without taking sides.

#### **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### Withdrawn cases

Complaints may be withdrawn for several reasons.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 the appeal route for legislative decisions, or that their complaint does not relate to maladministration. From time to time people also withdraw their complaint because the business has taken action to address their concerns after we accepted the case for examination.

### Resolved cases

We try to resolve complaints with the agreement of the complainant and the business, without the need to call for and consider the evidence, as this generally represents a quicker and more satisfactory result for both.

### Settled cases

We try to reach settlement of complaints following an examination of the evidence, by agreement between the business and the complainant. This approach avoids the need for me to adjudicate on the merits of the complaint and issue a full investigation report.

### Findings

Detailed below are 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 my office.

### **Redress**

If the complaint is upheld or partially upheld, I will make recommendations for redress such as an apology, corrective action or financial redress.

## **3. Northern Ireland Social Security Benefits**

### **Context**

The former Social Security Agency (SSA) administered and provided 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 2016 to 31 March 2017**

#### Complaints Received

The number of complaints received and accepted for examination during the reporting period are detailed below:

<b>Received</b>	10
<b>Accepted</b>	5

#### Case Clearances\*

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

<b>Resolution</b>	0
<b>Settlement</b>	0
<b>Investigation Report from the ICE</b>	7
<b>Total</b>	<b>7</b>

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

#### Outcomes

ICE investigation report findings are detailed below.

<b>Fully upheld</b>	1 (14%)
<b>Partially upheld</b>	0(0%)
<b>Not upheld</b>	6 (86%)
<b>Total</b>	<b>7</b>

### Categories of complaint

ICE office records the top 3 reasons for complaint, which are detailed below for SSA:

<b>Complaint categories</b>	<b>Number</b>
The business got it wrong	5
The business haven't given me the information that suits my needs	5
The business took too long	2

### Live caseload

Cases outstanding at 31/3/17 – 5. Of those:

- 3 cases are awaiting investigation
- 1 case we are currently investigating
- 1 case was cleared in April 2017 (outside of this reporting period).

### Case examples

#### **Case Study 1**

Mr A complained that the SSA failed to fully investigate the complaint he made in June 2015 about the conduct of a member of staff he had approached for crisis loans.

Mr A was receiving Employment and Support Allowance (ESA) which he had asked to be paid weekly instead of fortnightly as he was having difficulty managing his money. Temporary weekly payments were agreed for a period of 26 weeks, however, on review, they reverted back to fortnightly. Mr A was given four weeks notice that this would happen. Mr A was told that his first fortnightly benefit payment would be made on 30 June 2015, to cover the period 17 to 30 June 2015.

On 23 June 2015 Mr A went to the Jobcentre and applied for a Crisis Loan – he said that because his payment cycle had been changed he did not have enough money to live on. Adviser A recorded that Mr A had known for some time that his payment cycle would change and he decided that Mr A could not be offered a Crisis Loan. Mr A subsequently complained that Adviser A was deliberately rejecting his applications and that different advisers had given him Crisis Loans before.

Where a complaint is received about a member of staff the SSA should conduct an investigation. During the course of our investigation the SSA told my office that the Jobcentre Manager had spoken to Adviser A about Mr A's Crisis Loan application and was content that all evidence had been properly considered and that Mr A had not been treated unfairly.

Mr A asked for a review of the Crisis Loan decision of 23 June 2015, in response to which a reviewing officer (not Adviser A) decided, having spoke to Mr A that a Crisis Loan could be awarded.

We found that during the period January 2015 to March 2016 Mr A made seven applications for a Crisis Loan, of which three were granted. Whilst the overturning of the Crisis Loan decision on review strengthened Mr A's belief that Adviser A had a grievance against him, our investigation showed the decision was overturned as he had provided additional evidence. We were satisfied that the Jobcentre Manager had carried out a thorough review of Mr A's complaint and that he had been informed of this, and we noted that just because Mr A did not agree with the outcome of the Crisis Loan decision, did not mean that the adviser making the decision had acted maladministratively. We did not uphold Mr A's complaint.

## **Case Study 2**

Mr B complained that the SSA delayed in processing the JSA claim he made in October 2014, until January 2015.

Mr B had been in receipt of Employment and Support Allowance, and when this claim ended, he made a claim for Jobseekers Allowance on 7 November 2014. A decision in respect of his JSA claim was not made until 7 January 2015, two months later.

We found that the SSA asked Mr B to provide them with further information in respect of his claim, and the claim form he completed in November 2014 made clear what information he was required to provide. SSA wrote to Mr B on three occasions between 12 November and 10 December 2014 – although Mr B did provide information, it was not current.

When SSA wrote to Mr B on 10 December 2014, they told him that his claim would be disallowed if he did not provide the required information by 18 December 2014, however, despite not providing that evidence, SSA allowed his claim on 7 January

2015, using the details he had provided, noting that they would need to complete a review when the tax year ended.

Our investigation found that the time taken to complete Mr B's JSA claim was outside their service standard of 11 working days; however these delays were largely due to Mr B's failure to provide the correct information. I did not uphold Mr B's complaint.

## 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 2012 Child Maintenance scheme was introduced in November 2013 – there are differences in the administration of this scheme, most notably the introduction of charges for both parties if the collection service is used – paying parents pay an amount in addition to their maintenance liability and receiving parents receive a reduced amount of maintenance.

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 2016 to 31 March 2017

#### Complaints Received

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

	Legacy cases	2012 cases
Received	12	0
Accepted	6	0

#### Case Clearances

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

	Legacy cases	2012 cases
Resolution	0	0
Settlement	2	0

<b>Investigation Report from the ICE</b>	6	1
<b>Total</b>	<b>8</b>	<b>1</b>

### Outcomes

ICE investigation report findings are detailed below.

	<b>Legacy cases</b>	<b>2012 cases</b>
<b>Fully upheld</b>	2 (33%)	0
<b>Partially upheld</b>	3 (50%)	1(100%)
<b>Not upheld</b>	1 (17%)	0
<b>Total</b>	<b>6</b>	<b>1</b>

### Categories of complaint

ICE office records the top 3 reasons for complaint, which are detailed below for CMS:

<b>Complaint categories</b>	<b>Legacy</b>	<b>2012*</b>
The business got it wrong	13	1
The business haven't given me the information that suits my needs	8	2
The business took too long	7	1

\*One case can have multiple elements of complaint

### Live caseload:

Legacy cases outstanding at 31/3/17 – 7. Of those:

- 3 are awaiting investigation
- 4 are currently being investigated

2012 cases outstanding at 31/3/17 – 0

### Case examples

Although the numbers of complaints received by my office are still very small, and it is therefore difficult to identify themes, we have seen several cases that highlight issues in the way in which CMS deal with complaints about their own staff. CMS have clear guidance on how to manage complaints about staff. Unfortunately, in some of the cases we have seen, CMS have only followed this process in part, as the first two case studies demonstrate:

2016-17 – ICE Annual report in respect of the former SSA – Northern Ireland Social Security Benefit (NISSB) and the Child Maintenance Service (CMS)

## **Case study 1**

Mr C complained, amongst other things, that the Child Maintenance Service delayed until May 2015 in investigating the way in which a staff member spoke to his wife during a telephone conversation that took place in February 2014.

We found that the first record of Mr C's wife speaking to CMS was in January 2014 when she telephoned them to chase progress on a complaint Mr C had submitted in October 2013. CMS had recorded that Mr C's wife telephoned again on 3 and 5 February 2014 but the case worker was not available to speak to her. The Agency telephoned Mr C's wife on 6 and 7 February 2014 and recorded that the purpose of those calls was to acknowledge receipt of Mr C's complaint and to confirm his concerns.

Mr C's wife telephoned again on 25 February 2014 and asked to speak to the officer who was investigating Mr C's complaint. As the officer was not available, a call back was arranged for 4 March 2014 when she was told that it would take some time to address all the concerns Mr C had raised.

We found no evidence that Mr C or his wife raised a complaint about the way his wife had been spoken to in February 2014, until he emailed CMS in January 2015 and said that during the conversation in February 2014, the case officer who spoke to his wife did not know CMS' complaint process and was rude to her. CMS said that they would carry out an internal investigation.

CMS wrote to Mr C on 29 April 2015 and said they would be investigating his complaint and he would be informed if it had been upheld or not. However, we found no evidence that CMS explained to Mr C how they had investigated his complaint (it was unlikely that any call recordings prior to March 2014 would still be available), nor did we find any evidence that CMS had informed him of the outcome.

We upheld this element of Mr C's complaint and recommended that CMS apologise and award him a consolatory payment of £100 for these errors and for other service failures we identified during the course of our investigation.

## **Case study 2**

Miss D complained, amongst other things, that CMS failed to take appropriate action to deal with her complaint about a member of staff's behaviour towards her during a telephone call in September 2013.



Our investigation found that at the time Miss D telephoned CMS in September 2013, she had recently been told that the maintenance liability had reduced to nil, and that no work had been completed on her case for eight months.

CMS had listened to the audio recording of the call three days later (it is unclear what prompted them to do this) and Miss D complained to her MP shortly after about how that call had been handled. Once Miss D raised a complaint, CMS should have taken action to conduct a formal investigation – no such investigation took place at that point, or when Miss D revisited this complaint in September and November 2014.

In their final response to Miss D's complaint, CMS said that they would undertake an investigation and provide her with an update – that did not happen. An investigation of sorts was only completed after CMS were prompted by this office to listen to the audio recording again in July 2016 – as a result of which they told us that they had upheld her complaint, nearly three years after the incident occurred. We upheld this element of Miss D's complaint and recommended that CMS provide an apology and award her a consolatory payment of £175 for these errors and for other service failures we identified in relation to other elements of her complaint.

### **Case study 3**

Mr E complained that CMS provided him with conflicting information concerning the status of his account since February 2015.

Following our examination of the evidence we made representations to CMS – in response, they explained that a child maintenance account statement that had been sent to Mr E in February 2015 contained incorrect information as it showed he had overpaid when he actually owed arrears of maintenance.

CMS agreed to issue an apology and awarded Mr E a consolatory payment of £75 for the incorrect information they had given him. They also agreed to send him an account breakdown confirming the current position on his case.

Mr E agreed that the action taken by CMS settled his complaint with us without a need to progress to full investigation.