



Independent  
Case Examiner

# ICE Annual Report for the Department for Communities (NI) 2019 to 2020

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## 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 adjudicator 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. Our approach to Casework

On receipt of a new complaint referral our initial action focuses on establishing if we can accept the complaint for examination, which means the complaint must be about maladministration (service failure) and the complainant must have had a final response to their complaint from the relevant business within the last six months.

### Withdrawn cases

Complaints may be withdrawn for several reasons.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. 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

When we accept a complaint for examination we will initially attempt to broker a solution between the complainant and the business without having to request evidence to inform an investigation. This generally represents a quicker and more satisfactory result for both.

### Settled cases

If we can't resolve the complaint, the evidence will be requested and the case will await allocation to an Investigation Case Manager. Cases are dealt with by dedicated teams and are usually brought into investigation in strict date order. The majority of the complaints we accept for examination are complex and require a full investigation.

Following a review of the evidence it may be possible to "settle" the complaint, if agreement can be reached on actions that satisfy the complainant. This approach avoids the need for the Independent Case Examiner to adjudicate on the merits of the complaint and issue a full investigation report.

### ICE Report

If we are unable to settle the complaint, the Independent Case Examiner will adjudicate on its merits and issue a report. Detailed below are the findings the Independent Case Examiner can reach:

- **Upheld** - there is evidence of maladministration in relation to the complaint which was not remedied prior to our involvement.
- **Partially upheld** - some aspects of the complaint are upheld, but others are not.

- **Not upheld** - there is no evidence of maladministration in relation to the complaint that was put to this Office.
- **Justified** - although the complaint has merit, the business has taken all necessary action to resolve the matter and provide redress prior to the complainant's approach to this Office.

## Redress

If the complaint is upheld or partially upheld, the Independent Case Examiner will make recommendations for action to put matters right, which may include an explanation, an apology, corrective action or financial redress.

## 3. Northern Ireland Social Security Benefits

### Context

This strand of the Department for Communities 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 this area remains relatively small and as in previous years, the overall picture of how complaints are dealt with remains positive.

### Statistical Information 1 April 2019 to 31 March 2020

#### Complaints Received

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

<b>Received</b>	24
<b>Accepted</b>	13

#### Case Clearances

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

<b>Resolution</b>	1
<b>Settlement</b>	1
<b>Investigation Report from the ICE</b>	6

<b>Withdrawn</b>	1
<b>Total</b>	<b>9</b>

### Outcomes

ICE investigation report findings are detailed below:

<b>Fully upheld</b>	1
<b>Partially upheld</b>	1
<b>Not upheld</b>	4
<b>Total</b>	<b>6</b>

### Live caseload

As at 31 March 2020 there were 15 cases outstanding, of those:

- 7 were awaiting investigation
- 8 were under investigation

### Case examples

#### **Case Study 1**

Mr A complained that the Department for Communities failed to provide him with a full explanation about how earnings he had in the period prior to his Universal Credit (UC) claim could impact so significantly on his UC payments.

Our investigation found that when Mr A attended his local benefit office he was asked whether he wanted to make his UC claim there, where they would be able to offer him any support he required. He declined this offer preferring to make his claim online at home. At this point he had already undertaken work for which he was awaiting payment, but as he chose to leave the benefit office their staff were unable to advise him of the impact those earnings would have had on his claim.

However, we found that when he made his online claim to UC there would have been information on the home screen relating to income and earnings, and in particular, how earnings are treated in the UC assessment period. Had Mr A read this information, and as he knew that he had earnings yet to be paid, he could have contacted the benefit office for further explanation. We found no evidence that Mr A did any of these things, and when he complained to the Department for Communities they explained to him that the first payment of UC is based on an assessment period following the date of claim, and is based on the actual earnings received during that period, even if the income was earned before the UC claim started.

Whilst I appreciated that Mr A may have postponed making a claim for UC until after his earnings had been paid I could not hold the Department for Communities responsible for this, and I did not uphold his complaint

## **Case Study 2**

Ms B complained, amongst other things, that the Department for Communities failed to investigate the complaint she raised about the Case Manager who dealt with her Mandatory Reconsideration request.

Our investigation found that Ms B made a complaint about the Manager, saying that she had not listened to her or considered the information she had provided. Although a final response was provided to her complaint regarding other concerns she had raised, I found no evidence that the Department for Communities had investigated her complaint about the conduct of the Manager as they should have done, and the final response made no reference to that issue. I upheld this element of Ms B's complaint, and recommended that the Department for Communities apologise to her and make a consolatory payment of £50. Due to the time that had passed I saw no merit in asking for this matter to be investigated now.

## **4. Child Maintenance Service**

### **Context**

The Child Maintenance Service (CMS) (formerly known as the Child Support Agency and latterly the Child Maintenance and Enforcement Division) 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. For ease of reference, for the purpose of this report, we will refer to them only as CMS.

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 is particularly low this year, and we did not accept any cases. In addition, I have not investigated any complaints regarding CMS.

### **Statistical Information 1 April 2019 to 31 March 2020**

#### Complaints Received

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

	<b>Legacy cases</b>	<b>2012 Scheme cases</b>
<b>Received</b>	1	2
<b>Accepted</b>	0	0

### Case Clearances

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

	<b>Legacy cases</b>	<b>2012 Scheme cases</b>
<b>Resolution</b>	0	0
<b>Settlement</b>	0	0
<b>Investigation Report from the ICE</b>	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

### Outcomes

ICE investigation report findings are detailed below.

	<b>Legacy cases</b>	<b>2012 cases</b>
<b>Fully upheld</b>	0	0
<b>Partially upheld</b>	0	0
<b>Not upheld</b>	0	0
<b>Total</b>	<b>0</b>	<b>0</b>

### Live caseload:

As at 31 March 2020, there were 3 outstanding cases (from a previous reporting period) – 1 awaiting investigation and 2 currently under investigation.