



Independent  
Case Examiner



INDEPENDENT CASE EXAMINER  
For the Department for Work and Pensions  
**Annual Report**  
1 April 2022 - 31 March 2023



**Our Purpose**

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We provide an independent complaints review service for the Department for Work and Pensions (DWP) and their contracted services.

We have two primary objectives:

- to deliver a tailored service to people bringing complaints to us and make fair evidence-based decisions; and
- to influence DWP service improvements by providing valuable insight from what we see.

**Our Mission**

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To investigate complaints thoroughly ensuring rules, guidance, and standards have been applied correctly and fairly, based on evidence from both sides. We explain things clearly, so people understand our decisions.

**Our Vision**

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To continue delivering a high-quality complaint handling service which adapts and improves and which shapes DWP service improvements by helping them learn from complaints.



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# Foreword



I have two main roles in adjudicating on the cases that I see; to resolve things for the customer, and to feedback to DWP's businesses on what I and my office have seen in our review of their handling of a customer's case and complaint. This may be the detail of what hasn't been handled as it should in a complaint I have upheld, but can also be my observations of the potential for service to be improved beyond any one individual case. My letters to DWP containing these observations sometimes arise from cases in which I see no maladministration – procedures **have** been followed, and as such I have not 'upheld' a complaint, but it seems nonetheless that a better outcome could have been achieved. From my perspective, whilst it is hugely satisfying to resolve issues for individual customers, it is also really important to see process changes arising from the insights I can share with DWP, which in turn can prevent future customers experiencing the same issues. My office often hears this in comment from customers when we look at cases – that they don't want other people to experience what they have.

Included in the case examples I am sharing in my report this year, which range across DWP's businesses at all stages of consideration by my office, are some examples of a theme I saw in Universal Credit (UC) relating to incorrect handling of student claims. It was pleasing to be told as we started to compile this report that our feedback, along with DWP's own insight, had led to a system change which now requires full student finance information and an award calculation before any UC payment can be made to student customers. This should prevent the substantial overpayments made in error which I have seen in some such cases to date, and most importantly avoid other customers who are students unexpectedly finding themselves in debt to DWP, for sometimes significant amounts, due to being paid UC in error that their student status did not warrant.




Other changes DWP made this year in response to our observations about service improvement opportunities included:

- A legislative change to The UC (Transitional Provisions) Amendment Regulations 2022, to make clear that if single or joint claimants are of State Pension Age then their legacy benefits should not be terminated (or a 'stop' notice sent) if they happen to submit a claim for UC. As a result, stop notices can now be rescinded if claimants who have reached State Pension Age incorrectly claim UC;
- Updated guidance for customers and DWP staff regarding tax refunds, to avoid HMRC and DWP duplicating them and creating overpayments for customers;
- Updated guidance on the closure of compliance investigations in the Counter Fraud, Compliance and Debt Team, to ensure that they update customers if no further action is to be taken and the case closed (that did not routinely happen, leaving customers anxious as to the status of their case). DWP are looking to mirror this across other functions starting with 'stolen identification' fraud cases; and
- Amended guidance in Child Maintenance Group to ensure that in cases in which there is a refund of maintenance collection fees, a refund must be made to both parties – the paying parent and any affected receiving parents.

I hope the cases I have shared give you a flavour of the kinds of issues we see and the ways in which we can go about trying to set things straight for the customer.

I close as always by thanking the ICE office team for the fantastic support they provide for my work. The quality of their work in understanding what has happened, and what should have happened in every case is a critical underpinning to any decision that I make. This year I particularly want to comment on the fantastic growth in the total cases my office has cleared, which has increased by more than 25% in comparison to last year, building on the 17% increase we achieved in the year before. We look to resolve issues for customers as soon as we can, and this year resolved or settled almost 80% more cases than we had the year before (before they progressed to report stage), whilst also increasing the total number of ICE reports completed by a further 7%. This result has come from creativity and tremendous hard work from all ICE colleagues, under the leadership of our new Head of Office, Emma Smith, who we welcomed this year – I am delighted to work with her as we continue our focus on resolving issues for DWP's customers and providing insight to help DWP improve their services.



Joanna Wallace  
Independent Case Examiner



# Reporting Period

## Key



Complaints received



Complaints accepted



Complaints cleared in the reporting period of which:



Withdrawn



Resolved or settled to the customer's satisfaction

The data and figures included in this report are based on casework in the twelve month period between 1 April 2022 and 31 March 2023.

### Our approach to Casework

On receipt of a new complaint, 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 customer must have had a final response to their complaint from the relevant business within the last six months.

### Withdrawn complaints

Complaints may be withdrawn for several reasons. For example, some customers decide to withdraw their complaint when we explain the appeal route for legislative decisions. Occasionally people also withdraw their complaint because the business has taken action to address their concerns after we accepted the complaint for examination.

### Resolved complaints

When we accept a complaint for examination, we initially attempt to broker a solutions between the customer and the business, without having to request evidence to inform an investigation. This generally represents a quicker and more satisfactory result for all.

### Settled complaints

If we can't resolve the complaint, the evidence will be requested, and the complaint will await allocation to an Investigator.

Following a review of the evidence it may be possible to "settle" the complaint, if agreement can be reached on actions that satisfy the customer. This approach concludes things for the customer more quickly as it avoids the need for the ICE to adjudicate on the merits of the complaint and issue an investigation report.



## Key



ICE investigation reports issued:



Fully upheld



Partially upheld



Not upheld

## ICE Report

If we are unable to settle the complaint, the ICE will adjudicate on its merits and issue a report.

Where we find a complaint has no merit, or the business has already provided or offered appropriate remedy to the customer, or the facts of the complaint are already apparent, the ICE may adjudicate on it earlier in the process.

Detailed below are the findings the ICE 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 the ICE.
- **Justified** – although the complaint had merit, the business had taken all necessary action to resolve the matter and provide redress prior to the customer's approach to the ICE.

## Redress

If the complaint is upheld or partially upheld, the ICE will make recommendations for action to put matters right, which may include an explanation, an apology, corrective action or financial redress. The ICE office considers each complaint strictly on its own merits, taking account of individual circumstances, in order to determine appropriate redress, even where the facts of the complaint may appear superficially to be similar.



# Referrals to the ICE Office – at a glance

	Reporting year	<b>2022/23</b>
	Complaints received	<b>4,898*</b>
	Complaints accepted for examination	<b>1,703</b>
	Total complaint clearances (of which):	<b>1,775</b>
	Withdrawn	<b>37</b>
	Resolved	<b>551</b>
	Settled	<b>111</b>
	ICE investigation reports	<b>1,076</b>
	Of those complaints investigated % fully upheld/partially upheld	<b>54% (583)</b>
		
	Of those complaints investigated % not upheld**	<b>45% (489)</b>
	Of those complaints investigated % unable to reach a finding	<b>1% (4)</b>

\*Complaints received includes 463 which failed to specify which benefit strand they wanted to complain about.


\*\*This includes complaints we deem justified, because although the complaint has merit, the business has taken all necessary actions to remedy matters prior to the customer's approach to ICE.







# Working Age & Disability benefits


## Working Age & Disability benefits

 **2,302** Complaints received  
**1,391** related to UC



 **691** Complaints accepted  
**419** related to UC


 **687** Complaints cleared  
**407** related to UC,  
of which:


 **19** Withdrawn  
**12** related to UC

 **253** Resolved or settled  
**160** related to UC

 **415** ICE investigation  
reports issued  
**235** related to UC

 **206 (50%)**  
Fully upheld/  
 Partially upheld  
**112 (47%) UC**

 **208 (50%)**  
Not upheld  
**122 (52%) UC**

 **1 (<0.5%)**  
Unable to reach  
a finding  
**1 (<0.5%) UC**

**Working Age benefits** are claimed by individuals who are in or out of work and/or who need extra support because of a variety of reasons for example due to illness or disability. As more customers move to claiming UC the complaints about that benefit continue to increase, and customer issues, relating to their childcare, self-employment or being a student for example, reflect the diverse circumstances of those who claim UC. Many DWP customers claim more than one benefit or have been affected by changing from one benefit to another. Those with additional support needs arising from a disability can claim Personal Independence Payment (PIP) and those with children who have additional needs can continue to claim Disability Living Allowance (DLA) for a child up to the age of 16 years. My case examples reflect the very different circumstances of DWP customers who find that, for one reason or another, they have to rely on support from DWP.

### Case 1

Customer A had been in receipt of Employment and Support Allowance (ESA) for some years, they were autistic and had learning difficulties. Customer A had a carer who was receiving Carer's Allowance (CA) for them. In 2019, B who was the parent of A, contacted the CA unit to tell them the carer was no longer caring for A and in response the CA unit updated their record to show that CA had ended. This change should also have been alerted to ESA and they should have reviewed A's ESA claim, as A was now entitled to Severe Disability Premium (SDP) because no one was receiving CA for them. No action was taken for a further six months though, and only after B had made further enquiries with DWP.

In the meantime, A had independently claimed UC. Had A been in receipt of SDP at the time they claimed UC, the claim would have been rejected – instead the claim was processed, and A was paid an advance of £500. However, shortly after this B contacted DWP to



“  
ICE have been absolutely brilliant at getting my four month delayed payment from DWP sorted in a matter of weeks. My case worker was very sympathetic regarding my circumstances, and handled things in a very professional manner”

apply to be A's appointee and they told DWP that A had been coerced by a stranger into claiming UC to obtain an advance, which had then been taken from A. DWP agreed to investigate and, whilst doing so, should have suspended A's ESA and UC claims, because if it was then established that the UC claim was fraudulent A's ESA could be reinstated. However, DWP failed to suspend the UC claim and as it was processed it automatically triggered an alert which ended the ESA claim.

B made a complaint on A's behalf and asked for A's ESA to be reinstated, but DWP refused that as SDP was not in payment before A had claimed UC. B was told that A must stay on UC and B needed to claim backdated SDP. B did that but backdating was also refused as ESA said they had not been notified when CA had ended. B asked for a Mandatory Reconsideration (MR) of that decision and A was eventually awarded backdated SDP and their ESA was reinstated.

In responding to the complaint DWP acknowledged that they had delayed in reviewing A's ESA claim resulting in a delay in being paid SDP arrears and offered a consolatory payment of £200. But when B complained to my office, they said they had never received the consolatory payment. I upheld B's complaint, also finding that there had been an unreasonable delay in paying A's SDP arrears and in reinstating their ESA claim. My recommendation for redress took account of DWP's poor record keeping regarding the complaint response and I recommended they make B a consolatory payment of £350.



## Case 2

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In 2020, a fraudulent UC claim was made in C's name and a new claim advance approved and paid. As C was receiving Tax Credits and a UC claim had been made in C's name, an automatic notification was sent to stop C's Tax Credits.

C spoke to HMRC who administer Tax Credits and after learning of the UC claim also contacted the Police and DWP. If DWP suspect that a UC claim is fraudulent they should make a referral to their Enhanced Checking Service (ECS) to investigate. DWP closed the UC claim but they failed to refer it to ECS before doing so – had they made that referral C's Tax Credits claim could have been reinstated by HMRC.

As a result, C spent unnecessary time corresponding with DWP and HMRC, which resulted in C being advised by DWP to make a claim to UC – when they did that the Tax Credit claim was unable to continue.

In response to C's complaint, DWP acknowledged their service failures in not taking appropriate action when informed of the fraudulent UC claim, but only awarded a consolatory payment recognising the delays C experienced with their complaint correspondence.

Following my office's investigation of the complaint, I recommended that DWP make C a consolatory payment of £650 recognising the impact of all this, as well as make payment for ongoing loss of Tax Credits.



“

All your staff were great,  
but it's a shame I have to  
complain before finding  
someone who'll listen”

### Case 3

D and E claimed UC as a couple for themselves and two children from 2017. In 2019 E told DWP that they were starting University, attended the Jobcentre and provided details of their University course and student finance. However, the calculation of D and E's UC entitlement was incorrectly based on E being a postgraduate rather than an undergraduate and the course was recorded as lasting 8 months instead of 10. There are different rules for postgraduate student income and as such only a small amount of E's student income was taken into account. D and E continued to be paid UC at an incorrect rate for the next 8 months when E's academic year ended, and their student income was removed.

As a result of the information provided by E relating to their University course and student finances for the next academic year, a Case Manager checked the calculations for the first year and found them to be incorrect. DWP had recorded a different monthly amount than should have been included for student income and as a result this created an overpayment of over £4,000. D disputed the overpayment as it arose through no fault of their own and DWP apologised but said it would still need to be repaid.

D also made a complaint and in response DWP apologised for the delay in identifying the overpayment but failed to offer any redress for their errors. Following my office's investigation, I found the complaint to be upheld and recommended that DWP make them a consolatory payment of £375.



“

Don't change a thing –  
your service is first class”

#### Case 4

F claimed UC in June 2018 for themselves and one dependent child. F declared a health condition and said that they had been a part-time student for that academic year. This had no effect on F's entitlement to UC. But from September that year F told DWP that they were a full-time student and received student finance, which would be treated as other income and was asked to attend a meeting to provide details of student finance going forwards. The notes from that meeting confirm that F's health conditions were discussed along with the support they were receiving for that. However, no action was taken to gather the necessary student finance information; it is unclear why given that was the purpose of the meeting. Instead, F's UC claim went unchecked over the next 27 months.

It wasn't until January 2021 that DWP identified they needed details of student finance, which F provided, and they were told in February 2021 that their monthly UC payments would reduce significantly. The full extent of the overpayment was not confirmed until August 2021 when DWP calculated that F had been overpaid £16,714.10; recovery of the overpayment was put on hold due to the considerable distress that had caused.

In response to F's complaint DWP recognised they had got things wrong and agreed that they should have asked F for their student finance details sooner than they did. They awarded F a consolatory payment of £150 recognising that and other service failures they had identified. After my examination of the complaint, I didn't consider that the consolatory payment sufficiently recognised the overall distress caused to F given the extent of the overpayment and I recommended that DWP pay F a further £350.



“

Very impressed by the hard work put in to the case”

## Case 5

The parent of customer G complained on G's behalf that DWP failed to fully investigate that G was able to claim a UC advance of £1,500 which they paid to scammers; they were also unhappy DWP were pursuing G to recover this money. My office's investigation of the complaint showed that G had claimed UC in May 2019, verified their identity and confirmed that the information they provided was correct. But later the same day G accessed the UC account and added six fictional children to the claim which inflated the UC award, and then requested an advance for the equivalent amount which was paid into the bank account G had provided.

The UC claim was then closed, and the advance was referred to Debt Management to collect, and a letter sent to G about repayment. G then contacted DWP and said they had not received the advance and in response a referral was made to the Counter Fraud Compliance and Debt Team (CFCD) to investigate. Until the CFCD investigation was concluded, G remained liable for the full amount of the debt. G then said the advance had been paid to a bank account that G had opened but G had kept only a small portion of the advance and forwarded the rest to a third party. G felt they should only have to repay the part of the advance that they had kept.

I did not uphold the complaint as I found that DWP had completed the appropriate checks to confirm G's identity at the start of the UC claim and it was G's responsibility after that to take reasonable care with managing their benefit claim. As such DWP had quite appropriately pursued full recovery of the advance G had requested.



“

Staff were great,  
communication was great  
and the result was great”

## Case 6

H complained to my office on behalf of their sibling J that DWP had incorrectly recorded that J had passed away leading to them ending J's PIP claim. My office's investigation found that in 2017 J had been in receipt of DLA and Pension Credit (PC). As DLA was being replaced by PIP a decision was made in 2017 that J was entitled to PIP and a payment of PIP was sent to J's bank account only to be returned by the bank as the account details were incorrect. DWP wrote to J asking them to confirm their bank details to issue the payment, but they did not receive a response and as such PIP wasn't paid, although PC continued to be paid without issue.

However, in early 2018, PIP and The Pension Service (TPS) both noted that a date of death for J had been recorded on the Customer Information System (CIS) and closed both claims. Our investigation established that the information was uploaded to CIS by PIP, although the reason is not known. However, a month later PIP received J's reply to their enquiries asking for bank details and in response removed the date of death from their own records, which resulted in CIS being corrected too. As J's PC claim had been closed, TPS were not alerted to that and took no action. PIP went on to make a payment of the arrears owed to J, but when that payment was also returned by the bank, no further action was taken.

J's PC claim was reopened at the start of 2019 and arrears of over £7,000 paid. TPS made a consolatory payment of £100 in recognition of the delay. It was a further three months after that until J's PIP arrears of nearly £15,000 were paid. DWP awarded a second consolatory payment of £100 in recognition of that.

I upheld the complaint and recommended that DWP make J a further consolatory payment of £800, recognising that J was vulnerable and the impact of not receiving **any** of the benefits they were entitled to over a prolonged period. I also recommended that DWP make a payment to reflect the loss in monetary value of the arrears of PIP paid from 2017 onwards.



“

Cannot praise my case worker enough for the courtesy and respect they showed when discussing matters with me”

## Case 7

K complained to my office that DWP had failed to correctly communicate with them about closing their PIP claim in 2018. My office's investigation found that K had been in receipt of PIP since 2014 and their existing award wasn't due to end until 2024. However, at the end of 2018 DWP recorded that following a telephone call from K they no longer wanted to claim PIP as they were moving abroad. The case manager should have called K at that point to ensure they understood the implications of closing their PIP claim but did not do so and instead wrote to K confirming the case had been closed. In 2020 K contacted DWP about their PIP claim and was told they had asked for the claim to be closed and the decision to close the claim had been confirmed in writing. DWP's responses did not identify that the case manager should have contacted K to discuss the closure of the claim before doing so.

I upheld K's complaint noting that had the case manager called K prior to closing the claim they would have established that K intended to move to an EEA country, and as such the daily living component of PIP could continue in payment for as long as K met the conditions of entitlement to it. Furthermore, the case manager was not obliged to accept K's request and could have refused to close the claim if they felt that K did not understand the implications of doing so. In closing the claim without contacting K, DWP did so without full regard to both their own procedures and K's circumstances, and they failed to recognise that service failure in replying to K's complaint. I recommended that DWP make enquiries to establish whether K remained entitled to PIP from 20 December 2018 onwards and, based on that information, consider an appropriate payment of the arrears of PIP that would have been payable, with on-going payments reinstated if necessary. I also recommended that DWP apologise to K and make a consolatory payment of £850.





“

All staff I dealt with were polite and knowledgeable”

### Case 8

L complained to my office that DWP had delayed in paying them DLA for their child M who was under 16 and entitled to DLA consisting of higher rate care, which was paid directly to M's other parent, and the mobility component of DLA which was paid to Motability for a car leased by the other parent. In 2021 L contacted DWP to tell them that they were now the primary carer of M. DWP accepted that and started paying L the care component of DLA. However, DWP should have notified Motability of this change using form DBD623, enabling them to recover the car from M's other parent. That didn't happen and meant that L had to contact Motability to try and initiate recovery proceedings which eventually started three months later and then took a further four months to complete. During that time, L was unable to receive the mobility component for M who was being treated for cancer and had to use other scarce funds to transport M. L contacted DLA several times to pursue this, but no action was taken. Two weeks after recovery action was completed, M sadly passed away. I upheld L's complaint and recommended that DWP make L a consolatory payment of £450.



# Debt Management

## Debt Management

	<b>131</b>	Complaints received
	<b>41</b>	Complaints accepted
	<b>60</b>	Complaints cleared in the reporting period, of which:
	<b>2</b>	Withdrawn
	<b>16</b>	Resolved or settled to the customer's satisfaction
	<b>42</b>	ICE investigation reports issued
	<b>26 (62%)</b>	Fully upheld/
		Partially upheld
	<b>16 (38%)</b>	Not upheld

**Debt Management** is the part of DWP responsible for managing and recovering claimant debt, including benefit overpayments, Social Fund loans, and Tax Credit or Housing Benefit overpayments from customers who moved onto UC. Complaints specifically about Debt Management are low in number, because the customer's concerns are rarely just about the debt recovery process – which is Debt Management's remit.

### Case 9

N was notified by DWP that they had been overpaid PC of over £900 due to not declaring other income they received, and the debt was passed to Debt Management to start recovery. Shortly after, N appealed the overpayment and Debt Management should have paused recovery of the overpayment until a decision had been made by the Tribunal. However, they incorrectly continued to collect deductions for the next three months of over £200, before recovery was paused.










N's appeal was heard two years later and was partly upheld, as DWP were directed to recalculate the overpayment and provide the Tribunal with a breakdown of their recalculation. Over the next few months DWP produced two different amounts for the recoverable debt – both of which were incorrect, and they did not provide a breakdown of their recalculation to N or to the Tribunal as requested. Further, Debt Management were not notified that the recoverable amount had changed and sent several letters to N asking them to agree repayment for the original debt amount of over £900. N made a complaint to DWP about that and in response DWP replied and said there were no service failures.

N then complained to my office and after our intervention during 2022 DWP identified that their overpayment figure was incorrect, as it omitted repayments N had already made. DWP completed a further recalculation of the recoverable debt and also agreed to make a refund to N for some payments accepted in error – they also apologised to N and awarded them a consolatory payment of £200. I upheld N's complaint as DWP had only put matters right after the complaint was accepted by my office, but I was satisfied that the redress made was an appropriate remedy for that particular matter.



# Retirement Services

## Retirement Services

	<b>527</b>	Complaints received
	<b>113</b>	Complaints accepted
	<b>117</b>	Complaints cleared in the reporting period, of which:
	<b>2</b>	Withdrawn
	<b>48</b>	Resolved or settled to the customer's satisfaction
	<b>67</b>	ICE investigation reports issued
	<b>35 (52%)</b>	Fully upheld/ Partially upheld
		
	<b>32 (48%)</b>	Not upheld

This section reports on cases I have seen arising from the range of benefits DWP administer for those approaching or at State Pension age. The two case examples I have selected are about **Pension Credit and State Pension** customers not receiving the right amount at the right time, due to DWP's failure to correctly administer its own processes and procedures, with significant impact on the customers.

### Case 10

O's spouse had been in receipt of PC since 2006 and O was named and included in that claim. When O's spouse died in 2018 the PC claim was correctly closed. A referral was made for State Pension conversion to see if O was entitled to a higher rate of State Pension, based on their deceased spouse's National Insurance Contributions. As part of that process a check should be made to see if O was entitled to PC, and if they were, they should be called, or a home visit arranged to help them make a claim. O did not claim PC in 2018, but O did make a claim for funeral costs, payment for which can only be made if the claimant is in receipt of a qualifying benefit, which includes PC. O's claim for funeral costs was refused as O was not in receipt of a qualifying benefit. Four months later P contacted DWP on behalf of O, who was their parent and explained that O was bed ridden and suffering from dementia.

P applied to be O's appointee and claimed PC on their behalf which was awarded at the start of January 2019 and backdated three months to August 2018. Shortly after, O passed away and P contacted DWP to request a MR of the decision to refuse a payment for funeral costs. When the decision was not changed P appealed and also made a complaint.

In response to P's complaint in early 2020, DWP acknowledged that they hadn't done enough to help O make a claim for PC, and had they done so in early 2018 they would have qualified for it, and also then a funeral costs payment. DWP said they intended to make a referral to their Special Payments Team to consider a payment for loss of PC and funeral costs. There was then an eight month delay during the



“  
I felt the service was  
excellent”

Covid Pandemic in making a referral to the Special Payments Team, following which a payment for loss of statutory entitlement was refused. It was noted that as the maladministration and need for redress was not identified until after O's death, redress could not be paid, as it was O who had experienced the financial hardship and they could no longer be paid any redress.

P complained to my office as they disagreed with the refused payment and were unhappy about the time taken to make a decision. I upheld P's complaint noting the delay in investigating the complaint and that the reply when sent did not fully address all of P's complaints, nor did they consider whether redress could be paid to P. I recommended that DWP make P a consolatory payment of £450 recognising the poor handling of their complaint as I found that P had been directly affected by DWP's refusal of O's claim for funeral costs, and following my recommendation DWP made P a payment in lieu of the funeral costs that O would have been entitled to receive.

### **Case 11**

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Q complained to my office that DWP had delayed in making their State Pension payment; failed to fully address their enquiries about how their State Pension was calculated and had not fully taken their circumstances into account when making a consolatory payment of £25.00.

During a discussion with my office Q said that they had contacted DWP in 2020 by telephone with a query about how their State Pension was calculated. DWP had responded, but it did not address Q's query.

Q then contacted DWP in 2021 as they had not received their State Pension (paid to them weekly) as expected and was told that it would be paid as a faster electronic payment that day. The faster payment request wasn't looked at until the next day but the officer who completed this task incorrectly noted that Q's payments were fortnightly, and as such the payment would not be released that day,



but rather a week later. Q then made further calls to DWP when the payment was not received and in response to that the faster payment was recalled and then reissued; by that time Q had been paid four days late.


Q made a complaint to DWP about the delayed payment and said that they had accrued interest on their credit card as well as travel expenses to the ATM on the day they were told they would receive their State Pension and raised the matter of not receiving a response to their enquiry about State Pension in 2020. In reply DWP apologised for the delay in paying State Pension and awarded Q a consolatory payment of £25 – but they again did not address Q’s complaint about the outstanding query from 2020. Further, Q was asked to provide evidence of their costs and went on to provide an ATM withdrawal slip, credit card statement and justification of the milage; however, the costs were refused by DWP because the evidence was insufficient.

Following representations by my office DWP agreed to provide a full response to Q’s query from 2020 and make Q a consolatory payment of £50 and an apology for the delay in addressing this matter. DWP also agreed to pay Q the amount they had requested for reimbursement of their costs. Q agreed that their complaint was settled.



# Contracted provision

## Contracted provision

	<b>166</b>	Complaints received
	<b>73</b>	Complaints accepted
	<b>93</b>	Complaints cleared in the reporting period, of which:
	<b>3</b>	Withdrawn
	<b>45</b>	Resolved or settled to the customer's satisfaction
	<b>45</b>	ICE investigation reports issued
	<b>5 (11%)</b>	Fully upheld/
		Partially upheld
	<b>40 (89%)</b>	Not upheld

The DWP has contracts with private and voluntary sector organisations to deliver some services on their behalf, most notably **employment programmes and health assessments**. These organisations have responsibility for responding to complaints about their services, but in the event that the customer is dissatisfied with their final response, they can bring their complaint to my office.

We received very few complaints about employment programmes, and those we did receive were most often that the programme failed to meet the customer's expectations.

Due to the Covid pandemic health assessments were put on hold between March 2020 and May 2021, following which telephone assessments were introduced for some customers. Many of the complaints that we received involved customers who had been affected by those changes.

### Case 12


R claimed PIP in 2018 and returned a completed PIP2 questionnaire and further medical evidence (FME), which included a letter from a Psychologist which outlined several reasonable adjustments that R would need in engaging with the PIP process. Although the PIP2 and FME were reviewed by a Healthcare Professional (HP) from the Independent Assessment Service (IAS) there is no evidence that the reasonable adjustments were considered. After attending the assessment R complained to IAS and in their response in 2019 they concluded that the assessment report was not fit for purpose and they asked R to attend another assessment, which R did. Yet again though, R's reasonable adjustments were not taken into account. R made further complaints about that which were not addressed or acknowledged by IAS and R then complained about that to my office. I upheld R's complaint and recommended that IAS make R a consolatory payment of £250.



# Child Maintenance


## Child Maintenance Service

 **1,309** Complaints received



 **691** Complaints accepted


 **250** Complaints cleared in the reporting period, of which:

 **2** Withdrawn

 **203** Resolved or settled to the customer's satisfaction

 **45** ICE investigation reports issued

 **19 (42%)** Fully upheld/  
 Partially upheld

 **26 (58%)** Not upheld

**The Child Maintenance Service (CMS)** was introduced for all customers in November 2013 to replace the Child Support Agency (the Agency). As the Agency closed all their existing cases, parents were invited to apply to CMS for ongoing maintenance, and if they wished, ask for any Agency unpaid maintenance to be transferred to CMS to collect. The transfer of arrears to CMS from the Agency continues to be a key feature of the complaints we have seen this year – in particular arrears previously disputed with the Agency and believed by the customer to be incorrect. My office continues to investigate complaints about the Agency as well as CMS, but this has been markedly more difficult in some cases as the Agency's evidence had been prematurely deleted.

CMS is responsible for the assessment and collection of ongoing child maintenance and complaints often arise when children move out of one parent's household or stop being a qualifying child as they have left full time education. Although CMS has an interface with HMRC who administer payments of Child Benefit, this isn't always being fully utilised, leading to delays in reviewing changes to remove a child from the child maintenance case, which can often result in overpayments.



## Child Support Agency

	<b>0</b>	Complaints received
	<b>94</b>	Complaints accepted
	<b>568</b>	Complaints cleared in the reporting period, of which:
	<b>9</b>	Withdrawn
	<b>97</b>	Resolved or settled to the customer's satisfaction
	<b>462</b>	ICE investigation reports issued
	<b>292 (63%)</b>	Fully upheld/
		Partially upheld
	<b>167 (36%)</b>	Not upheld
	<b>3 (1%)</b>	Unable to reach a finding

### Case 13

CMS failed to have regard to a Domestic Violence marker on S's case which should have prevented the paying parent being provided with any personal details about them. A letter was sent to the paying parent in 2020 to confirm a change of bank details, but also incorrectly included S's address and telephone number.

CMS made a referral to the National Special Payments Team (NSPT) to consider a consolatory payment and S was awarded a consolatory payment of £4,000 in 2021. S then told CMS of their intention to move address due to fears for their safety and that of their two children and CMS said that they would consider any further costs that S incurred through having to move.

However, when S provided some receipts and quotations that were forwarded to NSPT, that team returned to CMS requesting further information. That was not communicated to S as it should have been, and the matter of financial loss for S's removal and rehousing remained unaddressed until the completion of my report six months later.

I found that CMS's initial error, despite having safeguarding in place to prevent such things from happening was inexcusable and had serious and far reaching consequences for S and their two children.

I was satisfied that CMS had taken steps to put matters right and make redress up to the point that S's complaint was accepted by my office and to that extent I found the complaint was justified. In noting the upheaval to S's family in having to relocate to another property that was in a poorer condition than S's previous home, I recommended that CMS pay S £8,000 for the costs of decorating and carpeting the family's new home.





“

No improvement needed  
– you are providing a  
great service”

## Case 14

T’s representative complained to my office that CMS failed to consider the evidence T provided that they were in prison for several years when dealing with T’s dispute about historic Agency arrears of over £7,000. My office found that T was a paying parent in an Agency case for three years and was making payment to the Agency by standing order. T’s payments stopped in 2010 but the Agency did not take any action to contact T in response to their non-payment, and it wasn’t until four years later that they were told by the receiving parent that T was in prison.

The Agency completed a nil maintenance calculation from the date they were told about the change in 2014, which meant that T owed unpaid maintenance for the four years before that.

The arrears were transferred to CMS and when told about them T’s representative asked CMS to reconsider the amount, to take into account that T had been in prison between 2010 and 2014. CMS replied and refused to reconsider the arrears as they said there was no evidence that the Agency had been notified of that in 2010. I upheld T’s complaint and found that CMS had failed to acknowledge that the Agency didn’t investigate why T’s payments stopped in 2010 – had they done so, they would in all likelihood have established that T was in prison. I recommended that CMS review the decision to collect child maintenance between 2010 and 2014 and recalculate the balance of unpaid maintenance. CMS subsequently wrote off the balance due in the period T was in prison and recalculated the remaining balance of unpaid maintenance. I also recommended that CMS apologise to T and make them a consolatory payment of £250.

I also wrote to DWP about this case highlighting my findings; I was aware that if a prisoner was in receipt of benefits HM Prison and Probation Service wrote to DWP at the point that they were admitted into custody in order for DWP to stop their benefit claim. I asked DWP to explore whether a similar arrangement could be made for CMS customers to avoid unpaid maintenance accruing and they are working on a digital and long-term solution to make this happen.



“

*Can't really thank you enough. Within weeks, you got further than I did in years”*

### Case 15

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U complained to my office that the Agency and CMS failed to collect and enforce child maintenance payments since 2008. My office's investigation found that the Agency were responsible for collecting child maintenance payments between 2008 and 2015. The Agency collected some payments up to 2010 but following a brief claim for benefits in 2009 they were unable to get information from the paying parent about their circumstances to complete a review until 2012. As the review was backdated to 2009 there was an unpaid maintenance balance of £3,000. For the next three years until the case closed the Agency unsuccessfully exhausted all enforcement action with no further payments being received from the paying parent, who was self-employed. U didn't make an application to CMS and so the unpaid maintenance of £5,000 was transferred to CMS in 2019. Between 2020 and 2021 CMS took further enforcement action with limited success. I did not uphold the complaint as I found that the unpaid maintenance was due to the paying parent's non-compliance rather than any failure on either the Agency's or CMS' part. However, during a conversation with my office in 2022 U told us that they had recently paid the paying parent a large divorce settlement. My office passed that information to CMS who were then able to successfully secure a Lump Sum Deduction Order from the paying parent's bank account, for the full amount of the unpaid maintenance owed.

### Case 16

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V complained to my office that CMS had provided them with incorrect and contradictory information about the amount of unpaid maintenance owed to them. We found that V had a case with the Agency until 2015 and when that case was closed, V made an application to CMS. The unpaid Agency maintenance of over £4,000 was transferred to CMS in 2016 and the paying parent disputed the amount owed. CMS investigated that resulting in the maintenance owed being halved. The CMS case was closed in September 2017 and at that time CMS calculated that there was a nil arrears balance - they didn't tell V about that or the case closure. V made several



complaints between 2018 and 2019, disputing that there were no arrears owed; these were incorrectly treated as enquiries, meaning that the complaints were not escalated as they should have been. In the meantime, CMS had looked again at the Agency arrears and found that the adjustment they had made in 2016 was incorrect, and when that was corrected V was owed nearly £3,000. However, there was a 12 month delay on CMS' part in taking action to collect payments from the paying parent.

CMS recognised some of their service failures in making two consolatory payments of £50 and £150 when they responded to V's complaint in 2020 and as such, I found that most of the complaints were justified. However, during the course of our investigation, we identified a number of other service failures, including delays in making payments to V between 2019 and 2020 and also that the case was incorrectly moved to Collect and Pay in December 2016 and January 2017. Whilst that error had been corrected and the paying parent refunded collection fees, CMS failed to refund the collection fee to V as the receiving parent. I recommended that CMS refund the collection fees to V and also that they make V an additional consolatory payment of £100.

I also wrote to DWP and asked them to review their operational instructions for staff to ensure that if CMS identified they had incorrectly applied collection charges in a case, they should ensure **both** parties were placed back in the position they would have been had the error not occurred; regardless of whether both had complained about that, as this did not seem to be happening based on recent cases I had seen.



# The ICE Office

“

Very good service 10  
out of 10”

## Service Standards

Our published **service standards** explain how long it should take us to deal with customers and details of our performance during the 2022/23 reporting year are below:

### Initial Action:

- We told **99%** of customers the results of our initial checks within our target of 10 working days.

### Resolutions:

- We cleared **67%** of resolutions within our target of 8 weeks.
- Our average clearance time in the complaints we resolved was 7 weeks from the point the complaint was accepted for examination.

### Settlements:

- We cleared **86%** settlements within our target of 15 weeks.
- Our average clearance time in the complaints we settled was 7 weeks from the point the complaint was allocated to an Investigator.

### Investigation Reports:

- We cleared **48%** of ICE Reports within our target of 20 weeks *(we make every effort to meet the target, but will not compromise the completeness of an investigation to meet that target. Delays may occur which are beyond our control, for example securing agreement to recommendations for redress).*
- Our average clearance time in the complaints that resulted in an ICE Investigation Report was 24 weeks from the point the complaint was allocated to and Investigator.



“

*Staff very helpful and supportive”*

### **Complaints about our service:**

- We have responded to **97%** of complaints about our service within our target of 15 working days.

### **Customer satisfaction:**

- **83%** of our customers were satisfied with the service we provided.

## **Findings of the Parliamentary and Health Service Ombudsman**

Customers who are dissatisfied with the outcome of an ICE investigation or the service provided by the ICE Office, can ask a Member of Parliament to escalate their complaints to the Parliamentary and Health Service Ombudsman. The information we hold\* suggests that during the reporting year, the Ombudsman did not uphold any complaints about the ICE Office.

\*PHSO has yet to publish their data for the 2022/23 reporting year.

## **Continuous Improvement**

We continue to hold both **Customer Service Excellence** and **British Standards Institute (BSI)** accreditation.

The ICE Office 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 with other public and private sector Alternate Dispute Resolution (ADR) organisations.





Independent  
Case Examiner



Department  
for Work &  
Pensions

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