



Independent
Case Examiner



INDEPENDENT CASE EXAMINER
For the Department for Work and Pensions

Annual Report

1 April 2023 - 31 March 2024



Our Purpose

We provide a free and 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

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

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



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Foreword from the ICE



I gave evidence to the Select Committee on Safeguarding Vulnerable Claimants during this last year, preparing for which led me to reflect on the changes I've seen DWP make to try to support vulnerability better over my time in this role. Whilst it isn't for me to detail all the department has done in this area, I'd like to start my foreword this year by recognising the help that the Advanced Customer Support team and their leaders have given my office. They have reviewed our findings in cases of particular concern in detail and taken the actions needed to avoid repetition, and engaged with some very vulnerable ICE customers who we have seen clearly need additional support, including sending visiting officers to make sure things get resolved for them.

Notwithstanding DWP's developments though, things do clearly still go wrong – I agreed with a customer's view that they had not received the service they should, and that DWP hadn't recognised that fully, in about half the cases I saw during this last year. Most often, as I've commented before, this is due to the department simply not doing what its own processes and procedures say they should. I was delighted then to see that Work and Health's Director General had a focus for this year on 'Brilliant Basics' – part of which recognises the huge impact that simple things can have – like calling customers back when that is promised and making sure that the next action on a case happens as it should. I have been pleased to provide input with our Head of Office to support this with DWP operational staff, by sharing some of the cases my office has seen. It's hugely gratifying to resolve complaints for individual customers, but without also feeling DWP can learn from and act on what we've seen, it would be ultimately frustrating.



There has been significant change in how DWP delivers services over the time I have been in this role, and the nature of the complaints I have seen has also changed, often apparently linked to the introduction of new benefits or maintenance schemes. It isn't surprising that there may be more administrative errors in unfamiliar areas of work, both as unintended consequences of how new processes are designed, and staff being less experienced in using them. As such I see issues grow and then reduce again in my case load, as DWP iron out issues and act on the learnings they see and that my office share.

Given that there is some delay between the events a customer is complaining about, and my office seeing a complaint, it can be frustrating to still see complaints about things I know DWP have addressed. Overpayments to students would be one example from this last year – I raised this concern and the action DWP had taken to stop repetition in my previous annual report, but these customers with these concerns have continued to come to my office and some of these cases have been amongst the most concerning I've seen. In no small part this is because Universal Credit procedures require all overpayments to be recovered, regardless of their cause. This can mean that a customer can do absolutely everything they should have done in terms of telling DWP about their circumstances, but due to administrative error be overpaid. As UC is a complex benefit and payments are affected by numerous aspects including housing, childcare, and ill health components, it can be hard for both customers and DWP staff to have an intuitive feel for whether the amount they receive is correct;

when a benefit was paid at a fixed amount each week it was very clear to all if that was being paid incorrectly. Particularly where customers are vulnerable, the recovery of debt can be stressful and worrying – I often consider that an additional amount paid in error above the benefit due may be barely perceptible, but that a customer's UC entitlement reduced then by a debt repayment, can feel very meagre. Whilst I appreciate repayments can be negotiated, I do make some of my higher consolatory payments in cases where UC overpayment caused by official error has led to a customer being in debt to the Department, through no fault of their own. I have engaged with Debt Management during the course of the year in regard to particular, worrying cases I have seen and I have been grateful for their management of the situation for a number of vulnerable customers.

So, I come to close my report as always, by thanking those I work with. My ICE office team are the best colleagues, and always provide the most fantastic support to me. Their tenacity in establishing what should have happened, especially in complex cases, and assessing the impact for a customer of what happened instead, is the critical underpinning to any decision we make. This year the team have continued to make significant changes to the way they work to help speed up our ability to resolve things for the customers who come to ICE. Whilst we have completed more cases than ever before, the flow of customers coming to us continues to rise – over the last three years we have seen an overall increase of 38% in customers coming to us, and a very significant 83% increase in the number of cases we have accepted for our review.



I'd also like to thank those in DWP at all levels who this role leads me to work with – I am grateful for the attention paid to our feedback. As well as sharing each case outcome that I reach, if an investigation identifies a service issue arising from a DWP procedure (or lack of one), and that could cause a problem for other customers, I send a Service Improvement Observation (SIO) letter to share my thoughts on the process or procedure they may wish to consider changing. I have this year added a section to my report to detail this year's SIOs and DWP's responses to them - we have seen a range of positive improvements from the issues my office has raised.

Thank you for reading this – I'd welcome any feedback you'd like to share with us.

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 bottom.

Joanna Wallace OBE
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 2023 and 31 March 2024.

Our approach to Casework

When we receive a complaint, we first establish if we can accept it for examination; the complaint must be about maladministration (service failure) and the customer must have had a final response to their complaint from the relevant DWP business within the last six months.

Withdrawn cases

Complaints can 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 addresses their concerns after they have come to us.

Resolved cases

Once we accept a complaint, we initially attempt to broker an agreement (resolution) between the customer and the business that satisfies the customer, without having to request evidence to inform an investigation.

Investigations

If we are unable to resolve a complaint, the complaint is allocated to an investigator who examines the facts of the case and establishes if the business complained about fairly and consistently applied its published standards. During their examination the investigator will contact customers to ask for information.

If a complaint can be settled:

After reviewing the evidence, the investigator may be able to agree actions between the customer and the business to satisfy the customer that their complaint has been settled. We will only settle a complaint with a customer's full agreement. Once they have given that, the Investigator will confirm the agreed action in writing and explain when that will be complete. We aim to complete settlements within 15 weeks of the case being allocated to the Investigator.



If a complaint cannot be settled:

If the Investigator is unable to settle the complaint, they will conduct an investigation, for which there are several possible outcomes. Where we find that the complaint has merit which wasn't properly recognised before it was escalated to the ICE Office, we'll recommend appropriate redress (for example an apology, corrective actions and/or a consolatory payment).













If we find there were service failures or errors by the DWP business which were put right before the complaint was brought to us, we'll explain what went wrong and how we have seen things were put right.

Where we find that the Business handled a case as we would expect to see, we'll explain why no fault or error was found.

We will send the customer a report which tells them the outcome, timescales for any recommended actions, and what to do next. We aim to conclude our investigation within 20 weeks of the complaint being allocated to an Investigator.



Referrals to the ICE Office – at a glance

	Reporting year	2023/24
	Complaints received	5,808*
	Complaints accepted for examination	1,856
	Total complaint clearances (of which):	2,648
	Withdrawn	62
	Resolved	759
	Settled	325
	ICE investigation reports	1,502
	Of those complaints investigated % fully upheld/partially upheld	50.7% (762)
		
	Of those complaints investigated % not upheld**	49.2%** (739)
	Of those complaints investigated % unable to reach a finding	0.1% (1)









*The difference between the received and accepted cases includes premature approaches (2533) to the ICE Office and cases that ICE is unable to accept.

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



Casework

Universal Credit

	817	Cases received
	517	Cases accepted
	647	Cases cleared in the reporting period, of which:
	22	Withdrawn
	299	Resolved or settled
	326	ICE investigation reports were issued
	142 (44%)	upheld / partially upheld
	184 (56%)	not upheld

Universal Credit (UC) is the main benefit that customers below State Pension age claim if they are on a low income, out of work or unable to work. UC is now DWP's primary benefit – in October 2023 over six million people were claiming UC and consequently my office receives a higher volume of complaints arising from this benefit compared to others.

UC is a flexible benefit, and different claimants can have components relating to health, housing costs and childcare. Amongst other things we have been concerned to see some cases in which errors relating to one or more of these components have led to overpayments, and in turn to their recovery. This can have significant impact for customers who may well have been unaware they were being overpaid in the first place, particularly as the Department's UC recovery policy states that it must recover overpayments even where they were caused by official error.

Some examples of the impact these errors have had on customers are detailed in the following cases.

Case 1

In May 2021 Customers A and B made a joint UC claim. As their household income exceeded their UC entitlement, they didn't receive any UC payments.

From the beginning of the claim B declared a serious health condition and in November 2021 claimed New Style (NS) Employment and Support Allowance (ESA), which can be claimed at the same time as UC – ESA payments are adjusted from the UC entitlement.

In late 2021 DWP were told that B's condition was terminal. Then in February 2022 A contacted UC and said the couple were going to be receiving capital over £16,000, which would reduce once it was used to pay their mortgage. As UC can't be paid to customers who have £16,000+ capital, the claim needed to be considered to decide if it should be closed, or whether the capital could be disregarded.



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Explored and investigated the problem and agreed there should be redress. Nice that someone recognised that there was a legitimate complaints.

It took three months for DWP to make this capital decision, and when they did, they initially incorrectly applied capital of nearly £89,000 from the beginning of the UC claim. This was incorrect as it hadn't taken into consideration repayment of the mortgage, nor should it have been applied from the start of the claim. However, that issue was resolved the same day and the correct decision made. But as a result of the delays an overpayment of nearly £300 (this wasn't more as other benefits/income they'd received had reduced their UC entitlement) was created and referred to Debt Management at the beginning of May 2022 for them to recover. No notification of this was sent to A.

The UC claim closed in the middle of 2022. Debt Management wrote to A and B a couple of months later telling them the overpayment needed to be repaid and how that could be done. A contacted Debt Management to challenge the overpayment as they'd never been notified of it and was referred on to UC. In the calls to UC A was distressed and explained that B was nearing the end of their life, and the couple didn't understand why they had this overpayment.

Although DWP reviewed the case, more errors were made, and a letter was sent to B reaffirming they'd been overpaid almost £89,000 and that they needed to contact Debt Management to arrange repayment, or the debt would be referred to a Debt Collection Agency. A contacted DWP to challenge the debt as no explanation of it had been provided, and they said it wasn't possible for them to owe it. A said B had only weeks left to live and DWP's actions were causing significant distress. DWP then reviewed the case and saw their error, and the debt of £89,000 was revised to nil.

After A complained, DWP apologised for the distress they'd caused and made a consolatory payment of £200. However, A didn't believe this recognised DWP's impact on B's health; A believed DWP's actions had caused B's health to deteriorate faster.



I upheld A's complaint as whilst DWP apologised for their errors, they hadn't explained what had caused them. I also didn't believe £200 was appropriate redress as it didn't reflect the impact on A and B and I recommended an additional consolatory payment of £650, to recognise the severity of the impact of DWP's errors at such a difficult time for the couple.

I wrote to DWP about this case; I was aware that DWP had previously implemented guidance which said staff should consider the way a vulnerable customer should be notified of a large overpayment, considering a home visit or telephone call, rather than simply by letter. Apparently, this guidance hadn't been applied to all DWP's processes and wasn't considered in this case, which I asked DWP to review. DWP's response to this is included at point two in the Service Improvement Observation (SIO) table at the end of this report.

Case 2

In February 2022 Customer C and their representative telephoned UC to make a claim on behalf of C and their partner, D. C declared they had serious health conditions, and that D was in hospital following a significant medical event which prevented them from speaking to UC. Due to their vulnerabilities, a home visit should have been organised to ensure the couple received the appropriate support – this didn't happen.

There were then a series of errors, including D being removed from the UC claim and the claim being closed in April 2022, effective from February 2022 (when it had first been made). C's Housing Benefit was also stopped (this happens automatically when a UC claim is made).

A home visit was completed at the end of March 2022 from which a successful joint claim for UC was awarded to C and D, but only effective from 6 April 2022. This award took into consideration Carer's Allowance (CA), which is deducted pound for pound from UC.



The first payment of UC was made in June 2022; this included housing costs, but DWP didn't tell C that, or that they'd need to make a payment directly to their landlord – DWP had incorrectly added the information to the UC journal, but as this had been a telephone claim, that should have been posted to C and D.

In the meantime, CA stopped being paid in April 2022, but UC weren't made aware of that. This resulted in an overpayment of more than £400 for the period May to July 2022 – notification of which was sent to C and D and deductions of nearly £80 per month started in September 2022 to recover it.

In June 2022 an Appeal Tribunal considered the decision to close the original UC claim, reopening it and aligning the new claim with the previous one so arrears of UC were then paid to C and D.

C's MP complained to DWP in September 2022 about the delay in making payments, as well as the incorrect deductions being made for the CA, which had caused C and D significant financial hardship. The Complaints Team responded the following month, acknowledging the delays and awarding a consolatory payment of £50.

The complaint was escalated to this office in March 2023. After our intervention, DWP reviewed the overpayment decision as D hadn't been in receipt of CA between May and July 2022 – more than £400 was refunded to them in December 2023. Sadly, before we completed our investigation, C passed away.

When considering this case, I was mindful that all this happened at a particularly stressful time in C and D's lives – DWP should have provided them with extra support and care, so the claims were processed as smoothly as possible, with the minimum stress and disruption. This clearly didn't happen, and I was concerned to see that DWP's actions caused them significant additional financial hardship at such a difficult time. I didn't consider the £50 consolatory payment adequately recognised the service failings in the case and recommended that DWP apologise and make a further consolatory payment of £400.



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Very happy with the service.

Case 3

UC customers must satisfy both the childcare cost condition and the work condition to receive support with their childcare costs. To meet the first, as well as being responsible for a child and making childcare payments in the relevant period, the customer must have made the payments to allow them to start / continue to work, or to retain existing childcare arrangements if they've recently stopped working. To meet the second condition, the customer must be in paid work or have accepted an offer to start before the end of the next assessment period; or have stopped work in the current or previous assessment period; or be in the first or second assessment period of a new claim and have stopped work within a calendar month before their UC claim date. There is an exception to the second condition – if the customer is in a joint UC claim and one member of the couple is working and the other is in receipt of the UC health element.

Customer E claimed UC early in 2021 and said they were single, had stopped work at the beginning of the year, didn't have a health condition and had a child and childcare costs which they'd been paying since the previous year. E provided invoices from the childcare provider and a week later they were told they weren't eligible to receive support with these costs as they didn't meet the criteria.

In the following months E was awarded the UC health element and contacted UC to see if they were then eligible for childcare costs. Between May and July 2021 E was told that as they'd been awarded the health element, they'd be eligible to receive backdated and ongoing support with childcare costs – resulting in them increasing the amount of childcare they used. In July 2021 DWP incorrectly paid just over £500 for childcare payments E had made between February and April 2021.



Almost immediately, DWP realised this was wrong and notified E that they weren't entitled to this, or any further childcare payments, whilst their circumstances remained the same. UC should have considered whether the £500+ was an overpayment and be recovered, but they didn't do that until October 2021.

E complained about the contradictory information they'd received. DWP apologised and awarded a consolatory payment of £200 recognising the poor service, but E wasn't happy with this and escalated the complaint to this office. I upheld E's complaint, acknowledging the consolatory payment already awarded was appropriate redress for the financial disappointment E had been caused, but that I didn't feel it fully recognised the full impact for the customer – their childcare costs had increased significantly on the understanding that DWP could pay them. I recommended DWP make an ex-gratia payment amounting to 85% of the increased costs E had paid in June 2021, recognising the financial loss as they had increased their childcare based on what DWP had told them. I also recommended DWP make a further apology for the delay in notifying E of the overpayment.

Case 4

Jobcentre Plus (JCP) operate the Flexible Support Fund (FSF) from which travel payments can be made to help customers secure, and stay in, employment. In most cases JCP provide concessionary public transport passes, but cash awards can be made. When they are, customers must provide receipts to prove that any cash has been used appropriately. If receipts aren't provided, JCP shouldn't make any more cash awards, but can still award travel passes.

Customer F, who was receiving UC, received a FSF cash payment in early 2021, but despite being asked to provide receipts, they didn't, so JCP noted that no further cash awards should be made.



Later in 2021 F contacted DWP and asked for another FSF cash award for travel to and from a job induction. DWP refused, as noted earlier that year, but didn't consider awarding F a travel pass, as they could have done. Around the same time, F attended another job induction which they hadn't mentioned to UC and although F was offered a permanent role after that induction, they didn't accept it.

F began to raise complaints about not being given travel awards, saying this meant they weren't able to work, and they'd lost jobs. It also led to F not attending their mandatory appointments, resulting in their UC payments being reduced. DWP responded, apologising that staff had incorrectly believed that due to F not providing receipts, they couldn't receive any travel passes; they also acknowledged (incorrectly) that this had prevented F taking a full-time job.

At the same time a response was sent to F's MP who had also complained and the Complaints Team explained that F had been awarded a consolatory payment of £100 to recognise the inconvenience, distress and financial hardship caused by DWP failing to consider the travel pass.

F escalated their complaint to this office as they didn't believe the level of the consolatory payment was appropriate – they said it didn't recognise that DWP's error had caused them to lose a well-paid job. I didn't uphold F's complaint as the evidence didn't demonstrate that the travel pass errors had caused them to lose a job, and I believed DWP's apology and £100 consolatory payment was appropriate in this instance.



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The lady I spoke to was fantastic.

Case 5

Customer G's representative complained to this office that DWP hadn't paid G's housing costs or UC payments since January 2023.

For UC customers to receive help with their housing costs, UC need to verify that they are paying rent and living in that property. In addition, as UC is a means tested benefit, any income received should be adjusted from the UC payment.












After considering the evidence, we identified that G claimed UC in January 2023, declaring that they lived in a rented property and were also in receipt of Statutory Sick Pay (SSP). Because of their SSP, they weren't due any UC payments between January and March 2023, as they received more SSP than their UC entitlement.

After G claimed UC, they were asked several times to provide evidence of their housing costs so the housing cost element could be considered; they didn't provide sufficient evidence, so UC couldn't include the housing cost element within their award. However, from the UC payment covering May to June 2023, housing costs were included in G's payments, as they'd then moved address and provided the appropriate evidence.

I was satisfied that DWP had taken the appropriate actions, therefore, didn't make any recommendations in this case.



Other Working Age benefits

	188	Cases received
	146	Cases accepted
	176	Cases cleared in the reporting period, of which:
	5	Withdrawn
	74	Resolved or settled
	97	ICE investigation reports were issued
	46 (47%)	upheld / partially upheld
		
	50 (52%)	not upheld
		
	1 (1%)	Unable to reach a finding

Individuals receiving **Working Age benefits** are often longstanding claimants of ESA, Jobseeker's Allowance (JSA), or Income Support (IS), who are out of work and/or require extra support due to illness. Customers can also choose to claim NS ESA or NS JSA instead of, or in addition to, UC depending on their circumstances. Many customers are affected when they switch benefits, or their circumstances change, which can have a considerable impact on them, as changes in circumstances can result in long-standing payments stopping. Once a customer claims UC after previously receiving a 'legacy' benefit such as those above, they are simply unable to return to claim or be paid for that benefit – they must claim UC. My office has seen complaints where administrative errors in these situations have greatly affected vulnerable customers.

Case 6

Customer H was in receipt of Income Related ESA (ESA IR) and Personal Independence Payment (PIP) due to their medical conditions. In 2022 H told DWP they'd moved house. When an ESA customer tells DWP they've moved, DWP gather additional information to check whether it has an impact on the customer's entitlement. At the same time, ESA payments automatically stop being issued until the customer's updated circumstances are added to the system. H's payments were stopped the day after their letter was received by DWP in 2022.

DWP sent H a text asking for additional information. H didn't respond but DWP didn't do anything until several months later, when they sent two text messages and left a voicemail, asking H to contact them. H still didn't respond (it was later established that DWP didn't have H's up to date contact details). DWP should have written to H for information and set case controls on the claim, so the case would be periodically checked but they didn't do so.



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You were on top of everything, and it was dealt with in a short space of time.

Deductions were then needed to repay a Housing Benefit overpayment, but as ESA wasn't being paid, the repayments started being deducted from H's PIP award – DWP's Debt Management team wrote to H in January 2023 to explain this. (As H was no longer receiving Housing Benefit, they hadn't needed to claim UC to secure that component when they moved.)

H wrote to DWP in February and March 2023. In their first letter they said a carer had identified they were no longer receiving ESA payments but there had been no explanation why. In H's second letter they asked DWP to explain why deductions were being taken from their PIP, and for DWP to repay them – DWP didn't reply to either letter.

H and their MP complained to DWP again later in March 2023 and DWP noted that H needed to be contacted to resolve this as soon as possible, but the Complaints Team wrote to the MP and said instead that H needed to contact them to resolve things. H didn't contact DWP. Eventually in April DWP wrote to H, asking them to complete and return enclosed forms by the end of May 2023, so that the ESA claim could be updated.

J (H's parent) wrote to DWP at the beginning of May 2023 and said they were helping H who was too ill to resolve this – H hadn't received any notification their benefits were going to stop, nor responses to their letters, and the forms hadn't been enclosed with the letter sent in April. DWP didn't respond to J's letter, but at the beginning of June 2023 forms were re-sent to H. They weren't returned, but DWP still didn't consider whether a home visit should be carried out.

Another set of forms was sent to H at the beginning of September 2023 and after the intervention of my office (we'd received the complaint earlier in 2023) a referral was made for a safeguarding visit to be made to H as they hadn't received any ESA payments for over a year. Before this visit could be completed though, H's forms were received and the claim was updated the following day.



If a customer is vulnerable and they are due an arrears payment over £2,000 the customer should be contacted to discuss the best way to pay that – in a lump sum, in instalments, or to a third party for example. This is what happened here and arrears of nearly £12,000 were paid, along with just over £350 recognising the erosion of the monetary value of those arrears.

This office was told (by J) that whilst H was without their ESA payments, they'd been threatened with eviction and J had been paying their rent and buying them food. H complained that DWP hadn't followed the correct procedures in stopping the ESA payments, and hadn't responded to the letters sent to them by J and H. After considering the case, I upheld J's complaint, noting that DWP had failed to take the correct action when H didn't respond, missed many opportunities to resolve this earlier and failed to respond to multiple contacts from J and H. I recommended DWP make a consolatory payment of £450 recognising their poor handling of the case and the significant distress and worry this had caused.

I also wrote to DWP about this case, highlighting my findings; I was concerned about the effect that stopping someone's payments in this way could have, particularly for a vulnerable customer. I asked DWP to consider whether the automatic hold on ESA payments when an address changes, should require consideration of a customer's vulnerability. DWP also carried out a detailed review of this case and fed back to me the learnings and planned actions from that.



Case 7

Customer K's representative contacted my office complaining that DWP failed to respond to their queries about K's ESA and UC claims between 2019 and 2021.

K received ESA with the support group component from October 2014. DWP reviewed the case in 2017 and decided they were no longer entitled to ESA. K challenged this but the decision remained the same, so they appealed it in 2018.

Whilst waiting for the appeal to be heard, K received UC. UC is calculated in monthly assessment periods, accounting for any earnings a customer receives in that period – this affects the amount of UC the customer is paid. In 2019 UC adjusted K's award to account for their income, however, due to an error made by their employer, UC didn't use the correct income, and K was underpaid. Although UC corrected this, they didn't explain it to K.

In 2020 the ESA appeal was heard and DWP's decision was overturned – ESA with the support group component was reinstated up to the date K claimed UC. It took DWP five months to pay the ESA arrears of almost £6,000 to K, and they also failed to add the decision about the support group component to the UC claim from 2018.

K complained about this and DWP made a consolatory payment of £100 for failing to respond to all the representative's queries on the journal. However, the complaint handling was poor, and the final response didn't fully address the customer's concerns, nor refer to the significant failure to pay UC arrears.

As a result of the ICE office's intervention, DWP reviewed K's case and then paid arrears of more than £17,500 in 2023. They also agreed to send a sincere apology from a Senior Manager and make a consolatory payment of £900 for the inconvenience, delay, distress and poor handling of K's case and to calculate and pay the erosion in monetary value of the arrears, which they did. The representative agreed that with this, their complaint was settled.



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Someone I work with said you'd take forever, but it was all done in a couple of months. Cannot complain about a thing.

Case 8

If a customer is receiving a means tested benefit such as ESA IR or UC they must not have any capital, savings or investments over £16,000.

Customer L received ESA Contribution based (ESA C) and ESA IR. In 2011 they declared that they owned a second property in addition to the one they lived in – the value of such a second property, after some adjustments, is usually considered as a capital asset. DWP disregarded the property for six months which meant L could receive ESA IR in addition to ESA C. DWP should then have reviewed things after six months, but they didn't.

Between October 2020 and August 2021 DWP investigated L's capital and decided they hadn't been entitled to ESA IR from July 2014, as they had capital of nearly £35,000 and decided L had been overpaid more than £30,000 from 2014 to January 2021. No notifications were issued though until September 2021.

Meanwhile, in August 2021 L claimed UC, declaring capital of £6,001. When someone claims UC, any Tax Credit award stops, as UC has replaced them – Tax Credits can't be put back into payment if it is later decided that a claimant wasn't entitled to UC. The day after L claimed UC, notification was sent to HMRC to stop the Tax Credit claim.

During September 2021 L wrote to DWP complaining that DWP had misdirected them to claim UC, causing their Tax Credit claim to stop and HMRC to send an overpayment letter. DWP responded to this in November 2021 but didn't respond to the claims of misdirection.

L's UC claim closed in November 2021, backdated to the start of the claim, due to their capital – they had been overpaid nearly £900. L appealed the decisions to close their ESA IR and UC claims, but the Tribunal didn't change them, although in March 2022 a decision was made that L wouldn't have to repay the ESA IR overpayment (the UC overpayment remained recoverable).










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My investigator was really good at explaining things. It's all a bit of a minefield, but they talked me through it.

L complained again in May 2022 and DWP responded in June 2022, explaining that they'd investigated the claims of misdirection but hadn't identified any evidence of it.

L escalated their complaint to this office, saying they'd been misdirected to claim UC and DWP hadn't told HMRC to reinstate Tax Credits. I didn't uphold L's complaint. The onus is on a customer to check the benefits they want to claim – there was no evidence that L had contacted DWP to ask about the benefits they may be entitled to. In addition, Tax Credits can't be reinstated, so there was no action for DWP to take when they closed the UC claim.



Disability benefits

	236	Complaints received
	158	Complaints accepted
	165	Complaints cleared in the reporting period, of which:
	5	Withdrawn
	82	Resolved or settled to the customer's satisfaction
	78	ICE investigation reports issued
	28 (36%)	Fully upheld/
		Partially upheld
	50 (64%)	Not upheld

There are benefits for individuals requiring additional support arising from a disability or illness and/or who are receiving or providing care. These include **Disability Living Allowance (DLA)** and **PIP**, which has largely replaced DLA, though individuals with children who have additional needs can claim DLA for a child until they reach sixteen. My case examples show the wide-ranging circumstances of customers claiming disability benefits to support themselves and those they are caring for.

Case 9

When a DLA customer is aged 16 or under, they need to have a Parent, Guardian or Representative appointed to act for them. A Decision Maker will decide who will act for the DLA customer after considering several things, such as where the child lives, who has care of the child, who maintains the child and any other relevant information. There are no formal dispute rights over this decision.

Customer M was receiving Disability Allowance for their child, N – they were classed as the appointed registered parent and as part of the claim had provided a court order from August 2021 which said N lived with both M and their other parent. In the middle of 2021 N's other parent contacted DWP and said N was now living with them – N's DLA payments were (correctly) suspended immediately. DWP then reviewed the case and N's other parent was made the registered parent – DWP procedures do not require them to notify the existing appointed parent that there has been a change.

M contacted DWP within a week of this happening as N had told them about the change. M challenged the change and explained N's circumstances and that the DLA payments were still needed. DWP didn't take any further action to consider who the registered parent should be.



“

I was very impressed by everyone I spoke to. All know their stuff inside out. My investigator was particularly knowledgeable.

M complained about this three months later and provided additional information – including explaining that one of the reasons N had gone to live with their other parent was that M’s other child who lived in M’s household, had a serious illness. There was no response to this complaint so M contacted DWP again the following month to chase this up; DWP didn’t respond until the middle of 2022 – nearly a year after M originally complained. DWP explained that due to a court order in place, it was likely that M had known N’s other parent had primary custody (this was incorrect, the court order didn’t say that, and N didn’t have custody) and would be responsible for the claim. DWP said they didn’t believe there had been any errors in how the case had been dealt with but apologised for the delay in responding to M’s complaint.

M escalated their complaint to this office – they said DWP had incorrectly stopped making DLA payments to them without notifying them, and not given them information when they called DWP to discuss the case. They also complained that DWP hadn’t responded to their queries.

In October 2023, after representations made by the ICE office, DWP reviewed N’s claim and M was made the registered parent and arrears of nearly £2,800 were paid to M. I didn’t uphold part of M’s complaint as DWP correctly followed their processes, but I found incorrect information included in the final response, as well as a delay in responding to correspondence, which would have caused significant inconvenience at a time when their circumstances were already difficult due to the ill health of their other child. I recommended that DWP apologise and make a consolatory payment of £350.



“

Can't fault a thing, but it's just so frustrating that I had to endure a lot of pain before you made DWP see sense. The money came in useful, but it was never about that.

Case 10

In November 2016 an Upper Tribunal decision was made which changed how some claims for PIP were assessed – this was known as the ‘MH decision’. Since June 2018 DWP has been carrying out an Administrative Exercise to consider claimants who were entitled to PIP on the date of the MH decision, to impact it on their claim. The MH decision only affected a claimant’s assessment in one specific PIP mobility activity.

Customer O escalated their complaint to this office, as they believed DWP gave them incorrect information regarding their PIP claim and whether it could be reviewed by this Administrative Exercise.

After we had considered the evidence provided by DWP and O, we established that O had been asking DWP to review a PIP decision effective from March 2017, under this Administrative Exercise, for several years. DWP had repeatedly, and incorrectly, told them this couldn't be considered due to a Tribunal considering it in 2019.

To resolve this O raised complaints, but DWP didn't investigate them as they believed it was a policy matter. O also approached HM Courts and Tribunal Service to try and challenge the decision via an Upper Tribunal, but they correctly told O they'd need to raise this via a First Tier Tribunal. O wasn't able to do this as a Mandatory Reconsideration hadn't been completed by DWP and when they asked for that, DWP refused to complete one – they reiterated that this decision was the responsibility of the Tribunal.

It wasn't until May 2022 that DWP's appeals team properly considered the case, seeking advice on what should be done. This led DWP to conclude that the decision of March 2017 should be reviewed under the Administrative Exercise, resulting in the decision being lapsed and the customer's PIP award revised.

As a result of this office's intervention, DWP agreed to issue an apology for the service failures and make a consolatory payment of £350.00.



“

I can't praise ICE staff highly enough. The lady I spoke with was very patient with me and explained everything in a way even I understood.

Case 11

Customer P complained to this office about DWP's handling of their ESA and PIP claims. They were unhappy that DWP used incorrect addresses from 2020, closed their PIP claim without notifying them, made incorrect statements about them, delayed in responding to their complaints and didn't provide Mandatory Reconsideration decision notifications for their ESA claim.

During our investigation we identified that from June 2020, P asked for their address be updated to a specific format, but DWP didn't respond, and it wasn't updated to the correct format until June 2022 after several requests and complaints from P.

When P claimed PIP, their address was updated by the PIP assessment provider and the relevant PIP notifications were sent there but returned as undeliverable. When that happened, DWP should have contacted P to see if there was a new address, then reissued the notifications when they'd identified a confident address – that didn't happen.

Then in April 2021 DWP were notified by HM Prison Service that P was serving a prison sentence. Our investigation showed that DWP followed the correct process when they became aware of this, making the appropriate checks.

P complained in August 2021 about DWP's handling of their PIP claim. Although DWP responded to a separate complaint in September 2021, they didn't respond to the complaints about the PIP claim. P made further complaints in November 2021 and January 2022 due to the lack of a response to the complaint from August 2021. DWP responded to it in June 2022, apologising for that being outside their published timescales.









In addition to the above, during our investigation we identified that despite P asking for several Mandatory Reconsiderations in June and September 2020, these weren't completed, preventing them from requesting an appeal. It wasn't until another decision was made in February 2021, and a Mandatory Reconsideration completed in April 2021, that P was given appeal rights.

After considering the case I partially upheld P's complaint due to the errors we'd identified. I recommended that DWP apologise for these issues – I made no recommendation for an additional consolatory payment as P had benefited from receiving payments for another benefit that they weren't entitled to.



Contracted provision

	175	Complaints received
	101	Complaints accepted
	116	Complaints cleared in the reporting period, of which:
	0	Withdrawn
	54	Resolved or settled to the customer's satisfaction
	62	ICE investigation reports issued
	8 (13%)	Fully upheld/
		Partially upheld
	54 (87%)	Not upheld

The DWP uses private and voluntary sector organisations to deliver some services on their behalf, in particular, to carry out health assessments and deliver employment programmes. The organisations have their own complaint process for dissatisfied customers, which includes signposting to my office if a customer remains unhappy. In recent years the volume of complaints about contracted providers has decreased. They have greater flexibility in how they carry out work capability and health assessments and we believe that has contributed to the lower volumes of complaints we now see. I have upheld very few complaints about contracted providers in this reporting year.

Case 12

As part of an ESA claim, a customer's case needs to be reviewed periodically, and the customer may need to have a Work Capability Assessment (WCA), which is completed by an assessment provider, to ensure they are receiving the correct benefit entitlement.

Q's case was referred to a provider for a WCA to be completed – these can be completed face to face or over the telephone – Q's records clearly documented that they didn't have a telephone. The provider didn't identify that, so they wrote to Q, explaining that they'd scheduled a telephone assessment for them. The letter also included a contact telephone number, but no written address for Q to use if they needed any help.

On the date of the WCA the provider noted that Q hadn't attended the call and the case was referred back to DWP for them to take the next steps.



Q complained to the provider as, amongst other things, they'd ignored letters Q sent to them by recorded delivery. In their response the provider said these letters hadn't been received, but if Q could provide proof they'd been delivered, they'd investigate further. The provider incorrectly said attempts had been made to telephone Q on the day of the WCA (there was no number for Q) and as they hadn't been able to speak to them, the case had been sent back to DWP.

Q escalated their complaint – they didn't believe they should've been asked to provide evidence of the letters being sent and questioned why the provider had tried to call them when they didn't have a telephone. Q wanted to know whether the provider had followed the correct process when returning the case to DWP. The provider replied, explaining proof of delivery would allow them to investigate who'd received the letters and why they hadn't been dealt with. They apologised for saying someone had tried to call Q to complete the WCA – they said the usual process for a telephone appointment was for three attempts to be made to call the customer and they'd assumed this had happened here. They added that the appointment letter issued to Q explained they should call the provider if there were any issues with the upcoming appointment and if the customer didn't contact them, they would assume there weren't any issues and return the case to DWP if the customer didn't attend the WCA.

Q escalated their complaint to this office, complaining that the provider hadn't responded to their letters, didn't notify them of the WCA or consider the suitability of a telephone WCA. There was no evidence of letters being received by the Provider and Q didn't provide evidence of receipt, so this part of the complaint wasn't upheld. However, whilst I was satisfied that the provider had notified Q about the appointment, it's clear that a telephone WCA wasn't appropriate; the provider also gave incorrect information in their response, and I didn't believe they'd followed the correct process when they'd returned the case to DWP. I recommended that the provider apologise and make a consolatory payment of £150 to Q in recognition of these errors.



“

Don't change a thing.
Please pass on my thanks
to all involved.










Case 13

Customer R escalated their complaint to us as they didn't believe the employment programme provider had dealt with them appropriately. They raised several matters and after reviewing the evidence we established that there had been some service failures in how the provider had dealt with R, though the provider had apologised for these before R came to us.

I felt this apology was appropriate for a number of the issues R had complained about. However, R had also complained about the provider contacting them despite agreeing to suspend contact due to R's personal circumstances, when R's father was going through end-of-life care. Despite this assurance, the provider contacted R on numerous occasions during this period. The provider had apologised for this, but not offered any consolatory payment, and after we'd received the complaint we made representations to the provider who offered a further apology and a consolatory payment of £250. R didn't think this was suitable, but after considering the evidence I found R's complaint was justified and this level of financial redress was appropriate. I signposted R to the provider if they wanted to receive this payment.



Retirement Services

	221	Complaints received
	131	Complaints accepted
	186	Complaints cleared in the reporting period, of which:
	7	Withdrawn
	62	Resolved or settled to the customer's satisfaction
	117	ICE investigation reports issued
	53 (45%)	Fully upheld/
		Partially upheld
	64 (55%)	Not upheld

Retirement Services is the part of DWP responsible for paying State Pension (SP) and Pension Credit (PC). It also administers Winter Fuel Payments (WFP).

State Pension, particularly for women, has been a focus of public and media attention during recent years, and that led, last year, to me seeing more complaints about Category B state pension, along with wider concerns with respect to when women receive their payments and in what amount.

The volume of complaints to my office about Retirement Services is generally lower in number than from other benefits, but when I find merit in a complaint, the remedies can be impactful, particularly if we are restoring an underpayment of pension for a significant amount. It is especially important for pension customers that things are put right as soon as possible, as I am mindful that for some, time may be precious, and I want them to be able to enjoy the benefit of the pension payments that are due to them.

Case 14

Customer S was receiving SP when, in September 2019, their payments stopped; DWP never notified them of this. In December 2019 S spoke to DWP about their wife's PC claim and amongst other things, explained that they (S) had memory issues due a stroke in the past. DWP didn't identify at that point, that S wasn't receiving SP.

S wasn't in touch with DWP again until July 2021 when they contacted DWP to tell them their wife had passed away. During that call S explained they had Dementia and issues with their memory – DWP identified that SP wasn't in payment but weren't able to explain why it had stopped. S said they weren't aware of it but whilst their wife had been in a care home, they'd struggled financially to pay towards her care and their own support. S was told they'd receive arrears of SP and asked whether a letter explaining everything would be sent – DWP agreed this would be sent, but nothing was. However, arrears of nearly £18,000 were paid to S in August 2021.



Despite numerous requests, including complaints from S, their son, and a Solicitor over the following year, DWP didn't respond to correspondence, nor honour promised call backs, nor explain what happened. It was only when S's MP contacted DWP in August 2022, that the case was looked at by the Complaints Team and financial redress considered for the hardship S had been caused, the delay on the case and the erosion of monetary value of the arrears. DWP awarded a financial redress payment of just over £300 – just over £100 of this was for the loss of the use of the missed SP payments.

S was then contacted by the Complaints Team later in August 2022. During the call S repeatedly said they weren't able to retain any information due to memory issues caused by Dementia. Despite this, the Complaints Team continued to discuss the complaint, speculating on what had gone wrong, despite there being no evidence to support the stated views. When S referred to the Solicitor's fees they'd paid, the Complaints Team simply said they shouldn't have been paying anyone to help them. They didn't provide a written response or signposting to this office. The Complaints Team also called the MP and explained what they'd found and the complaint was closed.

S's son contacted DWP after being updated by the MP and reiterated that they wanted a letter explaining what had happened, an apology for the delay in dealing with this and compensation for the financial loss, including legal fees. The Complaints Team telephoned S's son and explained the financial redress already awarded - they refused to provide a written response to the complaint.

S's son escalated the complaint to this office in September 2022. Our investigation identified that DWP badly failed S, both in how it dealt with the SP claim and the correspondence received from S, their son and their Solicitor. There had been no consideration of S's vulnerability. I recommended that DWP apologise for all the errors, award an additional consolatory payment of £800 and reimburse the Solicitor's costs of £480 that S had paid.



Case 15

Someone who reached SP age (SPa) prior to 6 April 2016 may be entitled to two categories of SP: Category A which is payable based on their own National Insurance Contributions (NICs); and Category B which is paid to married people/civil partners and survivors based on the NICs of their spouse/civil partner.

Prior to 17 March 2008 if a married woman wanted to receive the Category B entitlement, they needed to make a claim – DWP weren't required to prompt them or invite them to claim. However, from that date the Category B increase should have automatically been applied when their spouse/civil partner claimed their own SP.

Customer T claimed their SP in February 2005 – receiving their Category A SP effective from December 2004. Although T's Husband reached SPa in April 2006, they didn't claim SP until June 2009 – at this time a form was sent to T for them to claim the Category B increase. Although there was no evidence of the completed form being returned, DWP didn't need to send it – they should have automatically reviewed T's claim to add the Category B increase from the effective date of their Husband's claim.

In December 2019 T reached 80 years of age and so were due another increase on their SP – this was added, but DWP failed to identify that the Category B increase hadn't been added.

In October 2020 DWP wrote to T and suggested they may be able increase their SP due to the Category B increase and told T to complete and return the enclosed forms to do that, adding that any increase could only be backdated 12 months. Again, this wasn't necessary – DWP could have added the increase to the pension, backdating it to June 2009, without T having to do anything.



T's claim was received in January 2021 and the increase added in February 2021, backdated to February 2020. In March 2021 T challenged the decision to backdate it just one year. DWP didn't reply and T contacted them again in April 2021. DWP replied then asking T to complete a form to appeal the decision – this form was not needed and shouldn't have been sent.

Although T returned the form, DWP didn't deal with it, despite T contacting them regularly to chase it up. It wasn't until T's MP contacted DWP in January 2022 to complain, that DWP dealt with this. They completed a Mandatory Reconsideration (MR) but didn't change the decision and notification of this was sent to T giving them appeal rights, which they exercised, but the Tribunal also didn't change the decision.

A complaint response was sent to T in March 2022 apologising for the delay in dealing with the MR, with a consolatory payment of £50.

As a result of this office's intervention, DWP reviewed T's SP claim and added the Category B increase from June 2009 paying arrears of just over £19,000 up to January 2020 and apologising for the delay in doing so. I upheld T's complaint. I didn't believe that DWP's apology for the delay in awarding the Category B increase considered the impact on the loss of the use of the money over such an extensive period, depriving the customer of receiving their money in their earlier retirement and receiving it only in their 80s. I recommended that DWP make a consolatory payment of £950 and pay financial redress for the erosion of the monetary value – this was calculated as nearly £1,500.



“

I would like to thank you for all your help and support regarding my recent complaint relating to a dispute with the Department for Work and Pensions. You were of great assistance in resolving the matter.

Case 16

Customer U's representative complained to the ICE office about DWP's handling of U's case as their Pension Credit (PC) claim had been stopped and there were delays resolving it.

U had been in receipt of PC since 2012; however, in early 2020 DWP started to investigate the claim due to U's capital / savings. DWP held a compliance interview with U after which it was decided that they hadn't had any entitlement to PC from the beginning of their claim – this led to calculation of an overpayment of nearly £4,000. In February 2021 the representative asked for a Mandatory Reconsideration (MR). DWP's guidance states that recovery of the debt should be suspended until the decision had been reviewed. DWP didn't stop the recovery and payments started to be taken from U's benefit at the beginning of March 2021.

The MR was completed in November 2021, revising the decision in U's favour and DWP refunded just over £500 due to the deductions which had already been taken, but they didn't reopen the PC claim as they should have done.

As a result of this office's intervention in July 2023, U's PC claim was reopened and arrears of nearly £700 were paid to them. DWP also agreed to issue a sincere apology from a Senior Manager and make a consolatory payment of £350 recognising the inconvenience, delay, distress and poor handling of U's case. The representative agreed that with this, their complaint was settled.



“

Not happy with the outcome, but I was treated very fairly.

Case 17

Customer V complained to the ICE office that DWP hadn't updated their case following their change of address in 2021, which then impacted their eligibility for the Winter Fuel Payment (WFP). They also felt DWP hadn't considered how this had impacted them when they'd awarded a consolatory payment of £100.

When we reviewed the case, we identified issues with the address used for V between 2016 and 2021 (after they moved to Belgium) which meant they didn't receive the full amount of the WFP, though from September 2021 DWP held their correct address. However, when a customer moves abroad, DWP should tell them they need to make a new claim for WFP – DWP failed to tell V this on numerous occasions.

After V complained to DWP, they apologised for the service failings and confirmed that a WFP of £200 had been paid to them. They also apologised and made a consolatory payment of £100.

After the complaint escalated to this office, we discussed our views with DWP who agreed to make a further consolatory payment of £50, bringing the total award of £150, with a further apology, which V agreed resolved their complaint.

Case 18

Customer W had Lasting Power of Attorney (LPOA) for their father who had Dementia. W's father reached State Pension Age (SPA) in July 2020. SP isn't automatically awarded, a customer needs to make a claim for it. If a customer wants to defer their SP, it must be deferred for at least nine weeks and when the claim is made they can receive an additional amount on top of the SP.



W called DWP in August 2020, a SP claim form was issued and W was asked to provide their LPOA documents (allowing DWP to register them as their father's appointee for benefit purposes). There's no evidence of the claim form or W's LPOA being returned.

A year later, in August 2021 DWP wrote to W and said they needed to see their LPOA documents. The following month, DWP received the completed SP claim form and the LPOA documents; however, instead of registering the SP claim, DWP added the documents to W's father's PIP claim. This meant staff dealing with SP claims weren't able to see them, and no SP claim was set up for them.

Between October 2021 and January 2022 when W contacted DWP to chase up progress on the claim, no action was taken. However, in January 2022 another SP claim was made and W's father's entitlement was decided the same day – they were entitled to SP from January 2021 (legislatively, SP can only be backdated a maximum 12 months from the date of the claim) and a payment of approx. £7,000 was made for January 2021 to January 2022. W's father was also entitled to a small additional amount per week, on top of their SP, for the deferral period July 2020 to January 2021.

In February 2022 W's MP complained to DWP about their handling of the case. Amongst other things they explained that W's father was in the terminal stages of Dementia and whilst the additional weekly payment would make little difference, a lump sum for the backdated amount from July 2020 would make a big contribution to the care home fees. The Complaints Team called the MP's office in March 2022 and said the complaint wasn't upheld as the SP claim form had been sent in August 2020 but not returned, so DWP hadn't done anything wrong.





W escalated the complaint to this office but sadly their father passed away in July, before our investigation was completed. However, because of our investigation, DWP reviewed W's father's SP entitlement and arrears of just over £4,000 were paid to W in October 2023.



I upheld W's complaint. It was clear DWP didn't deal with the SP claim correctly in September 2021 and didn't identify this during the complaint investigation. I recommended DWP apologise and make a consolatory payment of £500 – I took into account the length of time taken to resolve the issues, and that W's father had passed away before this had all been dealt with. I didn't believe it was appropriate that W had to deal with issues arising from DWP's maladministration, at a time when they were coming to terms with the reality of their father's limited life expectancy.



Debt Management

	99	Complaints received
	72	Complaints accepted
	82	Complaints cleared in the reporting period, of which:
	0	Withdrawn
	44	Resolved or settled to the customer's satisfaction
	38	ICE investigation reports issued
	11 (29%)	Fully upheld/
		Partially upheld
	27 (71%)	Not upheld

Debt Management is the part of DWP responsible for the recovery and management of claimant debt, such as those created by overpayments of benefit, Tax Credits or Housing Benefit – whilst the latter two are not paid by DWP, where UC is in place DWP are responsible for collection of any overpayments. They are also responsible for administering Support for Mortgage Interest (SMI) which is a loan to help claimants towards the cost of the interest on their mortgage. Failure to process SMI applications appropriately can have financial implications, and I have seen a number of such cases; my case example shows one.

Case 19

Customer X received UC from March 2020. In January 2021 they contacted UC and asked to claim SMI – X said the family were in serious hardship. DWP immediately sent X an SMI information booklet telling them they should read it, and DWP would call them within the next seven days to discuss it.

As part of the SMI application process all claimants must have an information call, following which they are sent a Help with Housing Costs (HHC) application to complete and return. Once DWP receive the completed form, they should contact the claimant to confirm if they can receive SMI and send a further two forms to complete and return – a loan agreement and a charge form. The forms should be issued with pre-paid envelopes for their return.

DWP didn't call X as they should. X chased this up and a HHC application form was sent to them, but the pre-paid envelopes weren't included. X made several entries in their UC journal asking where the form should be sent back to, but DWP didn't respond; X had to call the UC contact centre to get this information.



The completed form was received at the end of February 2021, but DWP didn't progress it. X chased it in April and May 2021 adding that they were in severe financial hardship. Following X's contact in May, DWP sent them the loan agreement and charge form. Again, the pre-paid envelopes weren't included, and it isn't clear whether these completed forms were received.

X continued to chase DWP for updates and in June 2021 they said they were receiving letters from their bank and wouldn't be able to make the next mortgage payment. No action was taken.


In August 2021 X's MP wrote to DWP to complain about the delay. This prompted DWP to contact X saying the original claim forms were lost and they needed X to complete them again. The completed forms were received within a fortnight and on that same day DWP processed the application and wrote to X explaining they were entitled to arrears of over £2,500 for December 2020 to July 2021. The Complaints Team responded to the MP's complaint in September 2021. Amongst other things, they apologised for the level of service X had received and the delays that had occurred. They awarded a consolatory payment of £50.00 in recognition.

X escalated the complaint to this office. After considering the evidence I didn't believe the financial redress offered was appropriate recognition for the seven months that X was without financial support, and for the stress and worry this had caused, including that they could have lost their home. I upheld the complaint and recommended that DWP make an additional consolatory payment of £150.00.




Child Maintenance group

 **1,519** Complaints received



 **731** Complaints accepted


 **1,276** Complaints cleared in the reporting period, of which:

 **23** Withdrawn

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

 **784** ICE investigation reports issued

 **474 (60%)** Fully upheld/
 Partially upheld

 **310 (40%)** Not upheld

The **Child Maintenance Service (CMS)** was introduced in 2013 to replace the Child Support Agency (CSA). CSA customers were invited to apply to CMS when their Agency cases were closed and they could request that any unpaid maintenance balance was transferred. My office continues to see complaints about cases with issues in transitioning from CSA to CMS, particularly regarding arrears owed and account charges.

As child maintenance is payable for a child's lifetime, the cases I see can be complex as they can span events over a long period of time, sometimes decades.

Case 20

CMS have two payment Service Types: Collect and Pay, and Direct Pay. When a case is Collect and Pay, CMS will calculate the maintenance liability, create payment schedules and receive/issue payments; both the Paying and Receiving parents pay fees for this service. If CMS need to take enforcement action, the Paying Parent will incur additional charges. When a case is Direct Pay, CMS will calculate the maintenance liability, and create a payment schedule, but will not manage the payments and no fees are charged.

Customer Y complained to the ICE office that CMS had given them incorrect information, and wrongly taken enforcement action resulting in them incurring fees and charges.

After we received the complaint and considered the evidence, we established that when CMS initially contacted Y they gave incorrect advice about the types of allowances a Paying Parent could be given outside of the standard maintenance liability calculation. They also failed to provide the Receiving Parent's bank details to allow Y to make direct payments. After the Receiving Parent reported that they hadn't received any payments, CMS changed the case to Collect and Pay, and implemented a Deduction from Earnings Order which meant Y incurred collection fees and charges – this was despite the delay in payments being due to CMS' omissions.



Following the intervention of this office DWP agreed to apologise for CMS' maladministration, arrange for the collection fees and charges to be removed from the accounts, refund any that had already been paid, return the case to Direct Pay and make a consolatory payment of £150. Y agreed that these actions would settle their complaint. A payment of nearly £1,200 was refunded to Y for the collection fees they'd already paid and £50.00 was adjusted from the accounts to remove the DEO charge.

Case 21

Customer Z escalated their complaint to the ICE office in December 2021 because the CSA and CMS ignored information they'd provided about their circumstances in October 2011, and despite a significant number of requests from Z, their representatives and MP, CSA and CMS consistently provided incorrect information.

In December 2010 Z's weekly maintenance liability increased significantly, effective from July, due to assets they held. They appealed this decision and in March 2012 the Appeal was heard, reducing the weekly maintenance liability by over £200. This decision was implemented by CSA but should have only affected the decision being appealed – effective from July 2010.

Whilst the appeal process had been underway, Z contacted CSA to notify them that their interest in the assets had reduced significantly. CSA should have dealt with this as a normal change of circumstances, leading to a new decision – but CSA didn't take any action.

In 2015 Z's CSA case transitioned to CMS, then in September 2016 the arrears, totalling over £10,000, also transitioned to CMS – this balance was wrong and Z challenged it several times between 2016 and 2021. Each time CMS incorrectly said that they weren't able to amend the variation as it had been part of the Tribunal's reviews. CMS incorrectly told Z they'd need to challenge the appeal decision via the Upper Tribunal.



In 2021 after more correspondence from Z's representative, CMS approached their Advice and Guidance Team – which they could have done at any point during the case – and were told that a decision needed to be made about the 2011 change of circumstances, as the Tribunal's decision only related to CSA's decision of July 2010.

Although CMS wrote to Z's representative in June 2021 to explain that the case would be put right, no action was taken until December 2021 when CMS wrote to the representative and explained the liability had reduced to £5.00 per week from October 2011, though they hadn't actually implemented the decision. An account breakdown was issued to Z in February 2022 demonstrating that CMS hadn't implemented their review correctly – at that time the incorrect balance of the arrears was over £6,000.

Between August and November 2023 my office made representations to CMS about the 2011 decision, resulting in them acknowledging it hadn't been dealt with correctly. After they'd corrected it, rather than owing arrears, Z had actually overpaid by nearly £5,000 (this was reimbursed to Z in December 2023). Due to this error CMS offered a consolatory payment of £300 and an apology to settle the complaint, but Z didn't accept it and the case was put to me.

I upheld the complaint noting that before my office intervened, CSA and CMS had missed several opportunities to put matters right. By the time CMS did so, Z had incurred collection fees as CMS had implemented a DEO and Z had repaid the arrears they were told they owed. I recommended that DWP apologise and make a consolatory payment of £750 recognising CSA and CMS' significant failures in this case and the impact they'd had on Z. I also asked them to consider reimbursing any collection charges or fees as well as any professional fees Z had paid whilst trying to resolve all this.



“

I don't think you can improve; everything was easy and although CMS didn't do what they said they would, I was very happy with the service.

Case 22

Customer AA had been making child maintenance payments directly to the Receiving Parent whilst their case had been open with the CSA. Although receipt was confirmed, the payments weren't adjusted from the case when it closed.

Outstanding CSA arrears were transitioned to CMS to be collected – prior to doing so though CSA would write to the Receiving Parent to ask if they wanted the arrears collected. In July 2016 CSA wrote to the Receiving Parent who said they didn't want the arrears to be collected. In line with the write off process, CSA wrote to AA to confirm that the arrears would be written off. However, before the write off was completed, the Receiving Parent changed their mind – AA wasn't told about this (prior to the complaint coming to my office CMS offered a consolatory payment of £100 to recognise this error which AA didn't accept).

AA's case moved to CMS in December 2016 – the outstanding arrears balance was over £10,000 but no action was taken to recover the arrears until 2022 when CMS wrote to AA asking them to make weekly payments. They didn't pay and CMS started to take enforcement action despite AA questioning the balance of the debt.

To prevent enforcement, AA agreed to make payments of £100 per month and did so between August 2022 and April 2023, then stopped and, along with their MP, began to challenge the balance of the arrears. CMS started enforcement action again and tried to deduct money straight from AA's bank account – which was stopped when the complaint escalated to this office. Despite CMS agreeing not to move forward with enforcement whilst the case was with my office, they tried to do this again in November 2023.



Following our intervention CMS established that, because of the direct payments to the Receiving Parent, the transitional balance of the arrears should have been approx. £2,500 instead of over £10,000. DWP agreed to make a further apology for CMS not adjusting the arrears balance sooner and a consolatory payment of £300, which included the £100 CMS had previously offered. AA agreed that this settled their complaint.

Case 23

Customer BB escalated their complaint to this office as they believed CMS had inappropriately written off the arrears they were owed.

When BB's case closed for ongoing maintenance, they were owed nearly £7,000. At that point the case was managed by the CSA. However, in June 2019, as part of the process to move all CSA cases to CMS, BB's case transitioned to CMS for them to try to collect the debt. At that time the Paying Parent had moved abroad which meant they weren't in CMS' jurisdiction.

In 2018 legislation was introduced which allowed CMS to write off CSA debt if they weren't able to collect it via the various available enforcement actions. In July 2019 CMS spoke to BB and explained this meant they wouldn't be able to collect the debt owed, and it would be written off unless BB followed the process to apply for a Reciprocal Enforcement of Maintenance Order (REMO) for collection overseas. CMS followed up this call with a letter, explaining about REMO. This letter should have also explained that there are specific timescales involved with this process but didn't, BB didn't apply for a REMO at that point.



In June 2021 CMS wrote to BB and reiterated that they couldn't collect the debt as the Paying Parent was outside their jurisdiction and that if they hadn't heard from BB by a specific date, the debt would be written off. As they hadn't heard from BB, the entire debt was written off and the case closed – written notification of this was sent to them.

Following our investigation, I was satisfied that CMS had followed the correct process, and the write off had been appropriate; I didn't uphold BB's complaint.



Service Improvement Observations (SIO)

If an investigation identifies a service issue as a consequence of a DWP procedure, or lack of one, which could cause a problem for other customers, ICE send a Service Improvement Observation letter to DWP to share the details of the case and the process or procedure they may wish to consider changing. The SIOs identified in 2023/2024 are summarised below, along with DWP's response to them.

Summary of issue from ICE	Response from DWP
<p>1 No facility for Debt Management to inhibit letters issued automatically, so reasonable adjustments could not be accommodated. Vulnerable customers affected by this.</p>	<p>Changes were made to the Reasonable Adjustment guidance and to systems to ensure vulnerable customer requirements were dealt with correctly. Now, where a reasonable adjustment marker set, system generated letters will be inhibited and the Alternative Formats (AF) team will arrange for the notification to be sent in the appropriate alternative format.</p>
<p>2 An SIO from an earlier year had led DWP to consider if home visits/telephone calls were more appropriate for vulnerable customers if a substantial UC overpayment was identified. A case showed that this had not fed through specifically to UC instructions/guidance.</p>	<p>Work has been undertaken with UC colleagues to enable them to better identify vulnerable customers. Improvements are being made to the 'additional support tab' which will allow agents to edit the tab, allowing up to date information on vulnerabilities to be shown and action taken according to individual needs. The ICE recommendation has fed into a larger commission to improve cross-benefit guidance on checking vulnerabilities.</p>
<p>3 UC Risk Review Team (RRT) investigate, prevent and/or detect fraud; some investigations require a suspension on a claim from the start. We identified that customers could be left without money if there was delay, nor was there signposting to organisations who could help during financial hardship if a claim was suspended correctly.</p>	<p>Work has been conducted with the UC Risk and Review team to refine and improve its overall approach to suspending claims – a customer vulnerability check is now undertaken in all cases before suspending a claim. Additionally, if a customer contacts during an investigation staff now complete vulnerability checks to assess any additional support needed, including signposting to organisations who could help during financial hardship.</p>



Summary of issue from ICE	Response from DWP
<p>4 UC overpayments caused by discrepancies on the claim declarations when made by phone. Posting copies of claims to customers would allow them to address any discrepancies and avoid potential overpayments.</p>	<p>UC colleagues are currently exploring various changes to improve the experience for digitally excluded customers. This recommendation has fed into a bigger piece of work focussing on how DWP can best support these customers.</p>
<p>5 Suggested a review of the UC guidance to include the date a university course is due to end, including a payment blocker, to avoid potential overpayments.</p>	<p>UC colleagues are currently exploring how this can be taken forward.</p>
<p>6 ESA payments put on hold for a vulnerable customer when they moved and DWP required further information, with no prompt to consider vulnerability and impact of no payments. No further payments were issued until evidence received (for over a year).</p>	<p>ESA colleagues are currently working with the relevant teams to investigate how the recommendations can be implemented. This includes ensuring vulnerability checks prior to putting a hold on payments is consistent across all benefit lines.</p>
<p>7 Suggested a review of how Child Maintenance collection fee arrears are shown on payment plans when a case has changed from Collect and Pay to Direct Pay (and the collection fees are not payable but are shown as part of the total arrears balance owed).</p>	<p>CMS colleagues agreed with the recommendations and letter changes are due to be implemented through the CMG letter modernisation programme which is currently underway. Future updates will ensure collection fees/total arrears breakdown is clearly shown on payment plans.</p>
<p>8 Suggested a review of process to include built-in checks to establish if there is a high-level complaint (or potential for one) in Child Support Agency arrears write-off cases.</p>	<p>CMS colleagues investigated the recommendation and whilst no amendment to the process/guidance was necessary, a reminder was issued to all staff in February 2024 to consider exceptional circumstances in each case.</p>



Summary of issue from ICE	Response from DWP
<p>9 Pre-annual review income letters for CMS are no longer sent, so paying parents with voluntary pension contributions can't provide evidence of those in advance of the CMS annual review, forcing them to request an MR to have pension contributions considered. Leaflets also hadn't been updated to say the income update letters no longer sent.</p>	<p>This recommendation was included in a larger CMS letter modernisation programme, and various letters addressing the issues in the recommendation have been updated in February and April 2024. CMS are currently waiting to assess the final impact of the April 2024 changes to gauge if any further work is needed.</p>
<p>10 Decision notifications for child maintenance payments do not specify what amount of shared care is assumed – specifically where equal care is in place. All decision letters only ever refer to 'at least 52 nights a year'.</p>	<p>New letters were introduced in November 2023 that re-introduced information on shared care. This recommendation helped inform an ongoing programme of work in CMS, and updates to other calculation/payment letters are planned for future releases.</p>
<p>11 In CMS, when a paying parent is in receipt of benefits but also has an additional income variation in place, CMS do not incorporate arrears into payment schedules because of the benefit status. Due to the way the payment plans are calculated monthly payments do not always cover the amount of on-going maintenance due and arrears accrue despite payments being made.</p>	<p>Work is ongoing with CMS colleagues to explore what changes can be implemented and where this fits with other modernisation work currently being undertaken.</p>
<p>12 CMS are no longer able to contact a paying parent's employer unless the paying parent agrees to that. In cases in which the paying parent doesn't provide income information or confirm their address when an application is made, CMS are unable to set an initial effective date.</p>	<p>Work with CMS colleagues is underway to explore what changes could be made, including initial discussions with employer teams to understand how the recommendations could be taken forward.</p>



The ICE Office

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I don't think you could improve the service. The staff were very polite and very helpful.

Service Standards

Our published service standards explain how long it should take us to deal with complaints and details of our performance during the 2023/24 reporting year are below.

Initial Action:

- We contacted 96% of complainants to discuss the next steps within our target of 10 working days.

Resolutions:

- We cleared 84% of resolutions within our target of 8 weeks.
- Our average clearance time in the cases we resolved was 4.6 weeks, from the point the complaint was accepted for examination.

Settlements:

- We cleared 84% of settlements within our target of 15 weeks.
- Our average clearance time in the cases that we settled was 9.1 weeks, from the point the case was allocated to an Investigation Case Manager.

Investigation Reports:

- We cleared 69% of ICE Reports within our target of 20 weeks (we make every effort to meet the target, but delays may occur which are beyond our control, for example securing agreement to recommendations for redress. We will not compromise the completeness of an investigation to meet the target).
- Our average clearance time in the cases that resulted in an ICE Investigation Report was 15.6 weeks, from the point the case was allocated to an investigator.



Complaints about our service:

- We have responded to 95% 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 ICE, can ask a Member of Parliament to escalate their complaint to the Parliamentary and Health Service Ombudsman. The Ombudsman did not uphold any complaints about ICE in the 2023/24 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



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