

**INDEPENDENT CASE EXAMINER**  
For the Child Support Agency

**ANNUAL REPORT**  
1 APRIL 2008 – 31 MARCH 2009

**Judging the issues without taking sides**

## **The Independent Case Examiner's Office**

### **Our Mission**

Judging the issues without taking sides

### **Our Business Purpose**

We have two primary business objectives: to act as an independent referee if customers of the Child Support Agency (CSA) feel that it has not treated them fairly or has not dealt with complaints in a satisfactory manner; and to support CSA in improving the service it delivers by providing constructive criticism and meaningful recommendations

### **Our Aim**

To provide a free, effective and impartial complaints review and resolution service for CSA customers that makes a difference to the way in which CSA discharges its public responsibilities

### **Our Vision**

To be a first rate service provided by professional staff

## **CONTENTS**

<b>Independent Case Examiner's foreword</b>	4
<b>Executive Summary</b>	5
<b>Casework: Themes and Lessons</b>	6
Enforcement and compliance	6
Agency delay	7
Deduction from Earnings Order	7
Communication	8
Financial Redress	9
Legislation	10
<b>Working with the Child Support Agency</b>	11
The Learning Loop	11
CSA Complaint Resolution	12
Meeting SLA Commitments	13
Botheration Payments	14
Providing accurate information	15
Collaborative Working	16
<b>The ICE Office</b>	17
Standards of Service	17
Dealing with Referrals from OPHSO	18
PHSO Principles of Good Complaint Handling	18
Continuous improvement	18
<b>Appendix – Casework statistics</b>	

## 1. Independent Case Examiner's foreword

1.1 I am pleased to present my second Annual Report as Independent Case Examiner (ICE) for the Child Support Agency (CSA). On 1 November 2008, responsibility for the Child Support Agency (CSA) was transferred from the Department for Work and Pensions to the newly formed Child Maintenance and Enforcement Commission. This report describes the work of the ICE Office in the year ending 31 March 2009, and focuses on our experience of CSA's approach to complaint resolution.

1.2 The nature of CSA's business, coupled with the fact that assessment and collection of maintenance directly affects more than one party, make it almost inevitable that the Agency will receive complaints, though the test of success is not the number of complaints received but the way in which those complaints are dealt with and the number that are upheld. I am happy to be able to report here a reduction both in complaints received by ICE and in complaints upheld.

1.3 I continue to encounter many of the same problems with CSA administration and processes that I and my predecessors have recorded in previous years, and I consider that the Agency needs to commit additional resources to manage its ICE workload to facilitating an adequate service to those who complain to ICE, although I acknowledge some improvement this year. I acknowledge also that during the financial year CSA collected over £1 billion in child maintenance payments, with 780,000 children benefiting from regular maintenance arrangements by March 2009, a considerable improvement on last year. The number of complaints to the ICE office should be set in the context of these figures.

1.4 The House of Commons Public Administration Select Committee report of July 2008 reinforced that complaints about an organisation can provide a vital source of insight. Analysis of complaints can tell an organisation how it is perceived, and the areas it is getting right or wrong. It is valuable information which can be used to improve the interface between the organisation and its customers by listening to what its customers are telling it.

1.5 This report provides an insight from the complaints examined by my office into how CSA complainants view the services it provides and how it can improve the service it offers. I hope and expect that it will be received by the Agency in the spirit in which it is offered, namely to improve the service the CSA provides to its customers.

1.6 I do also want in this report to pay tribute to staff at the ICE Office for their hard work and dedication, and their unfailing support to me. I am proud of the work they do.



John Hanlon

29 June 2009

## 2. EXECUTIVE SUMMARY

<b>Key messages 2008/09</b>
<ul style="list-style-type: none"> <li>The percentage of CSA complaints “not upheld” is significantly higher than in previous years.</li> </ul>
<ul style="list-style-type: none"> <li>CSA has focused effectively on specific areas of work that proved problematic during the last reporting period. As a result of this ICE has not had to “exit” from a case since March 2008 and has been able to reintroduce the practice of accepting some cases without a final response from CSA (‘bounce-back’ cases) which had previously been suspended because of unacceptable volumes.</li> </ul>
<ul style="list-style-type: none"> <li>CSA has taken proactive and effective steps to progress systemic recommendations.</li> </ul>
<ul style="list-style-type: none"> <li>Despite improvement in some key areas, CSA is still struggling to meet some Service Level Agreements, for example timely provision of evidence to ICE. It appears to have committed insufficient resource to servicing ICE complaints although some additional resource has been allocated on an ad-hoc basis.</li> </ul>
<ul style="list-style-type: none"> <li>Despite the work the Agency has done to improve awareness and understanding of financial redress, there are still a significant number of cases where the Agency could have made a payment sooner and avoided the need for its customers to escalate their complaints to ICE.</li> </ul>
<ul style="list-style-type: none"> <li>Working relationships between ICE and CSA are greatly improved and I am pleased to acknowledge the efforts made by senior managers and staff. We continue to work together to find solutions to problems and to improve service to customers.</li> </ul>

<b>Summary of Business Performance</b>		
<b>Business Performance</b>	<b>Performance 2007/08</b>	<b>Performance 2008/09</b>
Received	3800	2964
<b>Accepted</b>	<b>1644</b>	<b>1111</b>
<b>Total case clearances</b> (of which):	<b>1631</b>	<b>1269</b>
Resolved	1203	930*
Investigated	277	258
Withdrawn	151	81

\*This includes 306 cases resolved with evidence (settled)

### **3. CASEWORK: THEMES AND LESSONS**

3.1 We have seen an emerging trend over the last 3 years with regard to the number of cases received at ICE, with a 22% reduction this year. During this financial year this has been partly as a result of improvements in CSA's management of its internal complaints, to which I refer in more detail in section 4 of this report, and partly as a result of a more rigorous gateway management at ICE. The great majority (close to 80%) of those cases we have accepted have been resolved by agreement between the parties, which I consider to be the optimum outcome. That does not preclude the learning of lessons from those complaints and we have been able to identify themes as well as potential areas for improvement by CSA.

3.2 Of the remaining complaints which we investigated and in which I reached findings and conclusions, I upheld over two thirds, which indicates clear potential for improvement by CSA. However, the percentage of upheld cases is smaller than last year, which may be indicative of a gradual improvement that is already being effected: last year I upheld 86% of those cases I examined; this year I have upheld 70%.

3.3 Themes identified and conclusions drawn, together with the proposals I have made for improvement are outlined below.

#### **Enforcement and compliance**

3.4 Enforcement and compliance is a key part of CSA's business, the more so as the Agency has successfully focused attention on increasing the amount of money it collects for children. It is unsurprising, then, that we continue to receive significant numbers of complaints from non-resident parents who do not appreciate CSA's robust efforts to collect outstanding debt.

3.5 In general terms, I fully support the principle that debt owed to children is unacceptable and ought quite rightly to be pursued vigorously and paid back over the shortest possible period. In most cases, I see nothing untoward about the steer given by the Agency to its workforce that such debt should be collected within two years at a rate of up to 40% of a non-resident parent's income. I regularly do not uphold complaints from non-compliant individuals who I deem are seeking to avoid their responsibilities when they can afford to pay. I also take a keen interest in both legislative and procedural innovation surrounding this issue and am kept regularly informed of such by the Agency.

3.6 In most of the complaints I see, I find that the application of the debt steer has been reasonable; in some I have found that CSA has not used its discretion, and has applied the 40% guideline too rigidly. Where a non-resident parent claims financial hardship, and particularly when there are children in his or her household, I take the view that CSA should as a minimum invite the non-resident parent to provide evidence, which should be used to inform the decision about how the debt steer is applied. This has not always happened in some of the cases I have seen, and I have advised the

Agency's senior management accordingly. Senior Managers have advised me that they will continue to remind staff regarding the appropriate application of the debt steer, and in particular, that it does not preclude discretion from being applied when it is appropriate to do so.

### **Agency delay**

3.7 While acknowledging recent improvements in the area of enforcement, I am still seeing cases in which CSA has failed to take timely enforcement action, sometimes over a period of several years, so that the statute of limitations (to pre 2000 debts) prevents the Agency from obtaining a liability order and the outstanding debt becomes unenforceable, albeit that it remains however theoretically in some cases "collectable". These cases are particularly concerning when the non-resident parent has subsequently moved abroad, placing the non-resident parent outside CSA jurisdiction.

3.8 In these difficult cases, I question the concept of "collectability", believing that a non-resident parent who has been persistently non-compliant, and who has never voluntarily made good debt owed, is extremely unlikely to do so when aware that the Agency has no legal power of enforcement. In appropriate cases, therefore, I have asked the Agency to award an exceptional advance payment, whereby the arrears that have accrued on the case as a result of the Agency's maladministration may be paid to the parent with care, and the Agency may still be able to take action to collect the arrears which remain owed by the non-resident parent if they return to this jurisdiction.

### **Deduction from Earnings Order**

3.9 Deduction from Earnings Orders can be an effective method of collection for CSA, enabling it to secure maintenance payments from the earnings of employed non-resident parents who have been reluctant to meet their financial liabilities to their children. An employer is legally required to operate a deduction order and failure to do so can lead to criminal proceedings against that employer.

3.10 In some of the cases my office sees, problems have arisen because the employer is failing to comply with the deduction order but the Agency has not taken timely action to address this. This omission can lead non-compliant or collusive employers to believe they can evade their responsibility without consequence. This is illustrated by the following example:

Ms C complained, amongst other things, that CSA had failed to secure regular maintenance payments for over 5 years, despite her providing it with all the information regarding the non-resident parent's employment.

Our investigation highlighted that despite Ms C contacting CSA numerous times about non-receipt of payment, and the employer failing to make deductions from the non-resident parent's earnings, CSA failed to take action against the employer beyond threatening at one stage to send an inspector out to visit. CSA subsequently received the requested information, but the employer continued to take no

deductions from the non-resident parent's earnings.

Having issued a further deduction from earnings order, CSA attempted to contact the employer when no payments were received. At the fourth attempt it managed to speak to the employer, who alleged that the deduction from earnings order notification had been damaged by Royal Mail and was unreadable. Rather than providing the necessary details over the telephone, CSA re-issued the deduction from earnings order to the employer who, despite promising that a payment would be sent the following week, did not forward a payment. CSA again failed to follow up promptly, and was later advised by the employer that the non-resident parent had left their employment several weeks earlier.

CSA contacted the employer two months later, only to find that the non-resident parent was still employed, and had been all along. Even then, CSA failed to take appropriate action to prosecute the employer. Nor did it re-issue a deduction from earnings order. When it eventually did so, approximately three months later, the employer advised that the non-resident parent had been off sick for several weeks, and therefore deductions had not been made. Again CSA failed to take any action against the employer.

I upheld Ms C's complaint, and recommended that CSA develop an action plan and that a senior manager monitor her case for a period of twelve months to ensure that it was brought back on track. Although CSA had awarded Ms C a consolatory payment of £150 before she complained to ICE, I deemed that insufficient and recommended a further consolatory payment. I also asked CSA to award an additional consolatory payment in recognition of its delay when providing ICE with requested information, and also a compensatory payment to refund the communication costs Ms C had incurred in contacting CSA.

CSA has since awarded Ms C further consolatory payments totalling £350 and £25.00 in respect of her communication costs.

3.11 CSA has advised me that its debt enforcement strategy combines a number of initiatives that will help address problems with deduction from earnings orders. The Agency has set prosecution targets for employers who fail to implement deduction from earnings orders. Regulations due to come into effect this year also bring into place new criminal sanctions, for example when an employer fails to inform CSA that a non-resident parent changes employment. These sanctions are now clearly stated on all Agency letters and notifications to employers. I welcome the introduction of these initiatives and I trust that CSA will take advantage of the new powers to take action against non compliant employers at the earliest opportunity.

### **Communication**

3.12 Communication has been an ongoing theme of complaints to ICE, and people repeatedly tell my office that correspondence they receive from CSA is difficult to

understand, confusing and sometimes contradictory of previous notifications. One reason for this is a fundamental and entirely reasonable misunderstanding by members of the public of the various routes for progressing disagreement, which are not always clearly articulated to them by public bodies.

3.13 The Public Administration Select Committee's Seventh Special Report of Session of July 2008 (When Citizens Complain: Government Response to the Committee's Fifth Report of Session 2007-08) noted that complainants do not necessarily understand the difference between a complaint about administration and an appeal against a decision: "The distinction between an appeal and a complaint is real, but apparently little understood by the public. The requirement must be for government organisations to define their processes clearly and to treat any expression of dissatisfaction in the appropriate way. In some cases, the best course of action may be to combine complaint handling with appeal handling; where that is not possible, the distinction must be made as clear as possible to the user, and those complaining or appealing should be guided through the system."

3.14 CSA has taken positive steps to improve its communications and is in the process of improving standard letters and notifications, to keep customers more informed of progress on their case, help them to understand what is happening and what more they can do to support and as necessary challenge the assessment process. It is also attempting to improve payment schedules and encouraging more proactive engagement with its customers by telephone. I support these measures and believe they should go some way towards making it easier for CSA customers to navigate its processes.

### **Financial Redress**

3.15 Before I accept a complaint for investigation, CSA will have been given the opportunity to address the issues raised by the complainant and I expect it to have done so thoroughly. Included in CSA's considerations should be whether and what redress may be appropriate where maladministration has been identified. In some cases, an apology together with corrective action will be sufficient redress. In others, financial redress will be warranted. CSA is empowered to provide financial redress, and in many cases it does so. However, ICE investigations reveal that CSA has not always properly considered this matter and sometimes fails to identify a clear case for financial redress. This is something which has been highlighted repeatedly in ICE reports.

3.16 Whilst it is positive to report that the number of cases referred to ICE this year has reduced by 22%, I am certain that if CSA routinely took this action at the earliest opportunity, it is possible that the number of complaints received at ICE might be reduced further. We find that many complaints can be resolved comparatively easily and, while I acknowledge that, for some complainants, the intervention of an independent third party might provide a deciding factor, for others I believe that it might not have been necessary for ICE to become involved had CSA provided appropriate redress at the earliest opportunity to do so. The following example of a case which was resolved by ICE demonstrates how in some cases, complainants have had to wait

longer than they ought to have done to receive appropriate financial redress:

Mrs A complained that CSA had failed to secure maintenance payments since she applied in 1994, despite imposing an Interim Maintenance Assessment. She said that CSA later deemed the Interim Maintenance Assessment to be invalid, and she was concerned that its maladministration had caused her a significant financial loss.

As a result of our examination it came to light that the Agency had issued maintenance enquiry forms to the non-resident parent at addresses where he no longer resided, as a result of which the interim maintenance assessment CSA had imposed was invalid. The consequence for Mrs A meant that she suffered a financial loss, as the maintenance arrears which had accrued on her case were subsequently written off in July 2007, and the case was closed.

We highlighted that although CSA awarded Mrs A a consolatory payment of £250 in recognition of the inconvenience its actions had caused her, it had failed to consider the issue of financial loss over a period of nearly fourteen years.

In response to our representations CSA awarded Mrs A a compensatory payment of £14,647.06 for financial loss for the period from December 1994 (a month after the maintenance application form was received) to 2 May 2007 when the case was closed. It also awarded interest of £4,524.02 in respect of this amount. It awarded a further consolatory payment of £100 for failing to consider the financial loss in a timely manner, when this could have been considered with the previous consolatory payment made in July 2007. Had it done so, it may have removed the need for Mrs A to approach ICE.

## **Legislation**

3.17 It is not my role to examine complaints that arise from matters governed by Child Support legislation: that task falls to adjudicating authorities such as Appeal Tribunals. However, during the course of my examinations, I have sometimes come upon legislative anomalies which, in my view, are less than helpful to CSA and its customers. While I do not report on those matters, I have been able to bring them to the attention of CSA policy managers and I have welcomed both the opportunity to do so and the CSA's willingness to consider my views and, not infrequently, to act on them.

## **4. WORKING WITH THE CHILD SUPPORT AGENCY**

4.1 Collaborative working between the ICE office and the CSA is essential for the effective resolution of complaints and for the delivery of timely and appropriate outcomes for CSA customers. I am pleased to report that the working relationship between ICE and CSA has continued to improve during the reporting year, though some long-standing problems remain.

### **The Learning Loop**

4.2 A key remit of the ICE is to provide insight from complaints to assist CSA to effect customer service improvements. To that end, as well as making recommendations for redress in individual cases, I also alert CSA to any shortcomings in its systems or procedures that come to light during the course of our work. I am happy to acknowledge not only that CSA has been very willing to take on board my views, but also that its process for doing so, and its speed of response, has greatly improved during the year. I am pleased to report that this has resulted in several systemic recommendations that have been outstanding for some time, being cleared during this year, examples of which are detailed below:

- In June 2004 we asked the Agency to re-examine its procedures for transferring cases between Agency centres, and to consider putting in place a more robust system. CSA recently responded that it is implementing a new operating model which will address problems previously encountered when transferring cases.
- In January 2007 we asked the Agency to consider providing case specific action plans in all complaint cases. CSA has advised that complaints caseworkers now have end to end responsibility for all aspects of resolving a case at as early a stage as possible. This includes the development of a case specific action plan within 15 days of receiving the complaint.
- In May 2007 we asked the Agency to consider the arrangements it had in place for dealing with lost maintenance application forms. CSA has advised that this will be included in changes to the Agency's operating model. More staff will be responsible for clearing new applications and there will be streamlined processes to ensure that the Agency deals more efficiently with lost and duplicate applications.

4.3 I have also raised the following systemic recommendations with CSA during this reporting period:

- In June 2008 we identified a problem with the standard wording regarding deferred debt in accounts breakdowns. CSA acknowledged the problem and in June 2008 removed inappropriate references.
- In June 2008 we alerted CSA that form CSF200 to request deduction from contribution-based Jobseekers Allowance does not clearly indicate the individual and total amounts to be deducted. In addition we found there was no guidance for Agency staff on how to complete this form. CSA responded that for new rules

cases deduction from benefit is now an automated process and it has introduced full on-line procedures. There are also on-line procedures for clerical new rules cases for issue of form CSF200.

- In September 2008 we highlighted a number of cases where the Agency has obtained a liability order and the non-resident parent has subsequently moved abroad. ICE welcomes that CSA has acknowledged the issue surrounding enforcing liability orders abroad and the Agency's jurisdiction and is currently engaging with the Ministry of Justice to take this issue forward.
- In November 2008 we asked CSA to ensure that Debt Collection Agencies (DCAs) did not enter into agreements with non-resident parents to collect less than the regular maintenance liability. CSA responded that it is not using DCAs at present and a review will be conducted to assess the likelihood of further contracting out of debt. It has been agreed that should use of DCAs be reintroduced, a review of the guidance would be undertaken to take account of ICE concerns.
- In November 2008 we asked CSA to reconsider the amount of the ex-gratia payment routinely made to persons who are in error identified as a non-resident parents and are sent a Maintenance Enquiry Form, and to ensure that procedures accurately reflect the actions required to remove such persons from the Agency database. The Agency has reminded its staff about its existing guidance to ensure each case is considered on its merits and to ensure payments reflect any gross embarrassment or distress caused.
- In December 2008 we highlighted that there are no procedures in place for checking whether a criminal compliance referral has been received in old rules cases, or to check on the progress of each referral. The Agency is currently considering this.

## **CSA Complaint Resolution**

4.4 In 2006, CSA introduced a new process for addressing complaints from its customers, designed to improve and streamline the service by removing one resolution tier. In practice, implementation of the change proved problematic and, in my previous Annual Report, I highlighted the problem that some customers had in getting a response to the complaints they had raised.

4.5 While it is clearly right that CSA should have the opportunity to resolve customer complaints, it should do so within a reasonable timeframe. In recognition of this, a regularised arrangement (known as the 'bounce-back' arrangement) had long been in place, allowing ICE to accept some complaints without a final Agency response where the Agency had been unable to provide one within an agreed timeframe. During 2007, the number of applications to ICE under the 'bounce-back' arrangement increased dramatically, to the extent that my office was unable to deal with the volume and was obliged to suspend the arrangement. I agreed to this reluctantly, recognising that it disadvantaged CSA customers, and I urged the Agency to do everything possible to get

its complaint-handling back on track. Meanwhile I continued to use my discretion to accept, in appropriate circumstances, some complaints to which the Agency had not previously responded. During this reporting year, I accepted 186 such cases.

4.6 I am pleased to report that the situation has improved significantly during 2008/09, largely as a result of CSA's giving priority to cases that failed ICE gateway and putting in place a robust process for dealing with them. In December 2008, ICE lifted the suspension of the 'bounce-back' arrangements and began to accept some cases under those provisions from February 2009. By the end of the financial year we had accepted only 37 such cases, which reflects well on provisions made by CSA to deal with complaints in-house, though it is too early to reach firm conclusions. I am continuing to monitor the situation to ensure that problems experienced last year do not recur.

4.7 In addition, the Agency has taken a number of initiatives to improve its complaint handling and the service it offers to customers, including:

- The introduction of Area Complaint Forums, where senior managers from each function in the Area get together on a monthly basis to understand the causes of complaints, and agree preventive action.
- Improvements to its guidance on Special Payments, developing and cascading an education package to all complaint caseworkers.
- Returning closed complaints to the originating team so that they can learn from them.
- Undertaking root cause analysis of samples of complaints which are shared with senior managers to feed into improvement activity.
- The introduction of regular meetings between Complaints Review Teams and business areas to discuss the causes of escalated complaints to Review Teams and ICE.
- Taking action to resolve the oldest outstanding complaints, resulting in a reduction of the overall work on hand and the proportion of older cases.

I welcome all these developments.

### **Meeting SLA Commitments: committing sufficient resource**

4.8 The ability of ICE Office to respond to complaints is dependent on the Agency providing us with the information we need to determine whether maladministration has occurred and to identify what action can be taken to put things right.

4.9 In last year's Annual Report, I highlighted the problems experienced by my office in getting responses to enquiries at all stages of the ICE process, and the impact this had on our ability to complete our examination of complaints. Problems became so significant in the area of CSA's implementing ICE recommendations within a reasonable

time that I was obliged to introduce a formalised process for exiting from a case and signposting the complainant to the Parliamentary and Health Service Ombudsman at the point at which I considered I was unable to achieve appropriate redress for that individual.

4.10 There has been very significant improvement by CSA in this area and I have not had to exit from a single case during this financial year. This is a real step forward and illustrates CSA's commitment to working with ICE to solve particular problems, which I am happy to acknowledge.

4.11 The concentration of effort at this end of the process has, however, caused deterioration in other, equally important, areas of work, supporting an impression I have held for some time that the overall resource committed by the Agency to managing its ICE workload is insufficient. The most common, though not the only, example of this is the slippage in CSA's ability to provide records of evidence (ROEs) within SLA timescales. ICE requested 410 ROEs during the reporting year and received 386. Of these, only 98 were received from CSA within the 28 day SLA timeframe; 288 were received outside this timescale, some by a considerable margin.

4.12 I have repeatedly raised the matter of ROE delays at a senior level during the previous reporting year, with the result that CSA had committed additional resource to this area, and during 2007/08 delivered a large number of ROEs within a short period. This caused some operational problems for the ICE office in that it created a backlog of work and consequential processing delays here. Furthermore, the additional resource was committed for a limited period only and subsequently withdrawn. During the current reporting year, having cleared the backlog of cases created by CSA's focused efforts, the ICE office went on to experience a fallow period when we received very few ROEs. Again, that seriously impacted our ability to progress investigations and to meet key performance indicators. More importantly, complainants had to wait longer for their complaints to be investigated by my office.

4.13 During the course of this year I have made representations to CSA senior managers about the consequences of focusing on one area of work to the detriment of others, and of increasing resource only on an ad-hoc basis in response to specific problems. I am of the view that unless the Agency channels additional resource into this area these problems will persist.

4.14 My office is continuing to work closely with CSA to monitor SLA adherence in an attempt to avert the recurrence of a backlog situation at ICE and to find where possible more efficient ways of working. I am pleased that the Agency is actively reviewing resourcing in this area, and I welcome this.

### **Botheration Payments**

4.15 Once this office has accepted a complaint we require the co-operation of the Agency to examine the issues raised. Following discussion with the Agency, and in view of the number of cases reflecting considerable delay, it was agreed that we would

seek additional consolatory payments in appropriate situations. We describe these as botheration payments. A botheration payment will be recommended whenever a significant failure on the part of the Agency to adhere to service level agreement timescales has resulted in a negative and detrimental impact to the complainant beyond that identified by an ICE investigation of the original complaint.

4.16 CSA has continued to award botheration payments if a case is delayed for longer than six weeks. However, I am concerned that I am seeing a number of cases where CSA delay has exceeded 16 weeks. As agreed with CSA in these cases I am asking it to award more than the £100 payment for 16 week delay, and I will specify the amount I believe should be awarded, in proportion to the level of impact I consider there has been on a complainant.

### **Providing accurate information**

4.17 I expressed the view in last year's Annual Report that some of the problems we faced in obtaining adequate responses from CSA were due to inexperienced staff having been tasked with looking at ICE cases. This year I have acknowledged the challenge faced by the CSA Focal Point in managing its workload within its limited resource. It has also become apparent that the role of the CSA Focal Point varies in some respects from that of the Focal Points in the other organisations whose complaints we examine, and I have alerted CSA managers to those differences, which make for a more demanding Focal Point role in CSA than elsewhere.

4.18 Set in that context, it is to an extent understandable that Focal Point struggles to assure the validity of some of the information it provides to ICE. Nevertheless, that situation causes me very considerable concern. If ICE passes on inaccurate information to a complainant by way of a settlement letter or investigation report, our credibility is inevitably undermined and the complainant may be given cause to doubt the validity of my findings and conclusions. Not only is my office left vulnerable to unwarranted criticism, but our reputation suffers: a situation which is acceptable neither to me nor to CSA.

4.19 In some cases, the identification and correction of inaccurate information means that complainants wait much longer than should be necessary to achieve proper resolution of their complaints. The following example demonstrates this:

Mr B originally complained to this office in January 2007. He said that CSA had closed his case because the qualifying child had left home. He was refunded £470.00; however he said he was owed more because CSA had failed to take into account that he had a nil assessment in place from April 2006.

As a result of our examination of Mr B's complaint, CSA accepted that the previous calculations it had made had not included the nil assessment. It therefore agreed to complete a new calculation of the maintenance accounts and consider whether any further refund was due to Mr B. CSA also agreed to apologise to Mr B for its

oversight and to award him a consolatory payment in respect of the inconvenience caused to him.

CSA subsequently awarded Mr B a consolatory payment of £200 for its delay in completing a correct account breakdown, its failure to include the nil assessment when it issued the account breakdown in January 2007 and also for its delay in forwarding the refund. It calculated that Mr B was entitled to a payment of £6.29 in respect of financial loss.

In May 2008, Mr B complained to the Parliamentary and Health Service Ombudsman as he was unhappy with CSA's latest calculations. The Ombudsman referred Mr B's complaint back to me for further consideration. During the course of our second investigation, CSA confirmed to my office that Mr B was in fact owed £2,169.19. I recommended that CSA refund this money to Mr B with any appropriate interest due, and that it provide Mr B with a copy of the account breakdown used in this calculation.

I also commented that it was wholly unacceptable that my office had been given inaccurate information, and that Mr B should have had to approach the Parliamentary Ombudsman to achieve appropriate resolution of his complaint. I recommended that CSA award Mr B a further consolatory payment in recognition of this additional maladministration.

CSA has since refunded Mr B the amount of £2,169.19 that he had overpaid, interest in respect of this amount of £181.05, and a consolatory payment of £105.00.

## **Collaborative Working**

4.20 To address some of the problems highlighted, CSA has continued to work with the ICE office to improve understanding of mutual processes and share best practices, in order to achieve our shared goal of resolution of complaints at the earliest opportunity. For example:

- In September 2008, an ICE investigation manager gave a presentation to CSA stakeholders on the ICE settlement process which incorporated an overview of ICE processes. The following month, this same presentation was delivered to CSA Managers.
- In November 2008, an investigation officer from ICE was seconded for a short period to CSA Focal Point in order to share best practice and encourage closer working between us.
- I had a successful initial meeting with the Child Maintenance and Enforcement Commissioner and have continued throughout the year to meet regularly and productively with Agency senior managers to discuss issues and seek acceptable solutions.

- Quarterly liaison meetings have been put in place between CSA Focal Point and ICE personnel to provide a working-level problem-solving forum and for the promotion of collaborative working.

## 5. THE ICE OFFICE

5.1 I am grateful to the management and staff of the ICE office, who continue to provide invaluable support to me in my role as Independent Case Examiner, and an excellent standard of service to complainants.

### Standards of Service

5.2 When we acknowledge receipt of a complaint, we send the complainant a copy of “Our Service and Standards” leaflet, which explains how we deal with complaints and includes information about how long it should take us to do so.

5.3 We continue to review our service standards, and this reporting year we have introduced some changes to our key targets. For example, we aimed to clear cases on average within 30 weeks, rather than within 34 weeks as in previous years. We achieved that target with an average throughput rate of 27.94 weeks.

5.4 Our level of service for this reporting year and the last is detailed below:

Target	Performance 2007/08	Performance 2008/09
Acknowledge complaints within 2 working days	99.5%	96.2%
Respond to correspondence within 10 working days	98.9%	97.1%
Decide within 10 working days whether we can accept a complaint for consideration	97.0%	N/A
Decide within 20 working days whether we can accept a complaint for consideration*	N/A	85.4%
Remind complainants at case closure of their right to approach the Parliamentary and Health Service Ombudsman	100%	100%
Clear cases accepted for action, within 34 weeks	21.21 weeks	N/A
Clear cases accepted for action on average within 30 weeks*	N/A	27.94 weeks

\*changes made to service standard

## **Dealing with Referrals from the Office of the Parliamentary and Health Service Ombudsman (OPHSO)**

5.5 OPHSO has continued the practice of referring CSA complaints, which have not already been investigated by ICE, to this office for consideration. During this reporting period it has also, with my full agreement, referred back complaints which had been resolved or settled by ICE to a complainant's satisfaction, but where the complainant has subsequently had second thoughts. This allows my office to proceed to a full investigation of the issues raised.

5.6 We continue to have a good working relationship with OPHSO, and I have regular meetings with them to discuss key issues. In addition, ICE staff recently visited OPHSO to gain a better understanding of their processes.

5.7 During this financial year ICE received 60 cases from PHSO's office, 46 of which related to CSA. During the same period we cleared 93 CSA cases referred from OPHSO. It is a cause of considerable satisfaction to me that ICE staff were able to resolve 50 % of these complaints through a mediated approach. I consider it a major achievement that staff are managing to achieve resolution of such a significant proportion of these cases.

### **PHSO Principles of Good Complaint Handling**

5.8 During the last reporting period the ICE office audited its processes against PHSO's Principles of Good Administration and Principles for Remedy. In November 2008 PHSO published The Principles of Good Complaint Handling which provides public bodies within the Ombudsman's jurisdiction with information about the sorts of behaviour and standard expected when dealing with complaints.

5.9 In January 2009 an audit of ICE processes was carried out by an ICE internal auditor to provide assurance that ICE business practices – both in our role of providing the final independent tier for CSA and in dealing with internal complaints - reflect the Ombudsman's Principles of Good Complaint Handling. The auditor identified areas of potential improvement for the ICE office, which we are pursuing. However, the Audit established that the Principles approach is being deployed in all material respects throughout ICE, and that ICE practices correspond closely with the Principles of Good Complaint Handling

### **Continuous Improvement**

5.10 We continue to review the service we offer, and during the reporting year, we have introduced changes to our gateway, designed to ensure that complainants are clear about the scope of our jurisdiction and that their expectations are properly managed. To that end, we agree the elements of complaint with the complainant at the outset and explore with individuals the outcome they are hoping for, and how their complaint might be resolved. This is consistent with the Ombudsman's Principles for Remedy, reinforced by Dr Tony Wright MP, chair of the Public Administration Select

Committee, who said, “The underlying idea is that complaints systems, and those dealing with complaints, need to be responsive to the people making complaints. Complainants want to feel that they are being heard and understood, and an important part of this is for organisations to listen to people’s views on what should be done to rectify poor performance”.

5.11 The office has continued to pursue a number of initiatives which reflect its commitment to improving the service it provides. As well as British Standards Institute (BSI) accreditation for our internal complaints processes, we hold Charter Mark and Investors in People (IiP) accreditation. We are very pleased to have recently been awarded “gold” status recognition from IiP, in respect of our achievements beyond the IiP standard.

5.12 The office is committed to providing a quality service. Complainants continue to tell us of high levels of satisfaction with the ICE service. Complainants have also told us the positive effect our service has made to their lives, as the following quotes demonstrate:

**“You have helped more in the past 4 months than the CSA have in 14 years, although I still haven’t secured payments, I can see things are going to get done. Thank you.”**

**“It was a relief to know there was someone to help, other than the brick wall I came up against, just a shame it had to go that far.”**

**“THANK YOU, after years of getting nowhere with Child Support Agency, you have got results that have made a difference to our lives. We are very grateful.”**

**Child Support Agency: Supporting Evidence**

**1 Casework Statistics**

The data and figures that follow are based on casework carried out in the twelve month period between 1 April 2008 and 31 March 2009. Comparisons are made with the twelve months from 1 April 2007 and 31 March 2008.

**2 Complaints Received**

Complaints received and accepted for action during the period are outlined below.

	<b>1/4/07-31/3/08</b>	<b>1/4/08-31/3/09</b>
<b>Received</b>	3800	2964
<b>Accepted</b>	1644	1111

**3 Case clearances**

Details of clearances are outlined below:

	<b>1/4/07-31/3/08</b>	<b>1/4/08-31/3/09</b>
<b>Resolution</b>	1203	930*
<b>Investigation</b>	277	258
<b>Withdrawn</b>	151	81
<b>Total</b>	1631	1269

\*includes 306 resolved with evidence (settled)

**Withdrawn cases**

3.1 Complaints may be withdrawn for several reasons. For example, some complainants decide to withdraw their complaint when we explain to them the need to appeal against decisions CSA has made, or they choose to take another route to redress. From time to time people also withdraw their complaint because our explanations satisfy them that what has happened is appropriate. Other cases are withdrawn because the Agency has acted to address people's concerns.

**Resolved cases**

3.2 We try to reach settlement of complaints by agreement between CSA and the complainant, as this generally represents a quicker and more satisfactory result for both. We are still managing to resolve a very high number of our cases, which is extremely positive and, despite some problems experienced this year, shows CSA's willingness to work with us. However, there is also a negative side in that the Agency has also had the opportunity to resolve these complaints before they came to ICE.

## 4 Outcomes

4.1 Our findings in respect of cases we could not resolve are detailed below. In cases where we find that the Agency has failed to provide an acceptable standard of service, when determining whether to uphold a complaint we consider what action the Agency has taken subsequently to try to put things right. If the Agency has fully addressed the complaint and appropriate redress has been provided, offered or instigated prior to referral to ICE, we do not uphold the complaint.

4.2 It is promising that the number of “not upheld” complaints is a lot higher than previous years. This reflects CSA’s positive attempts to try to put things right, or explain to the complainant if there is nothing further it can do.

	1/4/07-31/3/08	1/4/08-31/3/09
Fully upheld	109	73
Partially upheld	130	107
Not upheld	38	78
<b>Total</b>	<b>277</b>	<b>258</b>

## 5 Subjects of complaint

5.1 We recorded details of the subject of complaint for each element of complaint whether resolved or investigated. This has shown:

Subject of complaint 1/4/07- 31/3/08	Upheld	Not upheld	Resolved
Delay	126	37	822
Error	144	119	607
No action taken	151	67	723
Other	58	49	290

Subject of complaint 1/4/08- 31/3/09	Upheld	Not upheld	Resolved
Delay	96	47	540
Error	72	163	525
No action taken	114	85	622
Other	39	60	219

5.2 Delay, error and no action taken still seem to be the main areas of concern for CSA complainants. The fact that a very high number of these cases were subsequently resolved suggests that the Agency could have done more to put things right in the first instance. However, it is promising that a high number of complaints about error were subsequently “not upheld” by ICE.

## 6 Caseload

<b>Case load 1/4/07 - 31/3/08</b>	737
<b>Case load 1/4/08 - 31/3/09</b>	653

## 7 Financial Redress

7.1 The table below provides a breakdown of financial redress awarded during the reporting period as a result of ICE intervention. The table also includes the number of complainants receiving awards in respect of each category.

<b>Financial Redress 1/4/08 – 31/3/09</b>	<b>Amount awarded</b>	<b>Number of complainants</b>
Advanced Payment	£74,703.58	32
Botheration Payment	£21,935.00	296
Deferred debt	£3,612.36	1
Gross Embarrassment	£150.00	2
Gross Inconvenience	£77,618.85	802
Financial Loss – communication costs	£22,354.74	346
Financial Loss - income	£232,623.98	137
Higher Consolatory payment	£1,000.00	2
Interest	£34,561.98	112
Rationalisation/Suspension	£15,612.18	2
Rectify errors	£3,894.63	4
Refund	£18,759.72	19
Severe Distress	£880.00	4
<b>Total</b>	<b>£507,707.02</b>	<b>1759</b>

## 8. Service Level Agreement

8.1 We have a service level agreement with CSA with agreed timescales for provision of information to ICE. As the table shows, CSA are still experiencing problems with

providing ICE with requested information within these timescales.

<b>CSA Service Level Agreement Activity 1/4/08 - 31/3/09</b>	
Resolution plans issued	755
Resolution plans returned	728
Returned within SLA (10 days)	503
Returned later than SLA	225
ROEs requested	410
ROEs returned	386
Returned within SLA (28 days)	98
Returned later than SLA	288
Draft reports issued	248
Draft reports returned	239
Returned within SLA (10 days)	171
Returned later than SLA (10 days)	68