

INDEPENDENT CASE EXAMINER
For the Child Support Agency

ANNUAL REPORT
1 APRIL 2011 – 31 MARCH 2012

Judging the issues without taking sides

The Independent Case Examiner's Office

Our Mission

Judging the issues without taking sides

Our Purpose

We have two primary objectives: to act as an independent referee if customers of the Child Support Agency (CSA) consider 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 comment 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 deliver a first rate service provided by professional staff

CONTENTS

1. Independent Case Examiner’s foreword	4
2. Executive Summary	7
3. Casework: Themes And Lessons	8
Effective action to secure compliance	8
Action stalling when Non Resident Parents receive a prescribed benefit	10
Omission to clarify court directions	12
Evidence Retention	13
4. Working With The Child Support Agency	13
The Learning Loop	13
CSA Initiatives	15
Managing Complaint Resolution.....	16
Action taken while a case is at ICE	16
Incorrect information provided by the Agency	16
“Comebacks” following resolution/settlement	17
“Bouncebacks”.....	17
Collaborative Working.....	18
5. The ICE Office	19
Standards of Service	19
Staffing issues and older cases	19
Complaints about our service and the outcome of my investigations	20
Findings of The Parliamentary and Health Service Ombudsman (PHSO).....	20
Continuous Improvement.....	20
Initiatives	20
6. Child Support Agency: Supporting Evidence	22

1. Independent Case Examiner's foreword

1.1 I am pleased to present my fifth Annual Report as Independent Case Examiner (ICE) for the Child Support Agency (CSA), which has, since 1 November 2008, been part of the Child Maintenance and Enforcement Commission (CMEC). This report describes the work of ICE Office in the year ending 31 March 2012, and focuses on our experience of CSA's approach to complaint resolution.

1.2 During this reporting period the number of cases ICE Office has been able to resolve by agreement with the parties has decreased considerably. This is largely due to the Agency becoming more effective at dealing with complaints at the earliest opportunity and trying to put matters right at the outset. However, it is also due to the complexity of the cases ICE Office is receiving from the Agency, many of which require detailed investigation of issues spanning almost twenty years. Such cases often require extensive dialogue between ICE Office and the Agency in order to clarify information and events and establish a true picture of what has happened. A wealth of information is required, particularly in cases where enforcement of assessed child maintenance is appropriate, in order to establish whether there has been maladministration on the part of the Agency.

1.3 I want to re-affirm my approach to the investigation and adjudication of complaints in this report. In investigating complaints, I want ICE staff to seek out the truth and report the truth found as a result. There are no 'no go' areas. I have been singularly fortunate in having the support of staff who have sought out and reported the truth, and the full co-operation of the Agency in 'throwing open the books' in that quest.

1.4 In adjudicating on complaints ICE Office shows no fear or favour. If I find a Government Agency has failed the citizen I say so, and I say what that Agency should do to put matters right. I want my reports to reflect the justice of the circumstances of each individual case. Where an Agency has got it wrong, it is important for the continuing faith in our institutions that there is remedy, and an organisation like ICE to ensure that remedy is given. I have not shrunk and will never take what could be perceived as the easy option of glossing over where a complainant has caused or materially contributed to the position they find themselves in. To do so would be wrong and such an approach will never be adopted during my tenure of this office.

1.5 The investigation of a complaint may find there has been maladministration and that the complainant has benefited financially from that maladministration. In child support cases, this can occur when the Agency has not used all the powers at its disposal to track down a Non Resident Parent who is failing to support his or her children and substantial sums are owed by that complainant in unpaid assessed child maintenance when the complainant is finally unearthed. That complainant has had the benefit of sums that should have been paid to financially support the children

involved. Every case must be considered on its own merits and the particular circumstances of each case. In such cases it is usual for me to recommend an apology for service failures, not financial redress, to reflect that enrichment occasioned to the complainant.

1.6 During this financial year, the Agency has collected and arranged £1,187 million of child maintenance against a target of £1,160 million, with 899,700 children now benefiting from child maintenance through the Agency, against a target of 875,000. At the end of the financial year the Agency had 1,128,400 million live cases, and last year calculated 119,400 child maintenance assessments and received 3,846,000 million telephone calls. The number of complaints to the ICE Office should be seen within this context. They are 0.02% of the total Agency caseload. It is against this backdrop that I once again acknowledge the difficulties faced by Agency staff in attempting to deliver a worthwhile service to parties who are at odds with each other and who have been unable to mutually agree the future financial support of their children. This can make the Agency's job very difficult as the statutory body in the middle of such conflict.

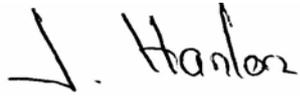
1.7 My report provides a flavour of the complaints received by ICE Office, and notes key themes and issues identified during the reporting year. I hope that it will be received by the Agency in the spirit in which it is offered, to assist the Agency to improve the service it provides to its customers.

1.8 As a result of the tightening of belts, ICE Office has had to deal with the complex and involved complaints brought to it with fewer staff numbers to investigate these complaints. The staff at ICE have gone the extra mile and several kilometers beyond to meet that challenge and they have my thanks and admiration for doing so.

1.9 I have not permitted the issue of fewer staff numbers to dilute the robustness and thoroughness of our investigation of complaints. It has meant that some cases had taken longer to be investigated than I would have liked. There are few if any organisations in my 35 years experience that in investigating complaints require to review subject matter in so many cases that can span a period of almost twenty years of evidence. Unlike other organisations that investigate complaints, the nature of the subject matters in dispute in the cases that come to ICE, are not capable of being 'brigaded' with the adjudication on one complaint applicable to adjudication on any number of similar complaints. The cases that come to ICE are not like that. Each case is individual and demands an investigation appropriate to that case.

1.10 The independent endorsement of the service provided by ICE is something to which other public sector organisations aspire. The ICE Office has achieved both Customer Service Excellence accreditation for the standard of service we provide to the public and British Standards Institute accreditation for our internal complaints process. Those accolades have not been achieved by chance, but through the hard work and commitment of the staff.

1.11 I have had the great privilege of working with fine people, who care about the important job they do and who take pride in the work they produce. I can never express sufficiently how honoured I feel to have had the opportunity to work with such good people. The pursuit of justice is at the heart of ICE and all we do.

A handwritten signature in black ink that reads "J. Hanlon". The signature is written in a cursive style with a large, stylized initial "J".

John Hanlon

18 July 2012

2. Executive Summary

Key messages 2011/12

- The number of complaints upheld has fallen to an all-time low, following a downward trend in recent years. For the first time in the history of the ICE Office, the number of upheld complaints is broadly equal to the number not upheld. This may in part represent a commendable effort by the Agency to get its house in order, and to improve its internal complaint handling. It may also reflect a shift in the number of complaints brought by defaulting non-resident parents who have been brought to book by the Agency's more rigorous enforcement efforts, and who attempt to use this office as a means to further avoid or delay meeting their responsibilities.
- Instances of complainants returning to ICE following resolution or settlement of complaints, either because the Agency had not completed agreed actions within agreed timescales, or because the complainant had continued to experience problems, have decreased significantly. Again, this is attributable to improvement in the Agency's commitment to more effective complaint handling and in its own internal processes.
- The number of cases which ICE Office has been able to resolve by agreement with the parties has decreased considerably, which is to be expected as the Agency gets to grips with dealing more effectively with complaints, with only the most intractable complaints escalating to ICE.
- CSA has not been as effective during this reporting period at progressing and implementing systemic recommendations.

Summary of Performance

	Performance 2010/11	Performance 2011/12
Received	2241	1670
Accepted	820	680
Total case clearances (of which):	978	851
Resolved	527*	344*
Investigated	399	471
Of those cases investigated % of cases partially upheld	42%	33.3%
Of those cases investigated % of cases fully upheld	25%	17.2%
Withdrawn	36	36

**This includes 75 resolved with evidence (settled) for 2010/2011 and 13 for 2011/2012.*

3. Casework: Themes And Lessons

3.1 Cases both received and accepted at ICE have again reduced this year. This coupled with a decrease in the number of cases resolved (without evidence) by ICE Office from 452 last year to 331 this year, in part reflects an improvement in the Agency's ability to resolve complaints through its internal process and the reduction in the number of complaints the Agency itself has received.

3.2 Of the complaints which ICE Office investigated and in which I reached findings, I did not uphold in 49.5% of cases, compared to 33% of cases last year. This may in part be attributable to the Agency's improvement in taking action to put matters right. However, it is highly likely that the increasing number of complaints received from non compliant Non Resident Parents, unhappy that the Agency is taking effective action to recover outstanding child maintenance debt, is also a factor in this "not upheld" increase.

3.3 Themes identified and conclusions drawn, with the suggestions I have made for improvement to the Agency are given in this report.

Effective action to secure compliance

3.4 In its report on the Government's proposed Child Maintenance Reforms, the House of Commons Work and Pensions Committee said: "It is crucial that parents meet their obligations to support their children and we acknowledge that many already do so. The lack of a child maintenance agreement or failure to make due payments have severe financial consequences for families producing a devastating impact on children's wellbeing..... Our primary concern is that all parents should accept responsibility for their children's welfare, including financial responsibility."

3.5 I wholeheartedly share this view. Child maintenance should be paid when children are children. In the past, lack of early or sustained intervention by the Agency has allowed child debt to be tolerated over too long a period and in some of the complaints featured in my caseload, by the time the Agency has taken action to enforce payments from the Non Resident Parent, the children are no longer children but young adults themselves. I very much welcome a focus on the collection and early enforcement of assessed child maintenance.

3.6 Increasingly I am seeing instances of the Agency actively implementing its debt steer, the objective of which is to get money to children at the earliest opportunity. As a consequence, my investigation of complaints from parents with care tends to find that, even when the Agency has missed opportunities to secure child maintenance during a past period, more recently it has taken appropriate action to seek to do so. It is not always successful: where Non Resident Parents are determined to try to evade their responsibilities to their children, they may confound the Agency's best efforts. That failure of these Non Resident Parents to maintain such responsibility can be difficult for parents with care to come to terms with. Sometimes more can be done, and I recommend further action, particularly to secure debt through the courts at the earliest opportunity so that enforcement action may be taken swiftly when the Non Resident Parent's financial circumstances allow the

Agency to take further action. The Agency's ability to take swift action is influenced by court availability.

3.7 The Agency's more vigorous pursuit of child maintenance arrears has led to an increase in complaints from Non Resident Parents who, having tried to evade their responsibilities, sometimes for many years, are brought to book for such debt owed by them. Some try to transfer blame to the Agency for 'allowing' the debt to accrue for the financial support of their children, attempting to absolve themselves of responsibility for their own children. That is not a position I support or countenance. While I find Agency failures and, where there has been an adverse effect from maladministration I will recommend appropriate redress, I do have regard to wilful failure to meet parental responsibilities on the part of Non Resident Parents. I take full account of the complainant's actions and the extent to which they have contributed to their current situation when adjudicating on a complaint.

3.8 I am still seeing cases where it is apparent that the Agency has not been as effective as it could have been, particularly in securing debt against capital holdings or property. If it comes to light that property is owned, the Agency can apply to the court to have a charging order put on the property to prevent it from being sold. The Agency can then proceed, in England and Wales, to force a sale of such property. Decisive, timely action is essential to success and it is my experience that the Agency does not always act on time, and that, in some cases, it is unsure about the correct action to take. This can result in the Non Resident Parent selling a property before the Agency has had the opportunity to get a charging order in place, and to a loss of opportunity. In cases such as this I consider whether Agency delay in taking appropriate action has resulted in a lost opportunity to potentially secure the arrears of child maintenance owed, as the following example demonstrates:

Mrs T complained that the Agency had failed to secure regular payment of child maintenance and take timely and appropriate enforcement action. Most notably, the Agency lost an opportunity to secure payments of the arrears in 2006/2007, by failing to properly apply for charging and third party debt orders.

My investigation found that Mrs T informed the Agency of the Non Resident Parent's employment when she first applied to the Agency and this was confirmed by the employer. I found that the Agency did not consider implementing a deduction from earnings order at any point while the Non Resident Parent was in confirmed employment.

Mrs T also informed the Agency that the Non Resident Parent owned a property and the local council subsequently informed the Agency that he also owned other properties in that borough. The Agency did not conduct any enquiries to establish the details of any of these properties.

Mrs T also informed the Agency of a property owned by the Non Resident Parent on which an interim charging order for £20,378.53 had been granted in August 2006. In September 2006 the Agency issued a request to register a charge against the property. Land Registry replied to the Agency in September 2006 and requested that the Agency pay the standard fee of £40.00 in respect of its application. The charging order papers were served to the Non Resident Parent and Mrs T.

In October 2006 Land Registry wrote to the Agency and informed it that its application to register a charging order had been cancelled as the £40.00 fee had not been received. Land Registry issued a further notice to the Agency on 6 November 2006, and the hearing was subsequently adjourned by the court on 15 November 2006, and the charging order was not granted.

Mrs T telephoned the Agency on 21 November 2006 and informed it that the property had been sold on 17 November 2006. On 29 November 2006 the Agency noted that the cheque to pay the Land Registry fees had been made payable to an incorrect payee. The Agency subsequently withdrew its application for a charging order and made a consolatory payment of £75.00 to Mrs T in recognition of the lost opportunity to obtain a charging order.

My investigation noted that the Agency's failure to make a payment of fees to Land Registry resulted in the sale of the property before the Agency was able to obtain a charging order on the property. Mrs T had informed the Agency that this property was in the process of being sold and the Agency was aware of the need to act swiftly in this case. There was sufficient evidence available to the Agency to suggest that there was equity in the property. I was persuaded that had the Agency obtained a charging order in this case it would have secured payment in full of the arrears of child maintenance owed by the defaulting Non Resident Parent who had failed in his parental responsibilities.

I upheld Mrs T's complaint, and following discussion with ICE Office, the Agency agreed to make a payment to Mrs T of the total amount of arrears of child maintenance which remained owed by the Non Resident Parent amounting to £18,910.24 with interest. I also asked the Agency to investigate the Non Resident Parent's ownership of other property with a view to obtaining a charging order on any property he owns, to seek to attempt to recover the amount the Agency paid to Mrs T from public funds.

I note this case dates back several years. I am informed that since then the Agency has improved its processes and is more proactive in identifying these cases at the earliest opportunity.

Action stalling when Non Resident Parents receive a prescribed benefit

3.9 From the cases that come to ICE Office, it is apparent that the Agency is not always as effective as it could be when Non Resident Parents are in receipt of a prescribed State benefit. In such circumstances, the options open to the Agency can be limited. While a Non Resident Parent is unemployed and in receipt of a prescribed benefit, his or her assessed child maintenance liability will be nil or minimal at best. The Agency may, subject to the benefit being claimed, be able to request a deduction of a flat rate contribution to maintenance and arrears, and that action should be taken as a matter of course by the Agency in such cases. It is not always taken and, where it has not been, I recommend that the Agency make the equivalent of what might have been extracted in payment from that defaulting Non Resident Parent. The Agency then to recoup that payment to the parent with care from public funds from that Non Resident Parent.

3.10 While a Non Resident Parent is unemployed, the Agency cannot establish to the satisfaction of the courts that he or she is willfully refusing to maintain his or her children, even when there has been a long history of failure of that parent to meet his or her child maintenance liabilities. For that reason I accept that to pursue committal of that Non Resident Parent to prison during a period of unemployment is not a productive avenue for the Agency to follow. That does not mean that no enforcement action can be taken, and I expect the Agency to explore whether an unemployed Non Resident Parent has property or other capital assets that could be attached. That has not always been done. The Agency is often reluctant to take action to secure outstanding debt by means of a Liability Order while the Non Resident Parent is not at that point in time in a position to make payment. I consider that short-sighted. It is paramount that the debt be secured at the earliest opportunity so that the Agency is able to take swift action to secure payment as soon as the Non Resident Parent's financial circumstances change. Failure to take this action in a timely manner can have serious consequences at a later stage, as the following example demonstrates:

Mrs A complained that the Agency had failed to secure payment of child maintenance and take enforcement action since she applied to the Agency in 1995. My investigation found that the Agency had failed to take enforcement action against the non compliant Non Resident Parent whilst he was in employment. In particular the Agency missed an opportunity to impose a deduction from earnings order earlier than it did and failed to make an application for a Liability Order on two occasions, despite the Non Resident Parent owing outstanding arrears of assessed child maintenance of over £17,000, and having paid only £17.00 towards the child debt owed by that Non Resident Parent.

When the Non Resident Parent started receiving a prescribed benefit, which resulted in a nil assessed child maintenance liability, the Agency made a decision to temporarily suspend the outstanding debt of over £17,000. The situation remained unchanged for six years, until Mrs A told the Agency that the Non Resident Parent was working. Although the Non Resident Parent confirmed that month that he was self employed, the Agency took no immediate action and it was not until 5 months later that it referred the case for enforcement. By that time, the great majority of the debt, which had accrued before 2000, had become out of statute and unenforceable through the courts, but still theoretically capable of being extracted from that parent who had failed his parental responsibilities.

My investigation found that the Agency had failed to secure the debt by Liability Order at the appropriate time, preventing it subsequently from seeking to secure payments of regular assessed child maintenance and arrears through the courts. This failure allowed the Non Resident Parent to believe he could continue to avoid meeting his maintenance responsibilities.

I upheld Mrs A's complaint, and noted that the suspended arrears had been overlooked and not reinstated for more than 7 years. By that time, with the exception of £131.00, they were out of statute. The Non Resident Parent is unemployed so a deduction from earnings order is not possible. I found that the Agency has caused the complainant a de facto financial loss of more than £17,000.

As the result of my investigation, the Agency made Mrs A an advance payment of the debt this Non Resident Parent owes, from public funds, of £17,144.12.

Omission to clarify court directions

3.11 When a Non Resident Parent has willfully failed to meet his or her child maintenance responsibilities and attends court, the court may allow a further opportunity for payment before committing that defaulting Non Resident Parent to prison. In the majority of these cases, the court extracts an agreement from the Non Resident Parent to pay a nominal amount in respect of the outstanding child maintenance arrears owed, and suspends a prison sentence subject to adherence with such agreement. I am concerned that in too many of the cases I have seen the Agency has failed to clarify with the court that amount specified by the court to prevent the Non Resident Parent's imprisonment, to be paid by the defaulting Non Resident Parent is *in addition* to regular assessed child maintenance payments that Non Resident Parent must also make. Because such clarification has not been sought, the Agency may not take enforcement action against the Non Resident Parent for non payment of regular child maintenance, allowing further arrears of child debt owing by that defaulting Non Resident Parent, as the following example demonstrates:

Mrs C complained that the Agency had failed to secure maintenance payments since September 2004. My investigation found that following several periods of failure on the part of the Non Resident Parent, the Agency delayed over a year in referring this case to its enforcement team. The Agency subsequently obtained a Liability Order in October 2006 for the period of debt from 19 September 2004 to 11 July 2006, totalling £6,436.00. Subsequent bailiff action and a Third Party Debt Order application was to prove unsuccessful.

My investigation found that since June 2008, the Agency had taken extensive enforcement action, and obtained a Liability Order for the period of debt from 12 July 2006 to 24 June 2008 totaling £8,364.00. The Agency took committal action against the Non Resident Parent. At the hearing on 19 October 2009, the court instructed the Non Resident Parent to make payments of £15.00 per month towards the substantial unpaid child debt he owed. These modest payments, as directed by the court, were received through the Agency from 22 December 2009 until July 2011, when the case was resubmitted to court, for consideration of the Non Resident Parent's committal to prison as he had broken the terms of the suspended sentence. As of February 2011, the outstanding arrears on this case owed by the Non Resident Parent, following that court direction, were £22,991.00.

3.12 I have asked that Agency presenting officers routinely bring to the attention of the courts the imperative for regular maintenance liabilities to be met, and that they ask the courts to place on record that arrears payments are to be made in addition to regular maintenance. When this has not happened, I ask the Agency to return to the courts to seek retrospective clarification and to advise Non Resident Parents accordingly. The Agency has informed me that it has issued a management note to remind all Court Presenting Officers to ensure they ask the courts to place on record that arrears payments are to be made in addition to regular maintenance.

Evidence Retention

3.13 I have stressed to the Agency in the past the importance of keeping detailed records of telephone conversations, and in particular, the importance of retaining information where there is an extant complaint. Parties to a child maintenance assessment often complain that they have been provided with incorrect information and it is difficult to investigate such complaints when records of relevant conversations are not kept.

3.14 The Agency's Document Retention Policy allows records to be destroyed 14 months after they cease to be relevant. I note the financial and Data Protection reasons underpinning this policy. However, it is inappropriate to destroy relevant documents or audio recordings when a complaint has been made by an Agency customer, that has not been fully resolved, and the Agency is not always properly mindful of this.

3.15 From the cases investigated by ICE Office, it is apparent that the Agency does not always marry up complaints with relevant telephone recordings to ensure that they are retained and not destroyed by rote. This case example shows the importance of the Agency retaining such records for at least 14 months and longer where there is an extant complaint:

Mr B said that he had complained to the Agency about a telephone call he had received from the Agency. He said the Agency had ignored his complaint and had also ignored his several requests for a recording of the telephone call. The Agency was unable to supply the ICE Office with a copy of the telephone recording, which by the time of the ICE investigation had been destroyed by the Agency.

Although the Agency had initially told my office that it had no record of a request from Mr B for a copy of the telephone recording my investigation found that Mr B had made several such requests to which the Agency had failed to respond. I upheld Mr B's complaint to the extent that the Agency did not provide him with a copy of the recording of this call and could not rectify that omission. I recommended that the Agency write to Mr B and apologise for this failure. I was unable to comment on the content of such a call. The audio recording of that call would have changed that.

4. Working With The Child Support Agency

4.1 ICE Office has continued to maintain effective working relationships with the CSA.

The Learning Loop

4.2 In my role as Independent Case Examiner, in addition to investigating complaints about the agencies and businesses within my remit, I also seek to provide insight to those agencies and businesses from the examination of complaints that come to ICE Office, with a view to helping them improve the service they provide to the public.

4.3 Complainants often say that they hope that others will benefit from their complaint. It has been my practice from the outset to make recommendations and suggestions to CSA, arising from casework, for improving its systems or processes in order to effect service improvement. It is disappointing that during this reporting period CSA has not been as effective as it has been in previous years at progressing such systemic recommendations. This is an important area of work that can make a positive difference to the Agency's customers.

4.4 The following are examples of the systemic suggestions I have made to CSA during this reporting period:

- In May 2011 I asked the Agency to consider amending its on-line calculator, as it currently makes no reference to including Tax Credits, or other possibly applicable benefits, as part of a person's weekly income. I am currently awaiting a response from the Agency.
- In June 2011 I asked the Agency to consider amending the wording of the information given in the child maintenance direct leaflet, in order to make clearer that the parent/person with care must make a specific request to the Agency in order to secure its direct involvement in the collection of child maintenance. I am currently awaiting a response from the Agency.
- In January 2012 I asked the Agency to consider giving its Banking and Payment Assignment Service Team (BPAS) access to customers' addresses, so that when problems arise with a standing order it could contact its client direct rather than contacting the bank. I also invited the Agency to review the wording of the notification sent by BPAS to the bank when payments are received at the Agency, but not processed quickly because the national insurance number is absent from the standing order mandate. The notification states "*This has now been processed but has caused a long delay in the money being passed on, which could affect the children.*" I considered that wording to be insensitive and potentially distressing to the parties to the assessment and to have no relevance to a bank. I am currently awaiting a response from the Agency.
- In September 2011 I asked the Agency to consider routinely assigning an experienced caseworker to each ICE case. Further information about this is detailed at paragraph [4.14](#).

4.5 In the course of my casework it is sometimes apparent that the Agency is hampered by legislative or policy related issues. I am pleased to have the opportunity to make observations in relation to legislative matters with Agency senior managers, and the Agency is receptive to this. Having investigated thousands of Child Support cases over the last five years, there are two observations I have made which are matters for the legislators, not me.

4.6 In Scotland, unlike anywhere else in the United Kingdom, where a Non Resident Parent is made bankrupt and has no visible assets at the time of the sequestration, any child maintenance debt owing is wiped out and not recoverable from that non-resident parent. That is not the case in any other part of the United Kingdom, and I have investigated cases where there is a real suspicion on the evidence that a Non Resident Parent with substantial child maintenance debt has removed to Scotland and sought sequestration there. In all parts of the United

Kingdom, including Scotland, child maintenance debt can be recovered from the estate of a deceased non-resident parent. The debt it would appear can be pursued for child maintenance debt but not some of the living, if sequestrated under Scots law.

4.7 Again from the examination of thousands of cases over my tenure of office, I note the contrast between how we as a society treat mistreatment of animals and mistreatment of a child denied child maintenance. One can be fined and imprisoned for not feeding one's dog or other livestock, or for the theft of rare bird's eggs under the criminal law. Not contributing towards the financial support of your child when you have the means to do so is a civil matter, attracting no interest payment on any unpaid child maintenance debt, and imprisonment under civil committal proceedings for those who so fail their own children is so rare as to be practically non-existent.

CSA Initiatives

4.8 The Agency has taken a number of initiatives to improve its approach to complaint resolution and the service it offers to its customers, including:

- The Agency is currently running a pilot in the Midlands Area to ensure its clients, who have previously made complaints about CSA, should have no reason to complain again. The pilot will monitor CSA Midlands Area cases that have had specific types of complaint closed by the Agency's Complaints Resolution or Complaints Review team. Aftercare single points of contact in the Agency will make sure all actions that are required on the cases are undertaken. Initially only teams from the Agency's Legal Enforcement, Complaints Resolution, Complaints Review, and Sensitive Cases will be involved.
- The Agency has informed me that it has now provided feedback to Agency Enforcement Teams to promote better customer service.
- The Agency has introduced changes in 2011-12 to invoke enforcement action more promptly and effectively, where this has the potential to deliver more money for children. These changes include putting in place a new bailiff contract to support improved collections with 12,390 referrals made to bailiff contractors to recover debt secured by Liability Order.
- Activity begun by the Agency in 2010 to recover from deceased estates has continued with recovery action commenced in the period on 1065 cases, with a value of £5,550,025.
- The Agency operates an active case surveillance system to monitor its legal enforcement cases, for changes in financial status as a precursor to prompt further enforcement action and to track cases where an arrangement is made to pay.
- The Agency has acknowledged that correct case progression is hindered by unnecessary movement between Client Service and Debt Enforcement. To overcome this, the Agency has invested in payment handling training for colleagues to help secure and improve compliance and how the Agency schedules accounts and sets up payments for its clients.

- The Agency has centralised its escalated clerical operations in Falkirk, which has resulted in significant service delivery improvements. The Agency has advised that for the second consecutive year it has reduced the time taken to resolve and close escalated clerical complaints and reduced work on hand.

I welcome these developments.

Managing Complaint Resolution

Action taken while a case is at ICE

4.9 I continue to stress to the Agency the importance of undertaking the day-to-day administration of a case while it is at ICE: completing outstanding reviews, producing account breakdowns, obtaining a Liability Order or a Charging Order, or checking the asset position where there is substantial debt. Often it is because the Agency has not taken timely and appropriate action to keep a case on track, or has not kept its client informed of what is being done, that a complaint is brought to ICE in the first place.

4.10 If the Agency administers the case as it ought during the course of an ICE investigation, I am able to reflect that in my investigation report. If it does not, I will reflect that also.

4.11 In some cases I will hold back a report until important action has been taken by the Agency, rather than making a recommendation within the report. In that way, I ensure that everything necessary that can be done has been done by the Agency and I am able to say that to a complainant.

Incorrect information provided by the Agency

4.12 The provision of inaccurate or incomplete information by the Agency to ICE Office is something to which I have referred in previous Annual Reports. This matter still gives me cause for concern.

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

Mr E initially complained to ICE Office in January 2010 that he had asked the Agency for a breakdown of the outstanding arrears owed on this Agency case and an explanation of how they had accrued but the Agency had failed to provide this. The complaint was resolved to Mr E's satisfaction by agreement with the parties in June 2010, following discussions with ICE Office, when the Agency completed an account breakdown and noted that Mr E had paid £413.98 in excess of the assessed child maintenance amount owed. The Agency agreed to pay Mr E this amount and his case was closed with ICE Office.

Mr E returned to ICE Office in July 2010 to express his continued dissatisfaction with how the Agency had dealt with his case, as the Agency had made him a payment of £81.11, despite agreeing that he had paid £413.98 in excess of the assessed child maintenance amount. ICE Office accepted Mr E's case for investigation.

During the investigation of Mr E's complaint, the ICE investigation officer obtained a full audit of his accounts from the Agency. The Agency acknowledged that its previous calculations resulting in a payment of £81.11 to Mr E had been incorrect, and that a further payment was due to Mr E. ICE Office needed to contact the Agency on six occasions before the Agency agreed to pay Mr E £413.98. The Agency's accounting error meant that Mr E had been obliged to return to ICE Office and to wait in order to achieve the same outcome that had originally been agreed by the Agency in June 2010.

I upheld Mr E's complaint, and recommended that the Agency make him a consolatory payment for the inconvenience caused and that the Agency complete a full account audit. When the audit was completed in September 2011, it showed that Mr E had paid a further £1,115.28 in excess of the assessed child maintenance amount. The Agency made a payment to Mr E of this amount, in November 2011.

4.14 In September 2011 I asked the Agency to consider routinely assigning an experienced caseworker to each ICE case to check that all relevant evidence has been provided to ICE and that all relevant factors, such as potential linked cases, have been taken into account, all clerical and enforcement files have been identified and all necessary remedial work has been undertaken by the Agency on a case at ICE. Like all public bodies, the Agency is facing resource constraints. The Agency has agreed to consider what it can do and to pilot some options in this regard. I welcome this development.

“Comebacks” following resolution/settlement

4.15 When a complaint is resolved or settled by ICE Office, the Agency will undertake to complete agreed actions within a defined timescale. Last year I reported that a total of 70 complainants had returned to ICE Office because they were dissatisfied, 24 of these because the Agency had failed to complete agreed actions by the agreed date. I asked the Agency to give this matter its urgent attention, and to monitor the situation.

4.16 I am pleased to report that the situation has significantly improved in this reporting period. During this financial year ICE Office resolved or settled to the satisfaction of a complainant 344 complaints. Only 20 complainants subsequently returned to ICE Office because they were dissatisfied with the Agency's actions.

“Bouncebacks”

4.17 A regularised arrangement (known as the ‘bounce-back’ arrangement) had been in place since 2008, allowing ICE to accept some complaints without a final Agency response where the Agency had failed to provide one within an agreed timeframe. During 2010/11, 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. I was obliged to consider the cessation of the arrangement. I agreed to this reluctantly, recognising that it had the potential to cause some delay to complainants. While it is clearly right that CSA should have the opportunity to

resolve its customer complaints, it should do so within a reasonable timeframe. Before ending the arrangement I urged the Agency to put procedures in place to get its complaint-handling back on track. Meanwhile I continued to use my discretion to accept, in exceptional circumstances, some complaints where I consider the Agency had taken too long to respond to that complainant.

4.18 I am pleased that the situation has improved significantly during 2011/12, 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. By the end of the financial year my office had accepted only 3 'exceptional' cases, which reflects well on provisions made by CSA to deal with complaints in-house.

Collaborative Working

4.19 ICE Office continues to work with CSA and its parent body, the Child Maintenance and Enforcement Commission, to share best practice and to find solutions to problems. For example:

- The Child Maintenance and Enforcement Commissioner visited ICE Office in July 2011, and met with me and ICE staff.
- I meet with senior CSA officials on a quarterly basis to discuss matters arising from my caseload. I have the opportunity not only to provide feedback about the service matters referred to in this report and to offer insight about the impact of legislation and policy on the Agency's effectiveness and to provide views on how that might be improved.
- ICE Office managers liaise on a regular basis with Agency officials to drive operational improvement, agree working protocols and progress the most complex and intractable cases.
- Regular weekly discussions occur between ICE Office and the Agency's ICE Focal Point, where case specific queries or general issues are raised and discussed. Additionally, case conferences between ICE Office and the Agency are held on particularly difficult and contentious cases.
- The ICE liaison group has continued to meet throughout the year on a quarterly basis, with representatives from both the Agency and ICE Office. The liaison meetings have led to a greater understanding of procedures, responsibilities and constraints across both offices. Process improvements identified by the group have resulted in:
 - Closer working between ICE and CSA
 - Improved customer service
 - Better use of resources
 - Value for money
 - Reduction in unnecessary rework
 - Concerns raised by both offices being dealt with at the appropriate levels

5. The ICE Office

5.1 I am extremely grateful to the management and staff of ICE Office for their continued support. I am proud of what they do. ICE Office has continued to rise to the challenge of doing “more with less” and has remained committed to providing a first rate service to complainants, and to the Agency and businesses we deal with.

Standards of Service

5.2 “Our Service and Standards” leaflet explains how we deal with complaints and includes information about how long it should take us to do so.

5.3 We keep our service standards under review. Our level of service for this reporting year and the last is given below:

Target	Performance 2010/11	Performance 2011/12
Letters and e-mails Acknowledge complaints within 2 working days 2010/2011 – To respond to 90% within 10 working days of receipt. 2011/2012 – To respond to 80% within 10 working days	99.8%	100%
Completing our investigations of complaints To clear 55% of complaints within 6 months To clear 85% of complaints within 12 months	56.0%	46.3%
Complaints about us To acknowledge complaints about us within 2 working days To respond to 90% within 20 working days	98.6%	100%
	96.8%	96.1%

This refers to standards of service in respect of all complaints accepted at ICE office, not specifically CSA complaints

Staffing issues and older cases

5.4 In last year’s Annual Report I reported that ICE Office had a backlog of casework, which, during the last financial year we had been unable to reduce, and that ICE Office was looking at ways to improve this situation in the coming year.

5.5 During this reporting period, we have continued to work hard to reduce the length of time that complainants wait to have their complaints investigated. A dedicated team of 7 investigation officers was set up in the ICE Office in June 2011 with the objective of examining cases awaiting investigation which had been accepted by ICE Office prior to 31 December 2010. 177 CSA investigation cases

were identified, and the team's target was to clear the outstanding cases by June 2012. As at 31 March 2012, 118 (67%) of these cases had been cleared. We will continue with this initiative in the current reporting year.

5.6 This has been a challenging time for ICE Office due to reduced staffing measures, with staffing reducing by 21% from April 2010 to April 2012. In addition to this, the cases received at ICE are more complex and given their subject matter and the periods complaints can relate to, can take longer to investigate.

5.7 The decision to focus on this backlog of work was taken in the knowledge that it would have an affect on our performance targets. As expected, we did not meet our throughput target. That is the result of prioritising older cases.

Complaints about our service and the outcome of my investigations

5.8 In accordance with best practice articulated by the British Standards Institute (BSI), we record as a complaint any expression of dissatisfaction by a complainant, about the service provided by ICE Office, or the outcome of my investigation.

5.9 During the reporting year we received 181 complaints relating to our CSA caseload, 77 regarding the service provided by ICE Office, 102 about the findings of my investigation and 2 combined complaints about service and outcome.

5.10 Complaints can provide valuable insight into the customer journey and the experiences of people who use our service, and we have regard to this feedback in the context of possible service improvements.

Findings of the Parliamentary and Health Service Ombudsman (PHSO)

5.11 Individuals who are dissatisfied with ICE investigations can ask Members of Parliament to progress their complaints to the Ombudsman. This year, the Ombudsman found that we could have done more in 3 CSA cases investigated by her office, and in each of those cases I agreed to meet the Ombudsman's recommendations. It is right and proper that an organisation such as ICE, which prides itself on the excellence of its processes, should be open to scrutiny and should welcome constructive criticism when given and learn from it, as we encourage bodies within our jurisdiction to do.

Continuous Improvement

Initiatives

5.12 ICE Office has continued to pursue a number of initiatives which reflect its commitment to improving the service it provides, and its dedication to delivering an excellent customer service. Half of this reporting period was spent undertaking a "LEAN" exercise to assist further, ICE staff to have the skills to identify where there may be efficiency savings, and to look at how processes might be streamlined in order to deliver a more cost effective quality service.

5.13 Following ICE Office's success in December 2010 in achieving accreditation in Customer Service Excellence (which replaced Charter Mark) ICE Office successfully achieved re accreditation in November 2011, gaining a further two compliance plus scores in addition to the two already held by this office. A diverse range of organisations from the public, private and voluntary sectors are trying to achieve CSE accreditation. ICE Office has also continued to build on its **liP gold standard** achievement.

5.14 ICE Office is an associate member of the Ombudsman Association and staff from ICE Office attend working group meetings to share best practice and discuss common themes.

5.15 ICE 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 of the difference our service has made to their lives, as the following quotes demonstrate:

“Good and reliable service. I cannot ask for more. ICE restored my hope in justice.”

“The service given by ICE was exemplary. Under the circumstances it was a joy to experience such a real professional team with a sense of purpose and care.”

6. Child Support Agency: Supporting Evidence

1. Casework Statistics

The data and figures that follow are based on casework in the twelve month period between 1 April 2011 and 31 March 2012. Comparisons are made with the twelve months from 1 April 2010 and 31 March 2011.

2. Complaints Received

Complaints received and accepted during the period are outlined below.

	01/04/10 – 31/03/11	01/04/11 – 31/03/12
Received	2241	1670
Accepted	820	680

3. Case clearances

Details of clearances are given below:

	01/04/10 – 31/03/11	01/04/11 – 31/03/12
Resolution	527*	344*
Investigation	399	471
Withdrawn	36	36
Total	962	851

* 2010/2011 figures include 75 resolved with evidence (settled) and 13 settled for 2011/2012

Withdrawn cases

3.1 Complaints may be withdrawn for several reasons. For example, some complainants decide to withdraw their complaint when my officers explain to them the need to appeal decisions made, or they choose to take another route to seek redress such as court action. From time to time people also withdraw their complaint because our explanations satisfy them that what has happened was appropriate. Other cases are withdrawn because the Agency has acted to address a complainant'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. The number of cases resolved has decreased this year which positively reflects the Agency’s effectiveness at dealing with the “easier” cases before they came to ICE.

4. Outcomes

4.1 My findings in respect of cases not resolved are given below. In cases where I find that the Agency has failed to provide an acceptable standard of service, when determining whether to uphold a complaint I 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, I do not uphold the complaint.

4.2 The number of “not upheld” complaints has increased again this year. This reflects CSA’s attempts to try to put things right, or explain to the complainant if there is nothing further appropriate to be done in that case.

	01/04/10 – 31/03/11	01/04/11 – 31/03/12
Fully upheld	101 (25%)	81 (17.2%)
Partially upheld	167 (42%)	157 (33.3%)
Not upheld	131 (33%)	233 (49.5%)
Total	399	471

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 01/04/10 – 31/03/11	Upheld	Not upheld	Resolved
Delay	113	96	333
Error	144	225	382
No action taken	181	184	386
Other	84	151	113

Subject of complaint 01/04/11 – 31/03/12	Upheld	Not upheld	Resolved
Delay	96	137	225
Error	93	386	263
No action taken	140	268	214
Other	79	233	70

5.2 Delay, error and no action taken are still the main areas leading to complaint from CSA complainants. The fact that some of these cases were subsequently resolved suggests that the Agency could have done more to put things right in the first instance. I did not uphold a high number of complaints of alleged error.

6. Cases outstanding at 01/04/12

Case load 01/04/10 – 31/03/11	653
Case load 01/04/11 – 31/03/12	527