

From the Chief Executive Officer **Amanda Campbell CBE**



In Confidence
Peter Schofield
Permanent Secretary
Department for Work and Pensions
Caxton House
Tothill Street
London
SW1H 9NA

12th December 2018

RE: Information on the complaints we handled about the Department for Work and Pensions in 2017-18

Dear Peter

I am writing to provide you with information about the complaints we handled about the Department for Work and Pensions (DWP) and its agencies in 2017-18.

This year, instead of publishing an annual report with a detailed breakdown of the complaints handled about government departments and agencies, we have decided to write to the Permanent Secretaries of the four departments that account for the majority of our investigations.

The numbers of complaints we handled

As in previous years, in 2017-18 we received the largest number of enquiries regarding the DWP itself, followed by the Child Maintenance Service and Jobcentre Plus. We assessed 169 cases about organisations falling under the remit of the DWP and accepted 40 complaints for investigation in principle.

Together with the Ministry of Justice, the Home Office and HM Revenue and Customs, the DWP and its agencies continue to make up around three quarters (74%) of the investigations we complete. On its own, DWP made up around 24% (96) of the total 403 complaints we investigated about government departments and agencies, higher than any of the other three departments. The number of complaints we investigated about DWP declined in 2017-18, however, from the 131 received in 2016-17.

In 2017-18 we fully or partly upheld 16% of the complaints we investigated about the DWP (four complaints fully upheld and 11 partly upheld), down from 29% (sixteen fully upheld and 22 partly upheld) in 2016-17.

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Over the last year we have been making important changes to our service. We have recruited a significant number of new caseworkers and made changes to our casework allocation process by assigning each case to a single caseworker. This helps to reduce hand-offs and improve timeliness, but the new processes and staff have taken time to bed in. We have also placed a greater emphasis on giving complainants a decision as quickly as possible and resolving more cases informally without the need for a full investigation. This means we have concluded fewer investigations.

Issues and themes from our casework

When we conduct an investigation we record data about the specific issues we are considering in the complaint. This means we are able to provide detail about both the overall decisions we have made about a particular organisation and the types of issue we most commonly see occurring.

When we investigate complaints about organisations that have a second tier of complaints-handling, such as DWP does with the Independent Case Examiner (ICE), we ask the person complaining to tell us whether their complaint relates to DWP, ICE or both. In around 41% (39) of cases we investigated in 2017/18, the person complaining said they had a separate complaint about ICE they wanted to bring to us. This represents the highest number of complaints we received about organisations within DWP, but this is likely to be partly because ICE are the second tier for all of your organisations, and therefore more likely to be complained about. We partly upheld 8% (3) of the complaints we investigated about ICE, and did not fully uphold any.

Issues regarding services

Complaints about decisions made by DWP and its agencies (including incorrect, miscalculated or discretionary decisions) made up around 1 in 5 (20) of all complaints we investigated, and featured in a third (5) of all complaints where we fully or partly upheld. This was down from 2016/17, where we fully or partly upheld over 63% (24) of complaints relating to decision-making.

Complaints about policy issues dropped drastically in 2017-18 compared to the previous year, from around 23% (30) of all complaints we investigated to 3% (3).

A common issue that arose in complaints we investigated about DWP and its agencies is assessments (e.g. that Jobcentre Plus had failed to properly assess a benefit claim it had received). This represented nearly 30% (39) of the complaints we investigated in 2016-17, but reduced in 2017-18 to just over 20% (19). Of the 39 complaints relating to assessments we investigated in 2016-17, we fully or partly upheld 67% (26). However in 2017-18, the number fully or partly upheld decreased to around 20% (4).

Overall, the issue that saw the biggest increase in complaints coming to us in 2017-18 related to enforcement (either taken inappropriately or a lack of action). In 2016-17, concerns about enforcement made up less than 4% (5) of the total complaints we investigated about the DWP. In 2017-18 the number of issues we investigated relating to enforcement action increased to almost 17% of all complaints we investigated (from 5 to 16 complaints). In 31% (5) of these we fully or partly upheld the complaint in 2017-18.

Complaints about enforcement were most likely to arise in relation to the Child Maintenance Service (CMS). The CMS made up 38% (36) of the cases we investigated about DWP. This was the second highest organisation within DWP, after ICE. We fully or partly upheld over 1 in 5 (8) investigations about the CMS. This was slightly over the average for the whole of DWP at 16%.

Issues regarding complaint handling

There was a dramatic drop in the number of complaints coming to us specifically about complaint handling. We recorded 77 complaint issues specifically about the way a complaint was handled in 2016-17, but this fell significantly to 17 in 2017-18.

The two most common issues raised about complaint handling remained consistent with previous years. These were conclusions being considered unsound or not evidenced-based, and individuals receiving an insufficient personal remedy or apology. We fully or partly upheld approximately half of the complaints we investigated relating to this.

Annexes

I have attached in an annex a full statistical breakdown of the complaints we handled about the DWP and its agencies in 2017-18. A table containing the complaints we handled about all government departments and agencies in this period is also available on our website and in line with our commitment to transparency a copy of this letter will also be placed online on 17 December. In a separate annex I have also included for your information two case summaries where failings occurred, which I hope provides a useful example of the types of issues we can see in our casework.

I would be happy to discuss further any of the information set out in this note if you would find this helpful. The data provided in this letter does not relate to our ongoing work in relation to State Pension Age complaints, for which I will write separately.

We have sent a copy of this letter to the Chairs of the Work and Pensions Committee and Public Administration and Constitutional Affairs Committee to help inform Parliament's scrutiny work.

Yours sincerely

A handwritten signature in black ink that reads "Amanda Campbell". The signature is written in a cursive style with a large initial 'A'.

Amanda Campbell
Chief Executive Officer
Parliamentary and Health Service Ombudsman

Annex A: Statistics about the DWP and its agencies in 2017-18¹

Organisation	Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted in principle for investigation ²	Investigations upheld	Investigations partly upheld	Investigations not upheld	Investigations resolved without a finding*	Investigations discontinued	Uphold rate
2017-18										
Department for Work and Pensions	1426	169	1	40	4	11	65	5	11	16%
Capita Business Services Ltd	3	0	0	0	0	0	0	0	0	n/a
Child Maintenance Service	346	45	0	17	2	6	25	0	3	22%
Department for Work and Pensions	881	80	1	7	1	1	5	1	1	22%
Health and Safety Executive	35	10	0	1	0	1	0	0	0	100%
Independent Case Examiner	19	10	0	13	0	3	30	2	4	8%
Jobcentre Plus	77	10	0	1	1	0	5	2	3	9%
Medical Services ATOS Healthcare	4	0	0	0	0	0	0	0	0	n/a
Pension Protection Fund	0	0	0	0	0	0	0	0	0	n/a
Pensions Ombudsman	35	10	0	0	0	0	0	0	0	n/a
The Pension, Disability and Carers Service	8	1	0	1	0	0	0	0	0	n/a
The Pensions Regulator	2	2	0	0	0	0	0	0	0	n/a

¹ Please note that in some instances due to different methods of calculation and grouping of data for this year's figures, some of the figures for 2016-17 were re-calculated for comparison and may differ to those use in our 2016-17 report.

² Our casework management system records the date on which we have proposed to investigate a case, rather than when we confirm an investigation. In some cases, following comments from the parties, we may decide not to investigate. The number of complaints we accept for investigation in a financial year differs from the number of investigations that we complete in that same year. This is because our statistics only provide a snapshot of our casework flow at a given time. For example, we may have accepted a complaint for investigation in 2017-18 but may not complete it until the following year, 2018-19. Similarly, we may have completed an investigation in 2017-18 which we originally accepted for investigation in the previous year 2016-17.

Annex B: Case summaries

Case 1 Headline

The Child Support Agency (CSA) failed to clearly explain how a father's child maintenance arrears figures were arrived at, and the criteria for why these arrears could not be written off.

Background

Mr D, the non-resident parent, became liable to pay child maintenance in 1999 for two children. Due to various changes in Mr D's circumstances throughout the history of the claim, his liabilities were recalculated several times.

In July 2013 Mr and Mrs D (his new partner) complained, via their MP, that the CSA had been unable to provide an accurate figure for the amount Mr D owed, leading to financial difficulties, distress and hardship. Mr D also requested the arrears be written off.

In November 2013 the CSA recalculated the amount Mr D owed again as a result of the complaint, which lowered his arrears. The CSA confirmed though that this would not be written off, as they would only do so in exceptional circumstances. They stated their mistakes in calculating the arrears were due to a mixture of Mr D not providing them with the information needed to assess how much he owed, and errors on their part in handling the claim. This included not revising the amount owed as a result of Mr D's successful appeals to a first tier Tribunal. They apologised for the failings on their part.

Mr and Mrs D made a further complaint to the CSA in September 2014, and were offered a £100 consolatory payment. Mr and Mrs D then went to Independent Case Examiner (ICE), who upheld their complaint and requested the CSA apologise, provide a further breakdown of the amount Mr D owed and pay £100 in compensation. They confirmed Mr D was still liable to pay the arrears. The CSA complied with ICE's findings.

What we found

After investigating, we partly upheld Mr and Mrs D's complaint about the CSA. We were unable to understand how the CSA had reached the arrears figures they produced and found they were unable to explain why Mr D did not meet the criteria to have his arrears written off. We did agree though, that while this was unclear, Mr D was still by law obliged to pay this money back.

We recommended that within one month of our final report the CSA should apologise for its failures in relation to calculating the arrears figures, and provide a full explanation for why the arrears were not written off. We also recommended within two months they provide a detailed breakdown to Mr D of the outstanding arrears with full explanations of how these figures had been reached. The CSA complied with our findings.

Mr and Mrs D also asked us to consider their complaint about ICE, as they considered the amount offered in compensation was too low. Our investigation

found ICE adequately addressed Mr and Mrs D's concerns, and the amount offered was appropriate. We therefore did not uphold this part of their complaint.

Case 2 Headline

A disabled woman's needs were inadequately assessed through the Access to Work scheme and her complaints were not addressed.

Background

In 2013 Ms A, who is partly deaf and has a speech impediment, complained that Access to Work wrongly applied the funding rules to her case which meant her funding was too low to pay for qualified British Sign Language (BSL) interpreters. In 2015 Access to Work reduced her support to eight hours per week of 'job aide' without explaining what that meant. Ms A said Access to Work's actions made her unable to do her job properly and she struggled to work to her full potential.

She wanted Access to Work to:

- give her 'realistic' support of at least 24 hours of interpreting support per week to enable her to do her job;
- pay her outstanding invoices;
- improve its practices so it did not repeatedly request the same information; and
- acknowledge that it had treated her unfairly over two years.

Between 2013 and 2016, through the Access to Work scheme, Ms A experienced several changes in the financial support that she was awarded to support her in her role as a domestic abuse outreach worker (e.g. BSL support and note-taking support). This was despite there being increases in her job responsibility and deteriorations in her health.

The nature of Mrs A's work requires sign language support on an ad hoc basis, often at short notice. Access to Work wrote to Ms A on 22 July 2013 awarding 70 hours per month of BSL interpreting support at a rate of £50 per hour for 1 May 2013 to 31 March 2015, though at several points the terms were changed and reduced, with little explanation as to why.

On attempting to appeal the decision, Access to Work said awards were discretionary so could not be appealed. On 14 July 2014, Ms A called Access to Work saying she was chasing payment for November-December 2013 and Access to Work had also not paid invoices for March, April, May and June 2014.

What we found

We fully upheld this complaint. We found that originally, when Access to Work decided to award Ms A salaried support, it did not adequately assess her needs and thus determine whether a salaried interpreter was feasible and appropriate. The fixed figure did not take account of the level of her particular interpreting needs, and the experience and expertise of interpreting support she required for her particular role.

We found that DWP failed to address her complaints and fully reconsider their decisions. The way Access to Work communicated with Ms A about its decisions and the support it awarded also amounted to maladministration.

When Access to Work awarded salaried funding, it gave Ms A no time to change her way of working before the decision came into effect. Ms A's speech impediment was worsened by anxiety. We considered that Access to Work's failings would have had a significant impact on her given her health conditions.

Overall, from 2013 to 2016 we found that Access to Work's decision making was flawed and they did not fully assess Ms A's needs or the evidence available to them. We were satisfied that the decision Access to Work made in March 2017 was correct and Ms A was at that point awarded with the correct amount of support. We considered that between December 2013 and April 2015 Ms A did receive more support than she was entitled to, ranging from 22 to 37 hours per week which is more than the 15 hours support she was now being awarded.

We recommended that Access to Work apologise to Ms A and make a consolatory payment for the injustices she suffered.