

The Parliamentary Ombudsman's review of government complaint handling 2013

Contents

Foreword	2
Enquiries, complaints and investigations, by department	5
Annexes	7
Cabinet Office	9
Department for Business, Innovation and Skills	11
Department for Communities and Local Government	14
Department for Culture, Media and Sport	17
Department for Education	20
Department for Environment, Food and Rural Affairs	23
Department for International Development	26
Department for Transport	28
Department for Work and Pensions	31
Department of Energy and Climate Change	35
Department of Health	38
Foreign and Commonwealth Office	40
HM Revenue & Customs	43
HM Treasury	46
Home Office	48
Ministry of Defence	52
Ministry of Justice	54

Foreword

Public services make thousands of decisions every day affecting family incomes, jobs, businesses and much more. Most of the time things go right, but things can go wrong. When they do, how services respond determines whether or not an individual receives justice. How the leaders of public services respond determines whether or not citizens' trust is restored and learning is used to improve public services for everyone.

We know that often there is a gap between people's expectations of public services and the reality, and that one of the key measures of customer satisfaction is the ability of an organisation to manage problems and handle complaints. Sitting as we do at the apex of the complaints system, the direct relationship between complaint handling and trust in an organisation is something that we see throughout our work. It is also evident in the research carried out by the Institute of Customer Service, which shows that customers consider that national public services are, on average, delivering a relatively low level of service, compared to what they experience elsewhere in the economy.¹



In this report, we set out the details of complaints about government departments and their agencies in 2013. We show for the calendar year the number of enquiries we have received about each organisation, how many complaints we went on to investigate and, where we did investigate, how many complaints we upheld. We also go behind the numbers, looking at the qualitative information we hold about the nature of the complaints we have investigated, and how well the departments and agencies have worked with us to put things right.

The personal impact when things go wrong

Failure by government departments and their agencies to respond well to complaints can have devastating impacts on individuals and their families. When complaints are not handled well it can make matters worse. Our casebook in 2013 includes the story of a child who had to

¹ Institute for Customer Service, *UK Customer Satisfaction Index: The state of customer satisfaction in the UK* (January 2014) – Public services (national) sector results; The average customer satisfaction index score for national public services was 71.9 compared to the UK all-sector average of 77.1.

wait nearly ten years before their immigration application was decided; an individual who had their medical records shared inappropriately; and a sexual assault victim whose suffering was compounded by a failure to respond to her complaint appropriately. We investigated and upheld all of these complaints because the public services involved were not able or willing to put right their mistakes at the earliest opportunity.

Learning from complaints

A positive response to complaints can achieve two things. It can ensure justice for an individual, and it can also ensure there is an opportunity for learning to take place. Our research shows that, at present, 64% of people who complain do not believe their complaint will lead to any change. Yet good complaint handling can make a difference, by making sure that the same mistakes do not happen again and that the quality of our public services improves.

For example, agencies such as Cafcass and the Child Support Agency engaged with us constructively in 2013. They replied quickly to our enquiries and responded positively to our recommendations. Our investigations of complaints about the now defunct Warm Front scheme are another example. It should not have needed our intervention to resolve the complaint from an elderly couple left without adequate heating and water for over two winters. Importantly though the Department of Energy and Climate Change (DECC) and Carillion responded positively and in two further cases we did not need to investigate because they came up with a resolution that the complainants were happy with. Since then, both DECC and Carillion have explored new ways to resolve complaints and have used the lessons from our work to improve their customers' experience.

Some of the examples of where learning is still being missed risk undermining some of the hugely positive work that is taking place

within government departments and agencies to continue to transform services to better meet customer needs. We continue to see, for example, wasted public money as a result of having to pay out repeated compensation for the same mistakes. In 2013 we upheld a number of cases where individuals were legally entitled to work in the UK but either lost their job or had their offer of employment withdrawn because the Employer Checking Service were unable to confirm that they could do so. We have seen this mistake repeated and, as a result, the Home Office has had to pay out five-figure sums. We also still see cases where government departments and agencies get the balance wrong in placing too much emphasis on the actions of their customers and not enough on accepting responsibility for their own actions.

So what can we achieve together?

We believe that 2014/15 offers a unique opportunity to transform complaint handling across public services. We agree with the Public Administration Select Committee's (PASC) recent call for a simpler, more straightforward Ombudsman service, and we look forward to working with the Cabinet Office team tasked with reviewing the public services ombudsman landscape to consider what this service might look like.

At the same time, it is also an opportune moment for government departments and agencies to step up and drive improvements in complaint handling; the tone has been set by the PASC's report *More complaints please!*, with its emphasis on learning and leadership. We hope the current Cabinet Office review of complaint handling across government builds upon this, by reiterating the need for strong leadership and collaboration, including the key role boards can play in establishing good practice.

Last year, in our annual statements to Permanent Secretaries, we posed a series of questions

that we would expect their departmental boards to ask to improve services and people's expectations of complaint handling, covering trends in complaints, the learning and the customer experience of complaining. This year we will build upon our work by conducting our own research into how those boards are engaging with complaints, mirroring the research we have already carried out with the boards of NHS trusts.²

We need to rebuild citizens' trust in public services and, to do so, we need public service leaders who embrace a culture of openness and who value complaints as insight for learning, improving and innovating.

Leaders need to ensure that delivery on complaint handling is core to the agenda and not just a 'tick-box' exercise. We have been particularly impressed by the work being done by the Board of Her Majesty's Revenue and Customs (HMRC), which commissioned its Scrutiny Committee (led by a non-executive director) to review their complaints process. As a result, they are now measuring performance with a focus on the effectiveness of complaint handling, including timeliness and quality, learning from complaints and working with the Adjudicator's Office to identify to what extent complaints are escalated. We would urge the boards of all government departments to look at the work of HMRC and consider similar initiatives.

We hope the insights will prove valuable and we look forward to working with the Cabinet Office and government departments and agencies over the coming year to ensure that we continue to design good together in the interests of the millions of citizens who rely on our public services.

Dame Julie Mellor, DBE
Parliamentary Ombudsman

May 2014

² Parliamentary and Health Service Ombudsman, *Designing good together: transforming hospital complaint handling* (August 2013).

Enquiries, complaints and investigations, by department

The table below shows the number of enquiries we have received about departments, and illustrates how these were taken forward by PHSO.

Departments	Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
Cabinet Office	10	3	0	0	0	0
Department for Business, Innovation and Skills	136	19	0	15	1	7
Department for Communities and Local Government	81	46	1	11	3	4
Department for Culture, Media and Sport	50	19	2	6	2	3
Department for Education	316	157	2	60	9	8
Department for Environment, Food and Rural Affairs	143	78	1	42	1	2
Department for International Development	2	0	0	0	1	0
Department for Transport	379	59	0	31	7	6
Department for Work and Pensions	2,703	275	10	123	12	42
Department of Energy and Climate Change	49	17	2	8	4	4

Departments	Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
Department of Health	153	29	1	4	0	0
Foreign and Commonwealth Office	27	3	0	2	2	2
HM Revenue & Customs	1,126	184	3	69	10	27
HM Treasury	37	8	0	3	0	1
Home Office	1,222	550	64	117	23	11
Ministry of Defence	38	4	0	0	0	0
Ministry of Justice	1,116	359	15	150	41	35
Total	7,588	1,812	101	640	61	152

Enquiries received shows the number of concerns we saw about each individual department. Many customers come to us seeking advice on where and how to complain and we provide them with that information. Where customers have completed the service provider's complaints process, the enquiry is taken on as a complaint to be assessed.

Complaints assessed shows the number of complaints we considered in further detail. Once we have looked at matters such as the length of time since the customer became aware of events and the availability of a legal remedy, complaints will be accepted for investigation if it appears there maybe an outstanding injustice due to service failure.

In some instances we can resolve a complaint through an **intervention**, as set out in the table. An intervention allows us to secure a remedy for the complainant without the need for a formal investigation.

The table also shows the number of complaints that were accepted for a formal **investigation** during 2013. However, some of these were not closed by the end of the calendar year.

Finally, we show how many investigations were **upheld** or **partly upheld** during the 2013 calendar year. The final column shows how many complaints we did **not uphold**.

Annexes

The information in these annexes provides a snapshot of our casework in the calendar year 2013 - the period from 1 January to 31 December 2013. The casework statistics are provisional and do not reflect work undertaken or decisions made on relevant cases since 1 January 2014.

The Ombudsman's casework about the Cabinet Office in 2013

Overview

The table below shows the number of enquiries that we received about the Cabinet Office and the number of interventions and investigations that we started and completed in 2013.

Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
10	3	0	0	0	0

The number of enquiries about the Cabinet Office fell from 16 to 10 in 2013. There was a small decrease in the number of enquiries where the customer was seeking advice on where and how to complain, and a small reduction in the number taken on as complaints to be assessed.

We assessed three complaints, a small reduction on the five we assessed in 2012, and did not accept any for investigation or complete any investigations in 2013.

The themes we investigated

We did not complete any investigations in 2013.

Investigation resolutions

We did not complete any investigations in 2013.

Compliance

There were no relevant compliance issues in 2013.

Learning from complaints and the experience of complaining

We only receive a small number of complaints about the Cabinet Office, and we did not see any reason to take further action in relation to any of the complaints we looked at in 2013.

Working with PHSO

We only receive a small number of complaints about the Cabinet Office, and we did not see any issues on which we needed to take further action with the Department in 2013.

The Ombudsman's casework about the Department for Business, Innovation and Skills in 2013

Overview

The table below shows the number of enquiries that we received about the Department for Business, Innovation and Skills and the number of interventions and investigations that we started and completed in 2013. Some of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
136	19	0	15	1	7

The number of enquiries about the Department for Business, Innovation and Skills fell by 12% in 2013. Within the overall figures, enquiries about the Student Loans Company Ltd rose from four to 28. The Students Loans Company Ltd is now the organisation we received most enquiries about, within the Department. It replaces the Land Registry, which saw a fall from 40 enquiries to 25. The proportion of enquiries about the Department for Business, Innovation and Skills where the customer was seeking advice on where and how to complain remained relatively stable at 61%, a small reduction on 62% in 2012, with the remaining 39% taken on as complaints to be assessed.

We assessed 19 complaints, similar to the 17 we assessed in 2012. However, the number of complaints accepted for investigation rose from three to 15 as a result of changes in our process. The number of complaints upheld or resolved through intervention fell from eight to one, which was about the Student Loans Company Ltd.

¹ Includes enquiries about organisations that are accountable to the Department.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 4 Inadequate financial remedy
- 3 Poor explanation
- 1 Failure to understand the complaint and outcome sought by the complainant
- 1 No third party review of the complaint
- 1 Inadequate other personal remedy
- 1 Failure to act in accordance with the law and relevant guidance
- 1 Response not evidence based

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 2 Apology
- 1 Compensation payment: non-financial loss

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not the Department (and organisations) complied with our recommendations by the deadline that we set. The table gives the total for the Department for Business, Innovation and Skills, as well as a breakdown, where relevant, for organisations that are accountable to the Department.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Department for Business, Innovation and Skills	0	0	0	1	1	1
Student Loans Company Ltd	0	2	0	0	2	2
Total	0	2	0	1	3	3

Learning from complaints and the experience of complaining

We upheld one complaint about the Student Loans Company Ltd. The complaint was about how they had responded when a parent had contacted them about the recovery of money incorrectly transferred into their son's account. We found that the Student Loans Company Ltd had failed to base their responses on evidence and address all of the issues, refused to enter into further correspondence and unfairly inferred dishonest actions about the complainant's son.

Working with PHSO

All of our recommendations were accepted and complied with within the timescale agreed, as was the remedy agreed without us carrying out a formal investigation.

The Department engaged with us constructively on complaints about the Student Loans Company Ltd, both on individual cases and on ensuring complainants are informed properly about our role in the complaints process.

The Ombudsman's casework about the Department for Communities and Local Government in 2013

Overview

The table below shows the number of enquiries that we received about the Department for Communities and Local Government and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show in our performance statistics as a separate investigation of each of the organisations concerned. Some of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
81	46	1	11	3	4

The number of enquiries about the Department for Communities and Local Government fell by 39% in 2013, from 132 to 81. Of these, 74% related to the Planning Inspectorate, which saw a 27% decrease. The proportion of enquiries about the Department for Communities and Local Government where the customer was seeking advice on where and how to complain fell from 60% to 48%. The remaining 52% were taken on as complaints to be assessed.

We assessed 46 complaints, a small reduction on the 54 we assessed in 2012. However, as a result of changes in our process, the number of complaints accepted for investigation rose from three to 11. The number of complaints upheld or resolved through intervention fell from five to four, three of which were about the Planning Inspectorate.

¹ Includes enquiries about organisations that are accountable to the Department.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 2 Inadequate other personal remedy
- 2 Inadequate financial remedy
- 2 Failure to act in accordance with the law and relevant guidance
- 2 Response not evidence based
- 1 Inadequate apology
- 1 Factual errors in response to the complaint
- 1 Communication with the complainant unhelpful, ineffective, disrespectful

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 3 Compensation payment: financial loss
- 2 Apology
- 1 Action to remedy (Putting things right)
- 1 Compensation payment: non-financial loss
- 1 Systemic remedy: changes to policy or procedure
- 1 Systemic remedy: staff training

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Department for Communities and Local Government, as well as a breakdown, where relevant, for organisations that are accountable to the Department.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Homes and Communities Agency	0	1	0	0	1	1
Planning Inspectorate	0	3	0	1	4	4
Total	0	4	0	1	5	5

Learning from complaints and the experience of complaining

The Planning Inspectorate

The Planning Inspectorate accounted for the majority of complaints about the Department for Communities and Local Government that we upheld or resolved through intervention. The first complaint we upheld related to three decisions that were all subsequently quashed in the High Court. We found that the Planning Inspectorate didn't follow their own process, which was to escalate to a more senior decision maker after each previous decision had been quashed, and that each time they made a decision, they repeated the same mistakes that had led to the previous decision being quashed. The second complaint we upheld related to an unclear remedial notice about a high hedge. It meant that the remedial work that was carried out didn't resolve the problem and that it was no longer possible to take further action because the work that had been carried out had changed the situation, leaving the complainant without the outcome that had been intended. The complaint that we resolved through intervention also related to an unclear remedial notice about a high hedge, although in that case it was still possible for the complainant to submit a new application.

Homes and Communities Agency

The complaint we upheld about the Homes and Communities Agency related to their handling of concerns raised about a housing association. We found that they had taken the correct action as a regulator but had failed to convey that appropriately to the complainant, raising doubts about whether they had taken the concerns seriously.

Working with PHSO

All of our recommendations were accepted and complied with within the timescale agreed, as was the remedy agreed without us carrying out a formal investigation.

We had initial difficulties in our investigation about the Homes and Communities Agency and had to deal with challenges from them about the legitimacy of our involvement. It was only when we met them to discuss their comments on the draft report that they fully understood the complaint and engaged with the process. Since that meeting, there has been an improvement in the level of co-operation.

The Ombudsman's casework about the Department for Culture, Media and Sport in 2013

Overview

The table below shows the number of enquiries that we received about the Department for Culture, Media and Sport and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show in our performance statistics as a separate investigation of each of the organisations concerned. One of the investigations shown in the table was still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
50	19	2	6	2	3

The number of enquiries about the Department for Culture, Media and Sport remained relatively stable in 2013, with a slight fall from 53 to 50. There was a small decrease in the number of enquiries where the customer was seeking advice on where and how to complain. There was a small increase in the number taken on as complaints to be assessed.

We assessed 19 complaints, similar to the 17 assessed in 2012, but, as a result of changes in our process, the number of complaints accepted for investigation rose from four to six. The number of complaints upheld or resolved through intervention rose from one to four.

¹ Includes enquiries about organisations that are accountable to the Department.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 4 Communication with the complainant unhelpful, ineffective, disrespectful
- 4 Poor information about the complaints process
- 4 Response not tailored to individual needs
- 1 No acknowledgement of mistakes

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 3 Action to remedy (Putting things right)
- 3 Apology
- 3 Compensation payment: non-financial loss
- 3 Systemic remedy: changes to policy or procedure

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Department for Culture, Media and Sport, as well as a breakdown, where relevant, for organisations that are accountable to the Department.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Gambling Commission	0	4	0	4	8	8
Total	0	4	0	4	8	8

Learning from complaints and the experience of complaining

The National Lottery Commission (now part of the Gambling Commission) accounted for both upheld complaints and one resolved through intervention. All of these complaints related to how they responded to individuals who had raised consumer concerns about Camelot. We found that there was a lack of clarity around the National Lottery Commission's role in relation to resolving consumer complaints, which extended to the information on their website. While their primary role is as a regulator, they also respond to individual complaints. However, they did not deal with those individual complaints in the way that a complaint handler would, and they were therefore unable to respond properly. They accepted our recommendation that they define their role around whether they are an effective complaint handler as well as a regulator, and if they are, to put appropriate policies in place.

Working with PHSO

All of our recommendations were accepted and complied with within the timescale agreed, as were the remedies agreed without us carrying out a formal investigation.

We came into contact with the National Lottery Commission for the first time when we investigated these complaints about them. As such, this was a learning experience for them and they engaged with us during the process. However, the confusion around their role that was behind the original complaints continued during the course of our investigations, culminating with a telephone call to the chief executive to explain the problem.

The Ombudsman's casework about the Department for Education in 2013

Overview

The table below shows the number of enquiries that we received about the Department for Education and the interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show in our performance statistics as a separate investigation of each of the organisations concerned. Most of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
316	157	2	60	9	8

The number of enquiries about the Department for Education increased by 6% in 2013, continuing the upward trend from the previous year. However, the number of enquiries about the Children and Family Court Advisory and Support Service (Cafcass) were relatively stable, with only a 1% increase. As a result, they now make up 88% of the enquiries about the Department, compared to 93% in 2012. The proportion of enquiries about the Department for Education where the customer was seeking advice on where and how to complain remained steady at 54%, a small increase on 53% in 2012, with the remaining 46% taken on as complaints to be assessed.

We assessed 157 complaints, an increase of 27% on the 124 we assessed in 2012. Complaints about Cafcass rose to 149, up from 121 in the previous year. The number of complaints accepted for investigation rose from five to 60 as a result of changes in our process. Of these, 58 were about Cafcass. The number of complaints upheld or resolved through intervention rose from eight to 11, all of which were about Cafcass.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 10** No acknowledgement of mistakes
- 8** Communication with the complainant unhelpful, ineffective, disrespectful
- 5** Inadequate other personal remedy
- 4** Poor explanation
- 3** Failure to act in accordance with the law and relevant guidance
- 2** Inadequate financial remedy
- 1** Focus on process not outcomes
- 1** Inadequate apology
- 1** Inadequate systemic remedy
- 1** Poor access and inadequate advice and support
- 1** Failure to take appropriate specialist advice
- 1** Poor record keeping
- 1** Response not proportionate to seriousness of the complaint
- 1** Response incomplete

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 8** Apology
- 3** Compensation payment: non-financial loss
- 2** Action to remedy (Putting things right)
- 2** Systemic remedy - changes to policy or procedure

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Department for Education, as well as a breakdown, where relevant, for organisations that are accountable to the Department.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Children and Family Court Advisory and Support Service	0	13	1	2	16	15
Total	0	13	1	2	16	15

Learning from complaints and the experience of complaining

Cafcass were responsible for all of the complaints investigated about the Department for Education. The theme common to all of the investigations was that Cafcass' complaints procedures didn't address the individual complaints properly, which exacerbated already difficult situations. Cafcass divided complaints into matters of professional judgment to be raised in court, and conduct, which would be dealt with through Human Resources policies. We found that this left a gap into which certain complaints fell; for example, a case was settled before reaching court or there was corporate responsibility, such as a delay in allocating a case, and as a result complainants weren't able to secure an appropriate remedy. Cafcass have accepted our recommendation to review their complaints policy to ensure it covers cases such as these.

Working with PHSO

All of our recommendations were accepted and complied with within the timescale agreed. Of the three remedies agreed without us carrying out a formal investigation, two were complied with by the target dates we set.

Cafcass have engaged with us constructively this year, including accepting our recommendation to review their complaints procedures. We have not had any of the problems that we encountered in the previous year and, where they have raised issues with our draft findings and recommendations, we have been able to resolve matters quickly, including through face-to-face meetings to explore the arguments.

The Ombudsman's casework about the Department for Environment, Food and Rural Affairs in 2013

Overview

The table below shows the number of enquiries that we received about the Department for Environment, Food and Rural Affairs and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show in our performance statistics as a separate investigation of each of the organisations concerned. The majority of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
143	78	1	42	1	2

The number of enquiries about the Department for Environment, Food and Rural Affairs increased by 13% in 2013, from 126 to 143. Enquiries about the Rural Payments Agency rose from 30 to 41 and enquiries about the Environment Agency increased from 38 to 48. The proportion of enquiries about the Department for Environment, Food and Rural Affairs where the customer was seeking advice on where and how to complain fell from 62% to 45%, with the remaining 55% taken on as complaints to be assessed. This is the highest proportion taken on as complaints to be assessed for any department.

We assessed 78 complaints, an increase on the 50 we assessed in 2012. Within the overall figures, we saw increases for both the Rural Payments Agency, 18 to 27, and the Environment Agency, 15 to 24. The

¹ Includes enquiries about organisations that are accountable to the Department.

number of complaints accepted for investigation increased from four to 42 as a result of changes in our process. Of these, 20 related to the Environment Agency (13 are linked cases on a single issue) and 15 to the Rural Payments Agency. The number of complaints upheld or resolved through intervention fell from four to two.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 2 Poor explanation
- 1 Failure to act in accordance with the law and relevant guidance
- 1 Inadequate financial remedy
- 1 Communication with the complainant unhelpful, ineffective, disrespectful
- 1 Unnecessary delay

Investigation resolutions

In our interventions and investigations, we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 2 Apology
- 1 Compensation payment: financial loss
- 1 Compensation payment: other

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Department for Environment, Food and Rural Affairs, as well as a breakdown, where relevant, for organisations that are accountable to the Department.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Environment Agency	0	0	0	2	2	2
Rural Payments Agency	1	3	0	0	4	3
Total	1	3	0	2	6	5

Learning from complaints and the experience of complaining

The complaint we upheld related to the Rural Payment Agency's decision to recover an overpayment. We found that they hadn't taken into account all of the relevant considerations. In particular, the information they had given the complainant would not have shown them that the payment was incorrect. However, ultimately, the scale of the overpayment meant that it remained recoverable. A number of the cases that we have taken on for investigation raise issues around the balance between personal responsibility and the responsibilities of the Rural Payments Agency, as well as aspects of customer service, such as the quality of advice and communication.

Working with PHSO

All of our recommendations were accepted and three out of four were complied with within the timescale agreed. The Department complied with both remedies agreed, without us carrying out a formal investigation by the target dates we set.

We have encountered some difficulties in obtaining the information we requested from the Environment Agency. Information has been sent piecemeal or summarised, rather than in the form of the actual documentation that we needed to see. In addition, in one case, there was a challenge to our jurisdiction around criminal matters.

The Ombudsman's casework about the Department for International Development in 2013

Overview

The table below shows the number of enquiries that we received about the Department for International Development and the number of investigations that we started and completed in 2013.

Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
2	0	0	0	1	0

The number of enquiries about the Department for International Development fell from three to two in 2013. Both enquiries were where the customer was seeking advice on where and how to complain and as a result we did not assess or accept any complaints for investigation compared to two assessed in 2012 and none accepted. One complaint (carried over from the previous calendar year) was upheld; this compares to no complaints upheld against the Department in 2012.

The themes we investigated

The investigation we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 1 Lack of leadership and governance
- 1 No acknowledgement of mistakes
- 1 Response not proportionate to seriousness of the complaint

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 1 Apology
- 1 Compensation payment: non-financial loss

Compliance

There were no relevant compliance issues in 2013.

Learning from complaints and the experience of complaining

The complaint we upheld related to the Department for International Development's investigation into allegations concerning the inappropriate use of funds and their handling of the complainant's details. We did not find any reason to question the outcome of their investigation, but we found that they had failed to communicate effectively; failed to give reasons for decisions, or to be open and transparent about those decisions; and failed to maintain reliable and useable records. We also found that they had failed to protect the complainant's identity and to ensure the confidentiality the complainant sought.

Working with PHSO

All of our recommendations were accepted.

The Department co-operated fully throughout our investigation, including providing us with potentially sensitive information without challenge. The only issue that arose was around representations they made asking for certain information not to be disclosed in our report, but they accepted our position that certain information had to be retained because it was key to the decision.

The Ombudsman's casework about the Department for Transport in 2013

Overview

The table below shows the number of enquiries that we received about the Department for Transport and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show in our performance statistics as a separate investigation of each of the organisations concerned. Most of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
379	59	0	31	7	6

The number of enquiries about the Department for Transport increased by 28% in 2013, from 297 to 379. Nearly 70% of these related to the Driver and Vehicle Licensing Agency and enquiries about them increased by 39%. We also saw an increase in the number of enquiries about the Highways Agency from 31 to 42. The proportion of enquiries about the Department for Transport where the customer was seeking advice on where and how to complain increased from 81% to 84%. The remaining 16% were taken on as complaints to be assessed.

We assessed 59 complaints, of which 32 were about the Driver and Vehicle Licensing Agency, similar to the 55 we assessed in 2012. However, the number of complaints accepted for investigation rose from four to

¹ Includes enquiries about the Department's agencies.

31 as a result of changes in our process. Despite accounting for nearly 70% of the complaints we received about the Department, only 16 out of the 31 complaints accepted for investigation were about the Driver and Vehicle Licensing Agency. In contrast, the Driving Standards Agency and the Vehicle and Operator Service Agency accounted for only 7% and 4% of the complaints received but five and three respectively out of the 31 complaints accepted for investigation. The number of complaints upheld or resolved through intervention rose from three to seven. Of these, three were about the Driver and Vehicle Licensing Agency and three were about the Driving Standards Agency.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 8 Inadequate financial remedy
- 4 No acknowledgement of mistakes
- 2 Response not proportionate to seriousness of the complaint
- 2 Communication with complainant unhelpful, ineffective, disrespectful
- 2 Inadequate apology
- 2 Unnecessary delay
- 2 Poor explanation
- 1 Inadequate systemic remedy
- 1 Inadequate other personal remedy
- 1 Focus on process not outcomes
- 1 Failure to act in accordance with the law and relevant guidance
- 1 Response incomplete

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 5 Apology
- 5 Compensation payment: non-financial loss
- 1 Action to remedy (Putting things right)
- 1 Compensation payment: financial loss
- 1 Systemic remedy - changes to policy or procedure
- 1 Systemic remedy - lessons learnt (Action plan)

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without a formal investigation.

This table shows whether or not the Department complied with our recommendations by the deadline that we set. The table gives the total for the Department for Transport, as well as a breakdown, where relevant, for the Department's agencies.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Driver & Vehicle Licensing Agency	2	4	0	0	6	4
Driving Standards Agency	0	4	0	0	4	4
Highways Agency	0	3	0	0	3	3
Total	2	11	0	0	13	11

Learning from complaints and the experience of complaining

One of the complaints we upheld about the Driver and Vehicle Licensing Agency related to their consideration of whether the complainant was medically fit to drive. Whilst we were satisfied with how they handled their investigation, we found that their complaint handling was poor because they failed to respond until the MP got involved. How they considered whether people were medically fit to drive was an issue in a number of the complaints we accepted for investigation.

Two of the complaints we upheld about the Driving Standards Agency related to licenses to give instruction. In both of these, the problems we identified didn't alter the decisions. The third case related to inconsistent decision making on whether to offer either a refund or rebook following the cancellation of a driving test, where the cancellation was made less than three days before the date of the test.

Working with PHSO

All of our recommendations were accepted and 11 out of 13 were complied with within the timescale agreed.

In February we shared our experience of dealing with complaints about compensation schemes with the Department to highlight lessons that they should be aware of with regard to High Speed 2. The Department accepted this as a useful exercise. They also engaged with us at the highest level to resolve an issue on a case that required a policy decision to be made.

The Ombudsman's casework about the Department for Work and Pensions in 2013

Overview

The table below shows the number of enquiries that we received about the Department for Work and Pensions and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show as a separate investigation of each of the organisations concerned in our performance statistics. Most of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
2,703	275	10	123	12	42

The number of enquiries about the Department for Work and Pensions remained relatively stable in 2013, increasing from 2,695 to 2,703. They continue to be the department with the highest number of enquiries, comprising 35% of all parliamentary enquiries in 2013. Within the overall figures, we saw a fall in enquiries about the Child Support Agency, down 6%, the Independent Case Examiner, down 5%, and The Pension Disability and Carers Service, down 3%, but an increase of 2% in enquiries about Jobcentre Plus. The proportion of enquiries about the Department for Work and Pensions where the customer was seeking advice on where and how to complain remained at around 90% . The remaining 10% were taken on as complaints to be assessed.

¹ Includes enquiries about the Department's business areas, agencies and the Independent Case Examiner as the Department's second-tier complaint handler.

The number of complaints we assessed also remained relatively stable, falling from 282 to 275 although the number about the Independent Case Examiner increased from 168 to 198. However, the number of complaints accepted for investigation increased from 19 to 122 as a result of changes in our process. Of these, 102 were about the Independent Case Examiner, making them the organisation with the highest number of complaints accepted for investigation. The number of complaints upheld or resolved through intervention was relatively stable, falling from 24 to 22, including nine about the Child Support Agency, six about Jobcentre Plus and five about the Independent Case Examiner.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 29 Inadequate financial remedy
- 12 No acknowledgement of mistakes
- 9 Response not evidence based
- 7 Inadequate other personal remedy
- 7 Factual errors in response to the complaint
- 7 Poor explanation
- 6 Response not proportionate to the seriousness of the complaint
- 3 Failure to act in accordance with the law and relevant guidance
- 3 Communication with the complainant unhelpful, ineffective, disrespectful
- 3 Unnecessary delay
- 3 Inadequate systemic remedy
- 3 Failure to co-ordinate with other organisations involved in the complaint
- 2 Complainant discriminated against without good reason
- 2 Failure to understand the complaint and outcome sought by the complainant
- 1 Inadequate apology
- 1 Response incomplete
- 1 Response not tailored to individual needs
- 1 Focus on process not outcomes
- 1 Poor record keeping

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 11** Apology
- 10** Compensation payment: non-financial loss
- 6** Action to remedy (Putting things right)
- 5** Compensation payment: financial loss
- 2** Systemic remedy: lessons learnt (Action plan)

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us conducting a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Department for Work and Pensions, as well as a breakdown, where relevant, for the Department's agencies, business areas and their second-tier complaint handler.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Child Support Agency	0	1	0	17	18	18
Debt Management Unit	1	1	0	0	2	1
Independent Case Examiner	0	3	0	0	3	3
Jobcentre Plus	1	8	0	1	10	9
Total	2	13	0	18	33	31

Learning from complaints and the experience of complaining

In several of the cases we upheld, there was a repeated failure to put matters right when they had gone wrong. There was a failure to identify that things had gone wrong even when challenged, which was due to failings in basic complaint handling, for example, misinterpreting the evidence, giving too much weight to what the claimant should have done and not what the Department had failed to do, inappropriately destroying evidence and failing to properly explain what had happened. This meant that the injustice was prolonged longer than necessary.

Working with PHSO

All of our investigation recommendations were accepted and 13 out of 15 were complied with within the timescale agreed, as were all 18 remedies agreed without us carrying out a formal investigation.

Our contacts at the Department generally respond quickly to our enquiries and respond positively to our recommendations. Our contacts at the Child Support Agency in particular stand out as providing us with a very good service and 'go the extra mile' in reviewing issues and taking proactive action in response to our enquiries. The Department have also responded proactively to our change in process by reviewing their relationship with us to see if there is more they can do. However, we experienced some difficulties on a small number of more complex cases in which the responses we received to our draft report came piecemeal rather than, as we would expect, as a corporate response. The Department are aware of this and are reviewing how to improve it. We have noticed that the Independent Case Examiner have been responding more positively to our recommendations - highlighting issues that they disagree with, where relevant, but emphasising that they will nevertheless comply with our recommendations.

The Ombudsman's casework about the Department of Energy and Climate Change in 2013

Overview

The table below shows the number of enquiries that we received about the Department of Energy and Climate Change and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show in our performance statistics as a separate investigation of each of the organisations concerned.

Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
49	17	2	8	4	4

The number of enquiries about the Department of Energy and Climate Change fell from 76 to 49 in 2013. Whilst the number of enquiries fell, the reduction was almost entirely made up of enquiries where the customer was seeking advice on where and how to complain so the number taken on as complaints to be assessed remained relatively stable.

We assessed 17 complaints, similar to the 16 assessed in 2012, but, as a result of changes in our process, the number of complaints accepted for investigation increased from three to eight. We upheld or resolved through intervention six complaints, compared to none in 2012. All of these related to the Warm Front scheme.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 4 Inadequate financial remedy
- 2 No acknowledgement of mistakes
- 1 Inadequate other personal remedy
- 1 Poor information about the complaints process
- 1 Unnecessary delay
- 1 Response not evidence based
- 1 No third party review of the complaint

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 7 Compensation payment: non-financial loss
- 5 Apology
- 2 Action to remedy (Putting things right)
- 2 Compensation payment: financial loss
- 2 Systemic remedy: lessons learnt (Action plan)

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation. This table shows whether or not our recommendations were complied with by the deadline that we set for compliance.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Total	0	14	0	4	18	18

Learning from complaints and the experience of complaining

All of the complaints we investigated or resolved through intervention related to the installation of new boilers and central heating systems under the Warm Front scheme, and the lack of action by the Department and Carillion, its contractor, to put things right. In all of these cases, the Department and Carillion should have identified that there were problems and resolved them much sooner. Their delay caused considerable inconvenience and distress to the complainants.

Working with PHSO

All of our recommendations were accepted and complied with within the timescale agreed, as were the remedies agreed without us carrying out a formal investigation.

The Department and Carillion have both engaged constructively with us during our investigations into complaints about the Warm Front scheme. They used the cases as an opportunity to understand what had gone wrong, to understand what would resolve the problem, and to provide that resolution. It is particularly encouraging to see how they have taken the learning from these complaints to improve their own service, and they are continuing to look at how they might improve their complaint handling so that cases do not reach us in the first place.

The Ombudsman's casework about the Department of Health in 2013

Overview

The table below shows the number of enquiries that we received about the Department of Health and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show in our performance statistics as a separate investigation of each of the organisations concerned. The investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
153	29	1	4	0	0

The number of enquiries about the Department of Health increased by 11% in 2013. Within the overall figures, the most significant change was an increase in the number of enquiries about the Medicines and Healthcare products Regulatory Agency from 10 to 36. The proportion of enquiries about the Department of Health where the customer was seeking advice on where and how to complain increased from 69% to 82%, with the remaining 18% taken on as complaints to be assessed.

The number of complaints we assessed fell from 42 to 29 but, as a result of changes in our process, the number of complaints we accepted for investigation rose from one to four. The number of complaints upheld or resolved through intervention remained unchanged at one.

¹ Includes enquiries about organisations that are accountable to the Department.

The themes we investigated

We did not complete any investigations in 2013.

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013.

1 Action to remedy

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Department of Health, as well as a breakdown, where relevant, for the Department's agencies.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
General Social Care Council	0	1*	0	0	1	1
Total	0	1	0	0	1	1

*The original investigation that led to this recommendation was completed in 2012, so is not included in the overview table.

Learning from complaints and the experience of complaining

The complaint that we resolved through intervention related to inaccurate information contained in a published report by the Care Quality Commission. In response to our intervention, they agreed to amend the report.

Working with PHSO

The only outstanding recommendation arising from an investigation that we completed in 2012 was complied with within the timescale agreed.

The Ombudsman's casework about the Foreign and Commonwealth Office in 2013

Overview

The table below shows the number of enquiries that we received about the Foreign and Commonwealth Office and the number of investigations that we started and completed in 2013. Two of the investigations that we completed in 2013 had been accepted for investigation in 2012.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
27	31	0	2	2	2

The number of enquiries about the Foreign and Commonwealth Office fell from 35 to 26 in 2013. The number of enquiries where the customer was seeking advice on where and how to complain remained relatively stable so the reduction in enquiries led to a fall in the number taken on as complaints to be assessed.

We assessed three complaints, a reduction on the 13 we assessed in 2012. Despite the changes in our process, the number of complaints accepted for investigation remained at two. We upheld or resolved through intervention two complaints; there were no investigations or interventions in 2012.

¹ Includes UK Trade & Investment

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 2 Inadequate financial remedy
- 1 No acknowledgement of mistakes
- 1 Inadequate apology
- 1 Failure to act in accordance with the law and relevant guidance
- 1 Inadequate other personal remedy
- 1 Communication with the complainant unhelpful, ineffective, disrespectful
- 1 Factual errors in response to the complaint
- 1 Poor information about the complaints process

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 2 Apology
- 2 Compensation payment: non-financial loss
- 1 Compensation payment: financial loss
- 1 Systemic remedy: lessons learnt (Action plan)

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation. This table shows whether or not our recommendations were complied with by the deadline that we set for compliance.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Total	0	6	0	0	6	6

Learning from complaints and the experience of complaining

In November 2013 we published our report, *Sexual Assault Abroad*, on our investigation of a complaint about the lack of support provided by the British Embassy and the Foreign and Commonwealth Office to a victim of sexual assault. We found failings by the British Embassy in Cairo and in the way that the Foreign and Commonwealth Office in London dealt with the case. Instead of providing the complainant with the help and advice she needed, the Embassy made a series of assumptions about her ability to cope and was not sensitive to her needs. The other complaint that we upheld related to the poor advice given after the complainant had had his passport stolen. As a result of the poor advice, the complainant incurred additional costs and inconvenience. This was compounded by delays in handling the complaint.

Working with PHSO

All of our recommendations were accepted and complied with within the timescale agreed.

The Foreign and Commonwealth Office were open and helpful throughout our published investigation and wanted to ensure that the learning from the case led to improvements in the service they provide. They also worked with us on the publication itself, ensuring that they had complied with our recommendations so that this could be included, and provided us with a quote that we could use in the press release.

The Ombudsman's casework about HM Revenue & Customs in 2013

Overview

The table below shows the number of enquiries that we received about HM Revenue & Customs and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show as a separate investigation of each of the organisations concerned in our performance statistics. Many of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
1,126	184	3	69	10	27

The number of enquiries about HM Revenue & Customs decreased by 8% in 2013, falling from 1,222 to 1,126. Within the overall figures, we saw a further shift away from enquiries about the Adjudicator's Office, down 11%. The proportion of enquiries about HM Revenue & Customs where the customer was seeking advice on where and how to complain increased from around 80% to around 85%, with the remaining 15% taken on as complaints to be assessed.

We assessed 184 complaints, of which 137 were about the Adjudicator's Office, a reduction of 28% on the 254 we assessed in 2012. However, as a result of changes in our process, the number of complaints accepted for investigation rose from 13 to 68, of which 58 were about the Adjudicator's Office. The number of complaints upheld or resolved through intervention fell from 16 to 13.

¹ Includes enquiries about HM Revenue & Customs' business areas, agencies and the Adjudicator's Office as the Department's second-tier complaint handler.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 23** Inadequate financial remedy
- 7** No acknowledgement of mistakes
- 4** Poor explanation
- 3** Response not evidence based
- 2** Unnecessary delay
- 2** Inadequate apology
- 2** Poor record keeping
- 1** Failure to understand the complaint and outcome sought by the complainant
- 1** Factual errors in response to the complaint
- 1** Inadequate other personal remedy
- 1** Response not proportionate to the seriousness of the complaint
- 1** Response not tailored to individual needs
- 1** Failure to co-ordinate with other organisations involved in the complaint

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

- 10** Apology
- 7** Compensation payment: non-financial loss
- 3** Action to remedy (Putting things right)
- 2** Compensation payment: financial loss
- 2** Systemic remedy: lessons learnt (Action plan)
- 2** Systemic remedy: staff training
- 1** Remittance of overpayment

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for HM Revenue & Customs, as well as a breakdown, where relevant, for the Department's agencies, business areas and its second-tier complaint handler.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
HM Revenue & Customs	1	15	0	5	21	20
The Adjudicator's Office	2	3	0	0	5	3
Total	3	18	0	5	26	23

Learning from complaints and the experience of complaining

The complaints we have investigated in relation to HM Revenue & Customs span a range of issues, from tax credits to personal tax. Two of the upheld investigations were about the Tax Credit Office failing to apply the proper legislation and guidance. Another was about HM Revenue & Customs failing to correct a known error in a person's National Insurance records. All three of these complaints were an opportunity for HM Revenue & Customs, and the Adjudicator's Office, to put matters right but they failed to do so. In another case we found no problems in HM Revenue & Customs's decision to recover an underpayment of tax but we found serious failings in the way they communicated with the complainant before and during the complaints process. In terms of complaint handling in all these cases, the key issues were a failure to use the right guidance or have sight of the right literature when reviewing the situation, making assumptions about what their literature said without checking, and not being clear and open about what had gone wrong once that had been identified.

Working with PHSO

All of our recommendations were accepted and 18 out of 21 were complied with within the timescale agreed, as were all five remedies agreed without us carrying out a formal investigation. Both HM Revenue & Customs and the Adjudicator's Office have indicated a clear willingness to learn from the complaints we have investigated and generally respond positively to our recommendations. However, one case required escalation, and we sent a letter to the Permanent Secretary before HM Revenue & Customs agreed to accept our recommendation. Disappointingly, the point of disagreement related to an issue that we had highlighted previously in the reports we published on tax credits.

We have a good relationship with HM Revenue & Customs and the Adjudicator's Office. We meet them both regularly to keep up to date with developments and iron out any difficulties. HM Revenue & Customs are completely reviewing their complaint handling process and aim to 'professionalise' complaint handling to improve their effectiveness and get it right first time. They have sought our input into this review as well as into two conferences they held on complaints.

The Ombudsman's casework about HM Treasury in 2013

Overview

The table below shows the number of enquiries that we received about HM Treasury and the number of investigations that we started and completed in 2013. Two of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
37	8	0	3	0	1

The number of enquiries about HM Treasury increased from 34 to 37 in 2013. There was a small rise in the number of enquiries where the customer was seeking advice on where and how to complain and a small increase in the number taken on as complaints to be assessed.

We assessed eight complaints, a small increase on the five we assessed in 2012 and, as a result of changes in our process, the number of complaints accepted for investigation increased from zero to three. No complaints were upheld or resolved through intervention compared to one in 2012.

The themes we investigated

The investigations we reported on concerned the following issues about complaint handling. (One investigation report can contain several themes.)

- 1 Failure to act in accordance with the law and relevant guidance

Investigation resolutions

There were no recommendations arising from our investigations in 2013.

Compliance

There were no relevant compliance issues in 2013.

Learning from complaints and the experience of complaining

We only receive a small number of complaints about HM Treasury. All of the complaints accepted for investigation were about the Equitable Life Payment Scheme. We do not consider complaints about the design, rules and setting up of the Scheme because as part of the Parliamentary process the eligibility criteria for the Scheme were extensively debated. Our role is to consider complaints about poor service and administrative errors and we have no authority over policy decisions that have been established by law or through the Parliamentary process. To date, we have not upheld any complaints about the administration of the Scheme.

Working with PHSO

We only receive a small number of complaints about HM Treasury, and we did not see any issues in which we needed to take further action with the Department in 2013.

The Ombudsman's casework about the Home Office in 2013

Overview

The table below shows the number of enquiries that we received about the Home Office and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will show as a separate investigation of each of the organisations concerned in our performance statistics. Most of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
1,222	550	64	117	23	11

The number of enquiries about the Home Office decreased by 14% in 2013, falling from 1,417 to 1,222. This was driven by a 13% decrease in enquiries about what was the UK Border Agency or the UK Border Force, who accounted for 87% of all enquiries about the Home Office. We also saw a 35% drop in enquiries about HM Passport Office. The proportion of enquiries about the Home Office where the customer was seeking advice on where and how to complain decreased from 68% to 57% with the remaining 43% taken on as complaints to be assessed.

We assessed 550 complaints, similar to the 541 we assessed in 2012. Of these, 518 were about what was the UK Border Agency or the UK Border Force. The number of complaints we assessed about the Home

¹ Includes enquiries about organisations that are accountable to the Department.

Office was the highest for any department, nearly 200 more than the next highest. However, the number of complaints accepted for investigation rose from 29 to 117 as a result of changes in our process. Of these, 104 relate to what was the UK Border Agency or the UK Border Force. The number of complaints upheld or resolved through intervention rose from 79 to 87, the highest number for any department. All of these related to what was the UK Border Agency or the UK Border Force.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

- 8 Inadequate financial remedy
- 8 No acknowledgement of mistakes
- 6 Unnecessary delay
- 5 Inadequate other personal remedy
- 3 Failure to act in accordance with the law and relevant guidance
- 3 Failure to take appropriate specialist advice
- 3 Response not evidence based
- 3 Poor explanation
- 2 Factual errors in response to the complaint
- 2 Failure to understand the complaint and the outcome sought by the complainant
- 1 Communication with the complainant unhelpful, ineffective, disrespectful
- 1 Focus on process not outcomes
- 1 Response not proportionate to seriousness of the complaint

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

60

Action to remedy (Putting things right)

27

Compensation payment: non-financial loss

25

Apology

12

Compensation payment: financial loss

3

Systemic remedy: changes to policy or procedure

3

Systemic remedy: lessons learnt (Action plan)

3

Systemic remedy: staff training

1

Systemic remedy: organisation to conduct own review

1

Premature: organisation agreed to provide a further response

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Home Office as well as a breakdown, where relevant, for the Department's agencies and business areas.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
UK Border Agency ²	14	23	9	20	66	43
UK Border Force	2	0	0	2	4	2
UK Immigration Enforcement	4	0	0	3	7	3
UK Visas & Immigration	3	15	4	44	66	59
Total	23	38	13	69	143	107

² The UK Border Agency was abolished in March 2013 but we continued to record complaints as being made about the organisation for some time after that, before starting to record complaints as being made about its successor organisations.

Learning from complaints and the experience of complaining

Complaints about what was the UK Border Agency covered many different areas of their business, but the main theme running through those cases was delay. Examples include:

- 11 years to grant further leave to remain;
- ten years to decide an application from a child;
- eight years to tell the applicant that their application was invalid;
- seven years to determine a settlement application;
- seven years to grant indefinite leave to remain; and
- five years to tell the applicant that their application had been made on the wrong form.

Each of these cases involved individuals who were left facing prolonged periods of uncertainty and being unable to get any meaningful information about the progress of their case. In many of these cases, a decision was only finally made because we became involved. Of particular concern is the number of these applications that feature children, because of the potential impact on their development. This is an area we are looking at more closely through the cases we currently have under investigation.

We also upheld a number of cases in which the complainant was entitled to work but either lost their job, or had an offer of employment withdrawn, because they were unable to produce the necessary documentation to prove that they could work, and the Employer Checking Service were unable to confirm this to the employer. We have further cases under investigation relating to this issue and will be exploring this further in 2014.

Another issue we identified through our investigations is that the consideration of the reasonable maintenance test - whether the applicant can support themselves without recourse to public funds - wasn't carried out in accordance with a judgment that defined it as an income, after the deduction of housing costs, above the level of income support. The guidance also didn't accurately reflect how the test should be applied. We have another case under investigation relating to this issue, and we will be considering what further action may be required to address this in 2014.

Working with PHSO

While all of our recommendations were accepted, the record for complying within the timescales agreed remains poor. Only 38 of our 61 recommendations were complied with by the target dates we set. Of 82 remedies agreed without us carrying out a formal investigation, 69 were complied with by the target dates set. In addition, there are a number of recommendations that have been outstanding for a significant amount of time. To some extent, these have been delayed by the changes happening at what was the UK Border Agency. An example of this related to the timeliness of inputting cases on the system, which was potentially one of the new service standards they were developing.

Whilst we have had a number of difficulties getting information or agreement to our reports from what was the UK Border Agency, we have seen a significant improvement over the course of the year in the way that they have engaged with us and their willingness to learn from the wider issues we have raised. In particular, our main contacts have been very helpful in arranging access to the relevant people and tracking down information during a period of change.

In contrast, we have had significant problems getting accurate information from HM Passport Office. We issued a draft report and they disagreed vehemently with the information in it that they themselves had provided. We also had to write to the chief executive to get them to provide information that they had not sent us despite several attempts to chase it. There has been no attempt to engage constructively with us on the case.

The Ombudsman's casework about the Ministry of Defence in 2013

Overview

The table below shows the number of enquiries that we received about the Ministry of Defence and the number of interventions and investigations that we started and completed in 2013.

Enquiries received	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
38	4	0	0	0	0

The number of enquiries about the Ministry of Defence remained relatively stable in 2013 with a rise from 37 to 38. There was a small increase in the number of enquiries where the customer was seeking advice on where and how to complain and there was a small reduction in the number taken on as complaints to be assessed.

We assessed four complaints, a reduction on the eight we assessed in 2012, and did not accept any for investigation or complete any investigations in 2013.

The themes we investigated

We did not complete any investigations in 2013.

Investigation resolutions

We did not complete any investigations in 2013.

Compliance

There were no relevant compliance issues in 2013.

Learning from complaints and the experience of complaining

We only receive a small number of complaints about the Ministry of Defence and we did not see any reason to take further action in relation to any of the complaints we looked at in 2013.

Working with PHSO

We only receive a small number of complaints about the Ministry of Defence, and we did not see any issues where we needed to take further action with the Department in 2013.

The Ombudsman's casework about the Ministry of Justice in 2013

Overview

The table below shows the number of enquiries that we received about the Ministry of Justice and the number of interventions and investigations that we started and completed in 2013. If we investigate a complaint that involves more than one organisation, that complaint will appear in our performance statistics as a separate investigation of each of the organisations concerned. Many of the investigations shown in the table were still ongoing at 31 December 2013.

Enquiries received ¹	Complaints assessed	Complaints resolved through intervention	Complaints accepted for investigation	Investigations upheld or partly upheld	Investigations not upheld
1,116	359	15	150	41	35

The number of enquiries about the Ministry of Justice remained relatively stable in 2013, increasing by 1% from 1,109 to 1,116. Within the overall figures, we saw a 4% increase in enquiries about HM Courts & Tribunals Service, who now make up 59% of all enquiries about the Department. Other notable changes include a 9% increase in enquiries about the Information Commissioner's Office, an 18% increase in enquiries about the Legal Aid Agency and a 10% increase in enquiries about the Prisons and Probation Ombudsman. The only notable decrease was a 50% reduction in enquiries about the Office of the Public Guardian. The proportion of enquiries about the Ministry of Justice where the customer was seeking advice on where and how to complain fell from 73% to 68%, with the remaining 32% taken on as complaints to be assessed.

¹ Includes enquiries about organisations that are accountable to the Department.

We assessed 359 complaints in 2013, an increase of 16% on the 309 we assessed in 2012. The number assessed about HM Courts & Tribunals Service rose from 108 to 149, and about the Information Commissioner's Office from 53 to 77. The number assessed about the Legal Aid Agency and the Prisons and Probation Ombudsman remained relatively stable at 45 and 42 respectively. The number of complaints we accepted for investigation about the Ministry of Justice rose from 35 to 150 as a result of changes in our process. This included 60 about HM Courts & Tribunals Service, 28 about the Information Commissioner's Office, 24 about the Legal Aid Agency and 23 about the Prisons and Probation Ombudsman. This is the highest number of complaints accepted for investigation for any department. The number of complaints upheld or resolved through intervention rose from 37 to 56, including 28 about HM Courts & Tribunals Service, and 11 about the Legal Aid Agency.

The themes we investigated

The investigations we reported on in 2013 concerned the following issues about complaint handling. (Please note that one investigation report can contain several themes.)

24

Inadequate financial remedy

18

No acknowledgement of mistakes

11

Inadequate other personal remedy

11

Communication with the complainant unhelpful, ineffective, disrespectful

10

Unnecessary delay

8

Poor explanation

8

Failure to act in accordance with the law and relevant guidance

8

Response not evidence based

7

Failure to understand the complaint and the outcome sought by the complainant

6

Inadequate apology

5

Focus on process not outcomes

5

Response not proportionate to seriousness of the complaint

4

Factual errors in response to the complaint

3

Response incomplete

3

Inadequate systemic remedy

3

Failure to respond in writing to the complainant

1

Failure to ensure recommendations implemented

1

Complainant discriminated against without good reason

1

Failure to inform complainant of action taken

1

No third party review of the complaint

1

Response not tailored to individual needs

1

Staff not invited to respond to the complaint

Investigation resolutions

In our interventions and investigations we made the following recommendations for remedy in 2013. (Please note that one intervention or investigation can contain several recommendations.)

41

Apology

35

Compensation payment: non-financial loss

9

Compensation payment: financial loss

8

Action to remedy (Putting things right)

5

Systemic remedy - lessons learnt (Action plan)

4

Systemic remedy: staff training

3

Systemic remedy: changes to policy or procedure

1

Systemic remedy: organisation to conduct own review

Compliance

We typically make recommendations for remedy in our formal investigation reports. However, our interventions can also lead to remedies without us having to conduct a formal investigation.

This table shows whether or not our recommendations were complied with by the deadline that we set for compliance. The table gives the total for the Ministry of Justice, as well as a breakdown, where relevant, for organisations that are accountable to the Department.

Compliance	Recommendations		Interventions		Total	
	Not in target	In target	Not in target	In target	Total	In target
Criminal Injuries Compensation Authority	0	2	0	0	2	2
HM Courts & Tribunals Service	2	36	1	13	52	49
HM Prison Service	2	0	0	0	2	0
Information Commissioner	0	2	1	0	3	2
Legal Aid Agency	8	7	0	3	18	10
National Offender Management Service	5	9	0	0	14	9
The Office of the Public Guardian	0	5	0	5	10	10
Youth Offending Teams (under the Victims' Code)	0	3	0	0	3	3
Total	17	64	2	21	104	85

Learning from complaints and the experience of complaining

HM Courts and Tribunals Service

HM Courts and Tribunals Service are, once again, the organisation responsible for the majority of the complaints investigated about the Ministry of Justice. A recurring theme in these cases is the mishandling of files and paperwork. In some cases, this had a direct impact on a court case, for example, they didn't put the relevant papers on the file that went to the judge. It also hampered their handling of complaints because they had lost the records relating to the issues.

The other theme in the cases we upheld about HM Courts and Tribunals Service was that small administrative errors generated significant problems for complainants. Examples include:

- missing a digit off a court order meant a payment was received that was only 10% of the intended amount. By the time this was corrected, circumstances had changed and the money couldn't be obtained;
- failing to check the information provided by a third party before forwarding it meant that personal data was shared inappropriately; and
- the wrong name was entered on two claims, leading to default judgments against an individual instead of a company.

Legal Aid Agency (formerly Legal Services Commission)

We concluded a cluster of nine complaints, six of which were upheld, about the Legal Aid Agency's handling of their exercise to recover unrecouped payments on account. We found that they delayed carrying out the exercise and that some of their communication was poor. As a result of our investigations, they published an apology in their *LSC Update* newsletter and on their website. Alongside their apology, they publicised that solicitors who met certain criteria should contact them so that any potential injustice could be addressed.


Working with PHSO

All of our recommendations were accepted apart from one: the Prisons and Probation Ombudsman refused to apologise because they disagreed with our finding that their investigation had not been sufficiently thorough. Of the 81 recommendations that were accepted, 64 were complied with within the timescales agreed. Organisations complied with 21 out of the 23 remedies agreed by the target dates we set without us carrying out a formal investigation.

As well as refusing to accept one of our recommendations, the Prisons and Probation Ombudsman also failed to carry out the further work on a case that they had agreed to. During this time, they did not respond to numerous requests for information on the progress of the case. Eventually, we took the case on for investigation, which will include their handling of the further work. We also asked for comments on a proposal to investigate in August but did not receive a reply in 2013, despite follow-up correspondence.

HM Courts and Tribunals Service improved their complaint handling overall and developed a positive working relationship with us over the last year. They have shown a commitment to the *Ombudsman's Principles* and at our regular liaison meetings emphasised their desire to get it right first time. HM Courts and Tribunals Service have also been instrumental in sharing good practice across the Department. This has, for example, enabled cross-agency meetings with the Legal Aid Agency and us.

We issued a press release in March 2013 highlighting the importance of ensuring that staff responsible for delivering the Victims' Code are aware of it. Our concerns on this point were followed up with meetings with the Ministry of Justice to help inform the development of the revised Victims' Code and, crucially, the plan for implementing it. We will be monitoring whether these plans have been effective through our investigations in 2014.



If you would like this report in a different format, such as DAISY or large print, please contact us.

**Parliamentary and Health Service
Ombudsman**

Millbank Tower
Millbank
London SW1P 4QP

Tel: 0345 015 4033

Fax: 0300 061 4000

Email: phso.enquiries@ombudsman.org.uk

www.ombudsman.org.uk

Follow us on

