Customers' experiences of the Independent Case Examiner Prototype: Qualitative research

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A report of research carried out by IFF Research Limited on behalf of the Department for Work and Pensions

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Summary

This report documents the findings of a small qualitative study commissioned by the Department for Work and Pensions to examine customers’ views of the Independent Case Examiner (ICE) Prototype.

Background and objectives

The ICE provides a further, independent tier of complaint for customers who are not satisfied with the way their case has been dealt with by the individual DWP agency. The ICE has been dealing with complaints about the Child Support Agency (CSA) for a number of years. The ICE Prototype is the pilot phase for extending the ICE throughout the DWP. It commenced in October 2005 and has been designed to provide evidence of the nature and volume of complaints that the ICE might be expected to receive if it were extended to cover all DWP agencies.

The main aims of the research were to examine the views and experiences of customers who had used the service during its Prototype phase, and identify what improvements might be considered if it were rolled out. It also sought to uncover the reasons why many customers who were signposted to the ICE chose not to pursue their case further.

The results from this research will be used to inform DWP’s wider review of the ICE Prototype prior to possible roll-out of the ICE across the whole Department from April 2007.

Methodology

Fifty interviews were conducted with DWP customers who had been signposted to the ICE during the Prototype phase. Twenty interviews were conducted face-to-face with customers whose case had been handled by the ICE during the Prototype period (participants). Twenty-eight people who were signposted to the ICE but
chose not to approach them (non-participants) were interviewed by telephone. Two interviews were also conducted with customers who failed the ICE gateway¹.

Reasons for approaching or not approaching the ICE

The main reason for not approaching the ICE was the lack of knowledge or information about what the ICE was and the service it could offer. Most non-participants said that the possibility of approaching the ICE did not fully ‘register’ with them at the time of the signposting. Some non-participants said they had not read, or just skimmed, the paragraph in the Chief Executive Officer (CEO) letter that mentioned the ICE. Some non-participants felt the reference to the ICE was unclear or hard to understand, and a few felt it had been deliberately understated. Most customers would have appreciated more information about the ICE and the service it could offer, and some non-participants felt this would have encouraged them to consider the possibility of taking their case to the ICE more seriously.

Other factors which contributed to non-participants’ decision not to approach the ICE were that their case had already been resolved, or that, given their poor experience of the way their complaint had been originally handled by the relevant DWP agency, they were sceptical about their chances of their case succeeding and felt that the ICE process would involve further stress, time and cost that did not justify taking the case further. This feeling of resignation may also have reflected the fact that in many cases their MP or another organisation such as Citizens Advice had already assisted them with their case, their view being that if they could not get the case effectively resolved, there was little point in taking it any further themselves.

Apart from general awareness of the ICE service, the clearest distinguishing factor between participants and non-participants in deciding to approach or not approach the ICE was the attitude and determination of the individual customer. Participants appeared to be far more resolute in their determination to further their complaint. They were also more likely to view the ICE as a means of reforming and improving DWP services for the greater good.

Thus, many participants’ reasons for approaching the ICE reflected not just a wish to get their case resolved, but also to ‘get answers’ about why the issue arose in the first place. Some felt having their case reviewed by a higher, independent party would not just increase the chances of it being resolved, but would help alert senior management to the problems and need to improve procedures more generally.

¹ These were cases which were not within the jurisdiction of the ICE to review. The ICE cannot deal with cases related to legislation or policy, but only those where customers feel the DWP has failed to follow the appropriate procedures, has made an error or the quality of service has not been satisfactory.
Experience and satisfaction with the ICE process

Almost all participants were satisfied with the way in which the ICE handled their case. Investigating Officers were generally commended in three areas:

- their efficiency in handling and investigating their case;
- their professional and competent approach;
- their good interpersonal skills.

In terms of efficiency, several customers commented positively on how quickly they were able to speak to an Investigating Officer. Many participants were also pleased with the speed with which the ICE resolved their case.

For professionalism, Investigating Officers were commended by many participants for being attentive, good listeners and empathetic towards the right of the customer to pursue their complaint. Several also commented positively that they had a single point of contact at the ICE. This was in stark contrast to the experience many customers had when they originally complained to their DWP agency; many were passed between various offices with no individual taking ownership of their problem. More generally, Investigating Officers were perceived by customers to be knowledgeable regarding the DWP’s internal structures and processes, to handle the case in a competent fashion and to be accessible; most participants said that their Investigating Officer was accessible and most found they were able to speak to their Investigating Officer whenever they needed to.

Good interpersonal skills also emerged as one of the key strengths of the ICE. There was widespread praise from participants both for the manner and clarity with which the ICE office interacted with them. Investigating Officers were generally viewed as being polite, friendly and keen to listen to the grievances of customers. Several participants also highlighted that the ICE kept them informed through regular updates as to the progress of their case, and praised Investigating Officers for avoiding jargon and explaining everything in clear English.

The few negative comments made regarding the process of interacting with the ICE were isolated incidents where the ICE’s best practice was not applied in particular cases (for example, one customer did not have a single point of contact in contrast to the majority of cases). A few felt the Investigating Officers’ friendly approachable style could appear a bit patronising or over-familiar. Other areas of dissatisfaction with the ICE service were cited by only one or two customers, and were generally made by customers involved in failed gateway/non-resolved cases.

Mirroring these broadly positive views of the service received from the office of the ICE and the efficiency of their procedures, most participants expressed some satisfaction with the final outcome of the ICE review. Many of those who expressed satisfaction with the outcome were entirely happy with the ICE’s judgement on their case. In almost all of these cases, the issue had been resolved and the recommendations of the ICE followed by the DWP.
Where participants expressed only partial satisfaction with the outcome of their involvement with the ICE, this was usually because the customer was disappointed with the amount of compensation they received or because outstanding issues relating to the case remained. These customers were partly dissatisfied, not because they were unhappy with the way the ICE had handled their case or the conclusions they had drawn, but because the DWP had failed to act upon their recommendations.

Where customers were very unhappy about the outcome of their case, this was sometimes related to the conclusions reached by the ICE, but more commonly, because of the perceived limits of the ICE’s power and influence. This group was evenly divided between resolved, failed gateway, and not upheld cases. For failed gateway/not upheld cases, dissatisfaction was clearly linked to the ICE’s finding against the customer. These customers were likely to be unhappy that the ICE did not have the power to overturn DWP judgments or investigate beyond administrative/procedural errors, tasks beyond the remit of the ICE prototype. It might be the case that better communication at the initial signposting stage outlining exactly what the ICE could and could not do for customers would have reduced the number of failed gateway/not upheld cases or better prepared customers for this potential outcome.

Other participants were dissatisfied with the outcome of their involvement with the ICE, despite the fact that a resolution had been reached or the ICE had ruled in their favour following an investigation. In these cases, customers expressed frustration that, having finally been given the opportunity to air their grievance, and for the ICE to recognise their complaint as being valid, the DWP subsequently did not comply with some or all of the ICE’s recommendations. Further, some of these customers were disappointed that the ICE did not specify clearly the amount of compensation they should be paid, resulting in the DWP paying out a sum which the customer felt to be insufficient.

In many resolved and upheld cases, the ICE recommended that the DWP make a formal apology to the customer. Amongst those whose case was upheld or resolved, this appeared to be a significant driver of satisfaction with the final outcome, more so than whether tangible recompense such as compensation was recommended. This reflected the fact that for many, a key motivation for approaching the ICE was to gain recognition of their complaint and an apology.

Reflecting the generally positive experience the majority of participants had with the ICE, when asked for suggestions as to how the ICE could be improved, most could not offer a suggestion or said that no improvements were necessary. The most common suggestion for improvement was to grant the ICE more power, particularly in respect to enforcing its recommendations on the DWP.
Experiences of and satisfaction with DWP complaint procedures and comparisons with experiences of using the ICE

Only a small proportion of customers complained that they were the victims of unfair legislation, which suggested that the majority of customers believed that their complaint was within the DWP agency’s power to resolve.

Most respondents were generally dissatisfied with the way in which the DWP agency handled their complaint originally. Only a few expressed any sense of satisfaction with the way the DWP agency handled their complaint and the way that they attempted to resolve it. These were most likely to be non-participants who felt that the response they received from the agency Chief Executive Officer (CEO) fully resolved their issue or grievance (and therefore, had less reason to take the case further with the ICE).

Customers’ complaints about how the DWP agency had originally handled their case centred on the perceived lack of effort made to rectify their complaint (including difficulties in obtaining answers from the DWP and delays in progressing their complaint), being passed between different people or offices or the poor attitude of staff. The perceived unwillingness of the DWP to acknowledge and take ownership of complaints prompted many customers to consider further action through the ICE. This suggests that the DWP could consider ways in which complaints are handled at agency level, so that in future customers might be less inclined to feel a need to take their complaint further (and therefore, approach the ICE). This is supported by the related finding that, whilst customers were very positive about their experiences with the ICE, many felt that their complaint could have been resolved at agency level.

When participants were asked whether the way in which the ICE handled their case felt different to the way their complaint was originally dealt with by the DWP agency, the majority of participants said it was a more positive experience. In particular, such customers highlighted the single point of contact they received at the ICE, their professional yet friendly attitude, the quick resolution of their case and the regular correspondence they received.

Most participants, including customers who failed the gateway or did not have their complaint upheld, said that they would recommend the ICE to others, which reflected that most were satisfied with the way in which their case was handled by the ICE (albeit not always with the outcome).

The majority of respondents whose case had been handled by the ICE felt that referring their case had been of benefit to them through the case being resolved or resolved more quickly than it otherwise might have been.

Many participants also viewed the ICE as an independent arbiter and felt this was beneficial to them, as it gave them confidence that their case would be assessed
fairly. However, a few customers did express the view that the lack of power of the ICE to enforce its recommendations was a threat to the ICE’s independence and its ability to resolve cases that they believed DWP agencies were unable to resolve themselves.

Conclusions

The main reason for not approaching the ICE was the lack of information about what the ICE was and the service it could offer. Those who approached the ICE were generally more determined to resolve their complaint, rather than being any more aware about what the ICE was than non-participants.

Most customers would have welcomed more information about the ICE at the initial signposting stage, in particular:

• details of the service it provides;
• the status of the ICE and its relationship to the DWP.

More information at this stage could have encouraged some non-participants who were signposted to have more seriously considered and possibly to have taken their case to the ICE.

Customers were generally very satisfied with the way in which the ICE handled their case. They particularly complimented their Investigating Officer for:

• the efficiency with which they investigated their complaint;
• their professional and competent manner;
• their good interpersonal skills.

While customers were generally positive about the process of interacting with the ICE and the service they received, customers were not always necessarily satisfied with the outcome of their complaint. As expected, this included those cases which were not upheld or that failed the gateway. This group also included cases where the ICE found in the customer’s favour, but some aspects of the ICE’s recommendations were not acted upon. Customers were frustrated with what they perceived to be the limits of the ICE’s power, in particular the fact that the DWP agencies were not required to comply with the ICE’s recommendations. Better explanation of the status and relationship of the ICE to the DWP and the extent of its powers to those opting to have their case reviewed by the ICE, might have helped to better manage their expectations and reduce these feelings of dissatisfaction.

Moreover, the research highlighted the importance of DWP agencies making formal apologies. Customers who receive such an apology after the ICE had found in their favour were more likely to be satisfied with the outcome of their complaint. Further, a greater willingness on the part of DWP agencies to admit mistakes and apologise to their customers could reduce the number of complaints that eventually reach the ICE.
Most respondents (both participant and non-participants) were dissatisfied with the manner in which their complaint was originally handled by the DWP agency; this dissatisfaction centred on the perceived lack of effort to resolve the issue and poor attitude of the staff. Most respondents felt their complaint could and should have been dealt with by the DWP agency.

Notwithstanding this, from most participants’ perspective, referring their case to the ICE had been of benefit to them in enabling their case to be resolved more quickly and effectively than it might otherwise have been.

Issues for consideration

Whilst the research has shown that the majority of customers were satisfied with the level and efficiency of the service offered to them by the ICE, we suggest a number of potential issues for consideration should the ICE service be fully rolled out to other DWP agencies.

• **Provide more effective communication to customers about the ICE when customers:**

  – **are initially signposted to the service,** possibly through a leaflet to accompany the letter which briefly explains what the ICE is, what types of cases it can review and what the process of having their case reviewed by the ICE would involve;

  – **first approach the ICE,** its status and relationship to the DWP and the extent of its powers should be (re) explained. Investigating Officers were generally good at explaining to customers about the possible/probable outcomes of their case and this might be an appropriate opportunity to re-explain about the ICE’s remit and scope of its powers.

• **Consider the current policy on signposting customers:**

  Cases that failed the gateway or were not upheld could be reviewed, together with the current signposting policy, to ensure that only customers that are likely to benefit from the service are signposted to the ICE, as this will increase the likelihood that customers will be satisfied with the final outcome. There is some evidence to indicate that the ICE may be taking on cases which, although they involve an element of complaint about an error or poor service quality, are primarily being pursued by the customer to change the outcome of their case. This leads to customers being dissatisfied with the outcome even if the ICE finds there has been a service failing.

• **Acknowledge the importance of formal apologies:**

  Receiving an apology was a key driver of customer satisfaction with the outcome of their complaint. In light of this finding we would suggest that the DWP considers the important role of apologies in ensuring that customers feel that they are being listened to and that their complaint is being taken seriously.
1 Introduction and methodology

1.1 Background

The Office of the Independent Case Examiner (ICE) was established in 1997 to provide a free independent complaints resolution service for customers who have a complaint against the Child Support Agency (CSA).

The ICE deals only with cases where DWP agencies are alleged to have failed to follow procedures, to have made administrative errors or where customers have complained about the quality of customer service they have received from agency staff. The ICE does not deal with complaints resulting from legislation or policy.

In July 2004, it was agreed to extend this independent complaints service to all DWP agencies. The ICE Prototype is the pilot phase for extending the ICE throughout the DWP. The Prototype commenced in October 2005 and has been designed to provide evidence of the nature and volume of complaints that the ICE might expect to receive if it were to be extended to cover all DWP agencies and to allow assessment of the strengths and weaknesses of the ICE service in its current form.

Customers are ‘signposted’ to the ICE in writing in a letter from the Chief Executive Officer (CEO) of the agency to which they have complained (normally the complaint would have passed through two other tiers before reaching the office of the CEO, but this is not always the case). For the purposes of the Prototype, only a proportion of customers whose complaints have reached this level have received a ‘signposting’ to the ICE from the CEO. The proportion of customers signposted varied by DWP agency; all Disability and Carers Service complaints that were handled by the CEO in the Prototype period were signposted to the ICE, compared with around half of those handled by the CEOs of Jobcentre Plus and The Pension Service. The proportion of customers receiving a signposting to the ICE was lower in the earlier months of the Prototype. In theory, the ICE Prototype could also examine complaints against the other three DWP agencies – Debt Management, the Rent Service and the...
Financial Assistance Scheme, but in practice no complaints have been handled by the CEOs of these agencies over the Prototype time period.

After receiving their letter, customers then had six months in which to approach the ICE. On receipt of a request to investigate, the ICE is firstly required to verify that the case meets the ‘gateway’ criteria. This involves verifying that the DWP agency itself has been given the opportunity to address the complaint, that the individual concerned received their signposting letter within the last 6 months, and that the case is not being investigated by the Parliamentary Ombudsman. After confirming that the case passes the gateway criteria, the ICE would usually attempt to clear the case through a resolution process involving discussions with both the customer and the agency concerned. If this process proves unsuccessful (or if the ICE deems it inappropriate to use this approach), the case will proceed to a formal investigation which will involve the ICE examining all evidence and writing a full report on the case which will include conclusions and recommendations (case specific and – on occasion – systemic).

The number of cases that have been processed by the ICE is still relatively small. By the end of September 2006, a total of 81 cases had been accepted by the ICE (from 1,652 who had been signposted) of which 15 had been cleared. This represents an escalation rate of five per cent.

1.2 Research objectives

The DWP commissioned IFF Research to conduct a small qualitative study to examine customers’ views of the ICE Prototype. This will complement the Department’s own internal evaluation and analysis of case data.

The main aims of the research were to examine:

• how successfully the Prototype operated from the point of view of customers who made use of the service;

• the type of complaints that were brought to the ICE and how these were handled and resolved, including any improvements that might be considered to the process if it is to be rolled out;

• the reasons why signposted individuals chose not to approach the ICE (and particularly if this was related in any way to misunderstanding of the nature of the service provided).

The research findings were intended to help inform the review of whether the ICE Prototype meets its aims and any further changes required prior to rolling out the service across the whole Department from April 2007.
1.3 Methodology

This study involved interviews with three key customer groups who had been signposted to the ICE during the Prototype period:

- those customers whose case was handled by the ICE during the Prototype period (participants);
- those customers who approached the ICE but were turned away because their case failed the gateway procedures (failed gateway customers);
- those customers who were signposted to the ICE by the CEO but chose not to take-up this opportunity (non-participants).

Twenty interviews were conducted face-to-face with participants whose case had been reviewed and closed by September 2006. The interview covered their decision to approach the ICE and their satisfaction with the service and outcome received.

Twenty-eight interviews were conducted by telephone with non-participants who had been signposted to the ICE between December 2005 and March 2006 but decided not to take-up this opportunity within the six month deadline. These shorter interviews focused on their reasons for not opting to have their case reviewed by the ICE.

Two failed gateway customers were also interviewed to examine their feelings about this outcome.

The customer sample interviewed closely matched the profile of all those signposted to the ICE in terms of agency complained to, gender, and in the case of participants, the outcome of the ICE involvement. This information is shown in Appendix A. Copies of the topic guides used in the interviews are also appended (Appendix B).

Interviews were conducted between 6 July and 20 October 2006. This extended fieldwork period was necessary to enable sufficient cases to be generated for the research.

1.4 Report structure

The remainder of this report discusses the findings from the research and is structured as follows:

- Chapter 2 examines the reasons why customers approached or declined to approach the ICE;
- Chapter 3 explores participants’ experience and satisfaction with the way their case was handled by the ICE, and the outcome;
- Chapter 4 discusses customers’ experiences and satisfaction with the way their complaint was initially handled by the DWP agency and how this compared with the experience of taking their case to the ICE;
- Chapter 5 discusses the key conclusions and learnings which can be drawn from the research.
2 Reasons for approaching or not approaching the Independent Case Examiner

This chapter examines customers’ motivations and reservations regarding approaching the Independent Case Examiner (ICE). However, it first briefly discusses the process by which customers come to be signposted to the ICE.

2.1 How customers came to be informed about the ICE

Formally, there is a three-tiered structure for handling complaints regarding the service received from a DWP agency. Within this framework, attempts should first be made to address complaints at a local level if at all possible. If the complaint cannot be resolved by local managers, the complaint should be communicated by these agency staff to district managers, and subsequently to Chief Executive Officer (CEO) level. If appropriate, the CEO may then signpost customers to the ICE should they not be satisfied with the resolution offered. The paragraph in the Chief Executive Officer’s letter signposting customers to the ICE reads as follows:

‘If you are not satisfied with the action taken by [name of agency] to resolve the issues you raised you can, within six months of the date at the top of this letter, contact the Independent Case Examiner (ICE), who will consider complaints about our service, though not about matters of law or Government policy. ICE can be contacted in writing (XXX) by telephone (XXX) or by e-mail (XXX).’

In many cases, however, it would seem that complaints that were addressed by the CEO and have prompted a signpost to the ICE had not been through this official tiered complaint handling process within the agency. In most cases, customers seemed to be unaware that this tiered structure existed.
Many customers felt that they were unable to get anyone to take their complaint seriously or to gain a satisfactory response at a local or regional level. Therefore, many were left feeling that they had no choice but to approach an outside source for help. This was reflected in the fact that in many cases, the customer decided to enlist the help of their MP or a support organisation such as Welfare Rights or the Citizens Advice Bureau in taking their complaint further.

The involvement of both MPs and support bodies appears to have facilitated the escalation of complaints to CEO level, the process seeming (at least to the customers) to have bypassed the intermediate stages of the internal agency complaints procedure. Generally, in cases where MPs took up customer complaints, they often communicated immediately and directly with the agency CEO. In contrast, support organisations often tried to work with agency staff at the local or regional level to resolve the issue, but were sometimes also instrumental in facilitating the escalation of the complaint to CEO level.

In a smaller number of cases, customers had written directly to the CEO of the agency in question following a failure to resolve the complaint at the local level, again bypassing the middle tier of the internal complaint handling system.

It is possible that the involvement of an MP or support body in a customer’s case increased the likelihood of receiving a signpost to the ICE. However, it did not appear that this had any bearing on whether the customer was likely to approach the ICE as a result of this signpost, with non-participants being as likely to have been assisted by their MP or another organisation as participants.

2.2 Reasons for not approaching the ICE amongst non-participants

The key reasons for not approaching the ICE cited by non-participants focused on their lack of awareness, both of the option to approach the ICE and of the service that the ICE provides, as well as a lack of knowledge about its independent status in relation to the DWP, and how to go about making a complaint to the ICE (and how this process might differ to complaining directly to a DWP agency).

The majority of non-participants said that they did not have enough information to prompt or inform a decision to take their case to the ICE. The majority said that the possibility of approaching the ICE did not fully ‘register’ with them at the time. This suggests that the signpost to the ICE in the CEO letter was not sufficiently noticeable or clear; indeed a number of non-participants admitted that they had not read this paragraph or had merely ‘skimmed’ it. Some non-participants expressed the opinion that the possibility of going to the ICE had been deliberately understated in this letter, whilst others felt that the information provided about the ICE was unclear or hard to understand, and this meant they did not give full consideration to the possibility of pursuing this course of action.
‘When it comes as part of another letter it just seems irrelevant. I possibly would have been more likely to have done something if it was this clear in the letter’.
(Non-participant, male)

‘The information about ICE is in a paragraph at the end of the letter and it isn’t very clear or distinguishable from the rest of the letter. I have to admit I only read the first part of the letter as this is what was important to me.’
(Non-participant, male)

‘Very often you skim through things, but if it is highlighted you are less likely to miss it. Some people do glance at documents and may not be aware that this is action that they can take.’
(Non-participant, female)

‘There was no shouting about it [the ICE]. It was more like a whisper or a secret.’
(Non-participant, female)

‘It wasn’t really clear enough. I felt I had to read between the lines a little bit. It was like reading a legal document.’
(Non-participant, male)

‘The people that have to put up with this, 9 times out of 10 they are pensioners, or people who don’t understand all this long jargon. If it was put more easily for people to understand then maybe people would apply to the ICE.’
(Non-participant, female)

Furthermore, many of those customers who did not approach the ICE also complained about the lack of detail in the CEO’s letter regarding what exactly the ICE could do for them and the process that would be involved. Therefore, they felt unable to make an informed decision about whether to take their complaint further.

‘It wasn’t very clear at all in the letter what ICE was or could do to help.’
(Non-participant, female)

‘There was nothing on the process, just a paragraph on what you could do and how long you had. Looking back, it would have been useful to have this.’
(Non-participant, male)
‘Why would I bother going to ICE? There was no information about the ICE in the letter – I didn’t know what they could do….If it had everything you have just said in the letter, then I could have made an informed decision about what they could do for me.’

(Non-participant, female)

‘The letter says more about what they can’t do rather than what they can.’

(Non-participant, male)

The other factors which contributed to customers’ reluctance to approach the ICE included:

• lack of confidence in the efficacy and independence of the ICE;
• the stress and effort of making the original complaint;
• the fact that their complaint had been resolved.

2.2.1 Lack of confidence in the efficacy and independence of the ICE

Due to the lack of information provided to customers about the ICE, many non-participants felt that the ICE was simply an extension of the internal agency complaint handling process. They, therefore, felt that they would receive a similarly poor service to that received already from the DWP agency and that the ICE would not be able or willing to provide a resolution to their complaint and thus, would not provide a different outcome or explanation to that outlined by the CEO.

‘I felt that I couldn’t beat them. I’m wasting my time. I thought that the outcome would be exactly the same.’

(Non-participant, female)

‘Even if it had registered with me, I still wouldn’t have approached the ICE because I didn’t think it would change anything’.

(Non-participant, female)

‘I didn’t feel as though anything would happen. I felt quite distrustful of whole situation’.

(Non-participant, female)

The lack of knowledge about the ICE also led to doubts about the impartiality of the ICE and its independence from the DWP.

‘I thought that the ICE was in the same department – independent only by name.’

(Non-participant, female)
‘Although it said it was an impartial body I assumed it was part and parcel of the same agency and wouldn’t be independent’.

(Non-participant, male)

‘I just thought it was an internal complaints process that was part of the DWP so I didn’t bother with it.’

(Non-participant, female)

**Case study: Customer with doubts about the impartiality of the ICE**

This case revolved around a dispute over lost documents bearing on the customer’s [benefit] entitlement following a spell living abroad. In her opinion, the agency offered vague and unhelpful explanations and made no attempt to resolve the problem.

‘I wanted them to contact the [department], admit it was their fault for the delay and thus get the [department] to begin processing the information for my [benefit].’

Despite the customer’s dissatisfaction with the agency’s response to her complaint, she was unwilling to pursue the issue with the ICE because of her doubts about their impartiality in relation to the [agency].

‘I felt it was a waste of time asking the perpetrators to judge a case they had created in the first place. I felt as though the DWP had put me in the situation in the first place and any inquiry wouldn’t be fair as they would be investigating themselves.’

‘I thought the ICE procedure would offer glib excuses and cover up the situation.’

This customer also said that if she had wanted to take her case further, she would have approached the Parliamentary Ombudsman rather than the ICE.

In line with this general lack of confidence in the ICE, a number of non-participants felt that the ICE would not be able to provide any value over and above the help they had received from their MP. In a number of cases where the customer’s MP had not been able to facilitate a satisfactory resolution to the complaint within the agency, customers felt that the ICE would not be able to have any further influence.

‘I just thought, well I’ve gone as far as I can with this, and I thought if she can’t get anywhere with it than there’s no way I can. I didn’t know there was anyone else. I thought the final stop was the MP.’

(Non-participant, female)

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To protect customer confidentiality and anonymity, certain details (for example, the agency the customer addressed their original complaint to) have not been included in this case study.
‘I felt I was already dealing with the top people [e.g. ministers] when I sent my original complaint. If they couldn’t help me or know what to do then who could?’

(Non-participant, male)

‘If the MP can’t get to the truth, I don’t think anyone else can get to the truth.’

(Non-participant, female)

### 2.2.2 Stress and effort in making the original complaint

A number of non-participants said that the effort involved in registering their grievance and the stress caused by the agency’s poor handling of their original complaint had discouraged them from taking any further action through the ICE. These customers often felt that they were being ‘stonewalled’ by the agency, which led them to feel frustrated and unwilling to go through the complaints process again.

‘After 18 months of constant phone calls you just feel that you are bashing your head against a brick wall.’

(Non-participant, female)

‘Making a complaint at any level is a draining process. There is a lot of effort involved in correspondence and providing evidence – it’s an extremely drawn out process. Basically, you get to a point where you just want an end to it all.’

(Non-participant, male)

A number of non-participants also said that they had expected that having their case handled by the ICE would entail a significant degree of effort and stress on their part. These expectations were enough to dissuade them from taking their complaint further, despite often considerable dissatisfaction with the resolution offered by the agency CEO.

Of particular concern to these customers was the expectation that the process would be a lengthy one and that the burden of providing evidence of DWP errors would fall on them. There was a belief that they would be responsible for proving their case, rather than the ICE handling the investigation.

‘These sort of bodies often ask for paper and documents that are not in any way necessary or relevant, which makes it difficult and a lot of effort to complain about relatively simple issues’.

(Non-participant, male)

‘I might not have kept all the documents, or remember all of the dates.’

(Non-participant, female)
‘I thought I wouldn’t get any further, and that it would be stressful. It would cost a lot in time, effort and postage fees.’

(Non-participant, female)

Customers’ views of the way the original complaint was handled is discussed more fully in Chapter 4, but the key issues included:

- no action to rectify the situation had been taken or promised, or there had been no effort made to investigate the error;
- customers felt that their case had not been heard fairly or that evidence had not been taken into account;
- there was a lack of continuity of contact, with DWP agency staff ‘passing the buck’;
- the response to the complaint was impersonal, dismissive or even aggressive.

The poor manner in which the DWP agencies were perceived to have dealt with the original complaint led to the concerns about both the efficacy of the ICE and the unwillingness of many to go through a further stage of complaint. Non-participants explained how these experiences led to them losing confidence in the ‘system’ as a whole, and therefore, being reluctant to approach the ICE. As mentioned previously, it is clear that many non-participants felt that the ICE was simply an extension of the internal agency complaint handling processes and these customers were, therefore, likely to feel that the poor service that they felt they had received from the agency would be repeated if they were to take their case to the ICE.

Case study: Customer who decided not to take their case to the ICE because of their negative experiences with the internal complaint procedures

This customer’s complaint to the [agency] had been prompted by problems surrounding a renewal of her [benefit] application. The application forms had been sent to an old address, leading to a long delay and the customer being left without benefits for a significant period of time.

Following receipt of the CEO letter and reinstatement of benefits, the customer remained unhappy about both the initial mistake and the way that the [agency] handled her complaint.

‘There was an apology of sorts, but they were still passing me on elsewhere. The process of form-filling, sending and receiving back, was taking so long that nothing had been done in the timeframe set.’

To protect customer confidentiality and anonymity, certain details (for example the agency the customer addressed their original complaint to) have not been included in this case study.
The effort of making the initial complaint and the expectation that the ICE process would be similarly arduous were cited as the main reasons for not pursuing the complaint further.

‘Having to start all over again, filling out forms and re-explaining over the phone had become too stressful and was making my disability worse – I was on the verge of a nervous breakdown. I couldn’t cope with any more questions and so didn’t take the idea of going to the ICE seriously.’

The expectation that having a case handled by the ICE would be similar to other legal procedures also acted as a reason for not contacting the ICE.

‘I had been through a long legal process with my divorce, so I was quite distrustful of the situation coming out in my favour.’

2.2.3 The complaint had been resolved

For some non-participants the fact that their complaint had already been resolved was either the main reason or, more usually, it added to their reluctance to pursue their complaint any further.

‘I was now being paid the benefit, so as far as I was concerned it was all sorted.’

(Non-participant, male)

2.3 Participants’ motivations for approaching the ICE

Participants were also asked about the reasons why they decided to take their case to the ICE. In interpreting these findings (and in particular comparing them with the reasons non-participants gave for not pursuing their case), it needs to be recognised that the responses given reflect participants’ greater knowledge and experience of the ICE, having been through the process, and that their responses may well include an element of ‘post-rationalisation’ of the decision to approach the ICE.

It is also of note that most customers who opted to have their case reviewed by the ICE did so very quickly after receiving the letter (typically within one to two weeks).

For most customers who approached the ICE, the main objective was to obtain a resolution to the issue they initially complained about and to obtain a degree of rectification for the inconvenience or financial loss they felt they had suffered.

‘I hoped that they would be able to get the [benefit] backdated and paid, and sort out the [other benefits] that had been effected by the mistake.’

(Participant, resolved, female)
'My benefit had been stopped for eight months, I was getting bombarded with letters and calls saying things would be sorted out but it never was… I wanted ICE to bring it to fruition, close the case and put a line under it.'

(Participant, resolved, male)

In many of these cases the initial problem had not yet been addressed, for example documents had been lost or errors had been made and not rectified. However, in some cases, the initial problem had been resolved (i.e. a new application had been successfully made) but customers were seeking recompense or backdated payments to cover the period when the issue was not resolved.

‘If they hadn’t received it [the application form] I wanted them to concede that this was due to some error in their system and that they ought to backdate any claims to when it was deemed that they should have received it.’

(Participant, resolved, female)

In some cases participants said that they approached the ICE in part as an attempt to reopen a case that had essentially been closed as a result of the agency’s internal complaints procedures.

‘I’d come to the end of the road. The agency didn’t address the point. I knew that there were documents bearing on my problem, but they hadn’t read them. I hoped I would get paid the right sum of money.’

(Participant, resolved, male)

It should be noted that for a number of these cases, the aim of customers in approaching the ICE was primarily to prompt a reassessment of DWP legislative policy, a task beyond the remit of the ICE. Therefore, even though customers were signposted to the ICE because they complained about procedural issues, they may have seen it as an opportunity to force a reassessment of legislative decisions that had gone against them.

‘I was hoping that the ICE would see that this is a daft regulation and make an independent judgment. The main reason we approached them was that we were being told we would have to repay money and we were knocking on any door that might help overturn that decision, because it was totally unfair.’

(Participant, resolved, female)

In some cases the boundary between administrative and legislative issues can seem quite blurred, leading to customers having unrealistic expectations of what the ICE could provide.

‘The least they could do was to look at all the information they are asked to look at and I think that this is a policy problem at the DWP – they don’t always look at all the information and this has been a problem on a number of different occasions.

I thought that they would look at the case and if this was the policy of the DWP then they would recommend that they change their policy.’

(Participant, not upheld, male)
This motive for approaching the ICE appeared to be more common amongst respondents who were in dispute with the Disability and Carers Service (DCS), possibly due to the greater cross-over in procedural and legislative issues in this agency (for example, a number of customers involved in this study had complained about how medical assessments for Disability Living Allowance had been conducted and the subsequent effect on payment amount). Many of these DCS customers had also been involved in internal tribunal procedures before being signposted to the ICE.

The other factors that contributed to participants’ decisions to approach the ICE about their case included:

- to ‘get answers’ to why the issue arose in the first place;
- to get an impartial or independent perspective;
- to alert senior managers to the problems and try and get procedures changed/improved.

### 2.3.1 To get the ICE to conduct an investigation into the DWP or ‘get answers’

For many customers, at least part of the motivation for approaching the ICE was to try to gain an explanation from the Department for Work and Pensions (DWP) agency about what errors had been made in relation to their case. Many wanted to get the agency in question to admit responsibility and provide a full explanation of the problems that had occurred. This was in some cases linked to a feeling that the agency had made the customer feel that they were not justified in their complaint and that, therefore, the customer wanted answers to convince themselves that they were in the right.

For many participants, a key attraction of taking their case to the ICE was the possibility of gaining a full investigation, something that they felt that they could not prompt the agency to conduct through their complaint alone. A lack of consistent response and complaint ownership on the part of the agency would appear to have contributed to the desire for a ‘straight answer’ and therefore, the approach to the ICE.

> ‘I thought that the ICE would investigate the history of the matter and, standing in the independent role, adjudicate between what the department had said had happened and what I said had happened.’

(Representative of participant, resolved, female)

> ‘I felt they were an independent body and that the two offices were covering something up and maybe ICE could get to the bottom of it. I hoped that they would get all the paperwork together and vet it all.’

(Participant, not upheld, male)
2.3.2 To get the ICE to give an impartial, independent perspective

The impartiality and independence of the ICE was felt to be a key feature for participants, encouraging them to feel that they could get a fair hearing of their case, without the influence of the agency itself. For many, gaining a fair, balanced judgment was as important, or in some cases more important, than getting any practical action on the original issue.

‘I don’t feel the ICE were responsible for getting back my arrears…They were responsible for looking at the procedures of [the agency] to make sure they had followed everything correctly.’

(Participant, not upheld, male)

2.3.3 To alert DWP managers to systematic problems and get procedures changed

Similarly, there were some participants whose impetus for contacting the ICE was strongly influenced by the wish to improve the service offered by DWP agencies in future. These participants often approached the ICE for the ‘greater good’ hoping to alert agency managers to the failings of agency procedures or staff with a view to these being addressed in the future.

‘I thought that the ICE had no powers other than bring to light to senior management that mistakes might have been made.’

(Participant, not upheld, male)

‘I thought the ICE could investigate and look into problems that were occurring, to force [the agency] to buck their ideas up and to improve their service. I think that if government departments know that they are being investigated then they will try harder.’

(Participant, resolved, female)

‘This was quite a botched job and I just don’t think that government departments should get away with it. If people don’t complain, and the Head Office doesn’t know that there are problems, then there can’t be any improvements.’

(Participant, resolved, female)

These customers were likely to feel that they had a duty to take their complaint further, in order to help improve services for those they felt were less able to make a stand on such issues. Many mentioned that they felt they should alert DWP management to the impenetrability of their application, customer service and complaints procedures, especially for those who are elderly, disabled, or vulnerable.

‘I’d heard of so many other people who had had difficulties with [the benefit]. What if you are old, or sick, or confused? What then? That was my main reason for getting in touch with ICE.’

(Participant, upheld, male)
‘I felt the department hadn’t done their job and that I’d been treated badly – I didn’t want this to happen to someone else.’

(Participant, resolved, male)

Case Study: Customer who felt that going to the ICE would lead to changes in the DWP’s service to vulnerable customers

This customer had made a complaint to the [agency] following a failed attempt to claim the [benefit] to which he felt he should be entitled. Whilst part of this complaint was about the attitude of the [agency] staff he dealt with, his main grievance was about what he saw as the unfairness of the legislation governing [benefit] entitlement.

‘I couldn’t quite understand why the [agency] service were so inadequate in such an instance….My complaint was made about the ill-mannered aspects of how the DWP treat [particular] members of society.’

‘Agencies have too much power over the disadvantaged.’

The customer’s motivation for approaching the ICE was to try to get the systems changed, and to make a point about what he saw as the negligent way that [people] are treated by the [agency].

‘The agencies could have understood this kind of case much better by talking and corresponding with other agencies connected with the case and amalgamating their conclusions. If they had evidence they could have been in a position to combine with other agencies concerned to refer instances back to the Secretary of State.’

The primary outcome the customer hoped to achieve was a change in policy about [benefit] entitlement. As a result, the ICE was not able to take the case on.

‘I thought they might be able to assist in readdressing the situation. … I hoped ICE would look at the case and see if it was fairly carried out.’

2.4 Deciding to approach the ICE – personality factors

Comparing the knowledge, beliefs and expectations of participants and non-participants allowed us to assess the key factors which appear to influence customer decisions on whether or not to contact the ICE. Apart from general awareness of the ICE service, the clearest distinguishing factor between participants and non-participants was the attitude and determination of the individual customer. Participants appeared to be far more resolute in their determination to further their complaint and were more likely to see going to the ICE as an important step in getting services reformed for the greater good.

4 To protect customer confidentiality and anonymity, certain details (for example, the agency the customer addressed their original complaint to) have not been included in this case study.
In contrast to the attitude of participants, dissatisfaction with the resolution proposed by the CEO seemed to act as a reason for not approaching the ICE for non-participants. Those customers who did not approach the ICE often mentioned feelings of resignation after their continued efforts had not resulted in any satisfactory outcome, compared to the more determined participants who felt the need to take their case further to get it resolved.

The generally more resigned character of non-participants in comparison with participants was also evident in the number of non-participants saying that they felt that if their MP could not get answers from the DWP agency, then the ICE would not be able to either. Similarly, some non-participants also expressed the opinion that it was not worth the effort of taking their complaint to the ICE now their money had been paid. This was in contrast to some participants who wanted to take their case forward to get answers or for the greater good, even if their issue was essentially resolved.

Participants seemed to have fewer doubts about the ICE’s independence and the likely outcome of an investigation and these differences seem to at least partly explain why some customers took the opportunity of contacting the ICE whilst others did not. However, we cannot be sure how much of this apparent difference was due to participants actually having been through the ICE process. It would seem, therefore, that the most important factor in determining whether a customer took their complaint to the ICE was the individual’s personality and whether they had the drive and energy to continue to press for a resolution of their grievance.
3 Experience and satisfaction with the Independent Case Examiner process

This chapter details the experiences of Department for Work and Pensions (DWP) customers who have had at least some form of contact with the Independent Case Examiner (ICE). The majority of the cases examined here relate to participants who have taken their complaint to the ICE, although it also includes the experiences of two customers who tried to take their case to the ICE but failed the gateway.

This chapter initially describes what customers felt was positive and what was negative about the way in which the ICE handled their case, and what improvements they suggest to the process. It then examines participants’ satisfaction with the final outcome of the ICE process and how this compared to the initial expectations of customers when they first approached the ICE.

3.1 Positive experiences with the ICE

Generally, participants were satisfied with the manner in which the ICE handled their case. Almost all participants expressed at least some degree of satisfaction with the way in which their case was handled. When asked what they were specifically satisfied with, the answers of participants can be categorised into three broad attributes: the efficiency with which the case was handled, the professionalism of Investigating Officers and the quality of their interpersonal skills.

3.1.1 Efficiency

The ICE was particularly commended by participants for the efficiency with which the ICE office handled their case. Like other attributes with which the ICE was credited, participants contrasted this positive experience with their negative experiences of trying to resolve their complaint initially with DWP agencies.
Many participants were impressed with the speed with which the Investigating Officer from the ICE initially contacted them after they approached the ICE with their complaint; several respondents commented that they were contacted by the ICE on the telephone to discuss their complaint only a day or two after first contacting them (most frequently through a letter).

Many participants, including those who failed the ICE gateway, also commented positively on the speed and efficiency with which the ICE resolved their case. This, in particular, was contrasted with customers’ previous experiences with other DWP agencies, where their cases often got mired for weeks or months with no sign of progression. Participants often appeared surprised that the ICE could act so quickly.

‘Administration-wise they were very quick, very efficient. She seemed very efficient, and would go through everything point by point. I don’t think you could ask for much more.’

(Participant, resolved, male)

‘Very satisfied with the speed of it. I got a letter back from DWP within six weeks and so I realized that ICE had really been on the ball and they had been really efficient.’

(Failed gateway)

3.1.2 Professionalism

The general impression participants had of the ICE was one of competence and professionalism. Several customers commented on how knowledgeable their assigned Investigating Officer was on the internal structures and processes of DWP agencies. This made them feel that they were in competent hands and that the ICE would be able to get to the bottom of their problem.

‘I was very apprehensive until I realised that I was speaking to someone who actually knew what she was talking about, and that if anyone could get through, she could because she knew about the system. I think it was finding my way around the system that I had found difficult. She obviously knew what she was talking about.’

(Participant, resolved, male)

Several participants also praised the ICE for the thoroughness with which it investigated cases. Customers liked the way in which their Investigating Officer would regularly contact them to ensure that they fully understood the complexities of their case and that they were taking the investigation in the direction the customer intended.

Some participants also highlighted the accessibility of their Investigating Officer and praised the fact that they felt able to contact them at any time, knowing that they would be likely to be able to speak to them. Many participants also liked the concept of having one named contact to speak to throughout their case. Many such
customers had poor experience of being passed between various offices when originally complaining to the DWP agency, often not knowing the names of everyone they had spoken to and generally feeling that no-one had taken ownership of their problem. With one point of contact at the ICE, customers felt much more confident that their case may finally be resolved.

‘It was the same person throughout which was very important to me. If someone is at the helm, is in control and is at the centre of all correspondence, then things get done quickly and promptly.’

(Participant, resolved, female)

Many participants also highlighted their satisfaction with the attentiveness of their Investigating Officer, their ability to listen to their complaint and to be empathetic towards them. This made customers feel empowered and that their complaint had been a legitimate one, often in contrast to their experience with DWP agencies where many felt they had never received a fair hearing.

‘I felt I was now being listened to, which was all I’d asked for right from the start. Not to be given the run around but to have some assistance.’

(Participant, not upheld, male)

3.1.3 Interpersonal skills

The ICE received widespread praise from participants for both the manner and clarity with which their Investigating Officer communicated with them. Good communication skills appeared to be a genuine strength of the ICE. Many participants praised their Investigating Officer for their friendly and polite manner when speaking to them. This left customers with the feeling that the ICE genuinely wanted to hear their grievances and helped to instill confidence and respect in the abilities of the Investigating Officer from the very beginning.

‘She was smashing. Her manner was nice and easy. It made me feel that I had a legitimate complaint and that they were going to help.’

(Participant, resolved, male)

‘Very friendly, very helpful. I have the highest regard for them.’

(Participant, resolved, male)

Investigating Officers were also praised by many for keeping them informed of developments, when to expect progress and generally managing their expectations.

‘I was given deadlines when things were supposed to happen, and they happened before those deadlines.’

(Participant, one complaint upheld/one not upheld, male)

‘The letter they sent to me set out exactly what they could and could not do for me. It was very reassuring to receive such clear instructions after months of having to suffer misinformation.’

(Participant, resolved, female)
Several participants also acknowledged that the ICE staff had a calm and reassuring manner and one participant praised the investigating officer for avoiding jargon and explaining everything in clear English.

Several participants noted the consistency with which Investigating Officers acknowledged communication between them and the customer. Whenever a customer wrote to the ICE or mailed evidence, the ICE would always acknowledge receipt with a letter to the customer.

Overall, these positive experiences inspired confidence in customers that their case would be dealt with in a fair and unbiased manner.

**Case study: Customer who had a dispute resolved by the ICE and was very positive about the service received from the ICE**

The customer had made a complaint about a lost [benefit] application and the subsequent delay and problems caused. She described how the ICE handled the case in a much more professional manner than the [agency] itself.

She particularly valued the accountability and willingness to communicate of the investigating officer.

‘They were very thorough and made sure that they kept me informed of everything that had happened, all the phone calls. Even when they had phoned the [agency] and they had phoned me back, the investigator phoned me in between to tell me that that was going to happen.’

The customer felt that their Investigating Officer was efficient and managed her expectations well.

‘It was much quicker than I expected. By the time the ICE got involved it was five months that I'd been waiting and the ICE got it sorted out in about four weeks.’

‘I initially thought that going to them would be a whole new job lot of paperwork and form-filling, and I thought it would be another lengthy process. But it wasn’t, it was just a case of me phoning, explaining, and them believing me. Not having them say “can you prove this, can you prove that”. With them taking on the case from me, it was a lot easier. Feeling that someone was on your side.’

She received back-payments as well as compensation.

‘I wouldn’t have gone for compensation myself, I wouldn’t have got that without the ICE. That really was an added bonus.’

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5 To protect customer confidentiality and anonymity, certain details (for example, the agency the customer addressed their original complaint to) have not been included in this case study.
3.2 Negative experiences with the ICE

Participants generally had very few causes for complaint about the manner in which the ICE handled their case. Of those that did have negative feedback about the ICE, most were participants who either failed the ICE gateway, or whose complaint against the DWP was not upheld (or partially not upheld). The majority of participants whose case was resolved by the ICE made no negative comments about the service they had received from the ICE.

In cases where participants did have negative comments to make regarding the ICE, this was usually related to the outcome of the complaint, rather than the process of interacting with the ICE. The most commonly cited issue related to the ICE’s power, in particular the perception that the ICE’s power was too limited and should be extended. This opinion was expressed by participants whose cases were both resolved and not resolved (as well as failed gateway cases). Three different aspects of the ICE’s power were questioned by participants:

- the ICE’s inability to force the DWP to comply with its recommendations following a resolution/investigation;
- the limits on what information the ICE could appear to disclose to a customer during/after its investigation;
- the inability of the ICE to overturn DWP judgments (i.e. the fact that the jurisdiction of the ICE is limited to examining processes and administrative errors only).

It should be noted that the first issue mentioned above was the most common. The latter two were only cited by one or two participants each. In respect to DWP compliance with recommendations made by the ICE, several participants expressed frustration that, having finally been given the opportunity to air their grievance and it being given a fair hearing as well as recognition, the DWP subsequently did not comply with some or all of the ICE’s recommendations. Whilst such participants represented a minority of the cases sampled in the research, it is important to note that such an outcome appeared to undermine the confidence of customers in the ICE’s ability and led them to question the ICE’s true independence from the DWP.

It should be noted that this issue was cited by a mix of participants in terms of which DWP agency their original complaint was against, and a mix of genders. At the source of such grievances was the issue as to whether the ICE should be able to enforce its recommendation or be limited, as it is currently, to only making recommendations for the DWP’s consideration.

‘I was very satisfied with the service [from the ICE] but it does seem a waste of time as they can only make suggestions and not actually change anything.’

(Participant, resolved, male)

In a related matter, a few participants said that the ICE should be more forceful in persuading the DWP to follow its recommendations, and to that end should avoid
unspecific recommendations, such as recommending compensation but not specifying an amount. Some participants viewed this as an ‘escape clause’ enabling the DWP to easily justify non-compliance with their recommendations or to pay out a small amount of compensation that is not satisfactory to the complainant.

‘[In this case, the ICE recommended that compensation be paid to the customer but did not specify an amount]. I don’t think the level of compensation should be left to the [DWP]. If the ICE find something wrong they should be able to say how wrong.’

(Participant, resolved, female)

Only one respondent took issue with the extent to which the ICE could reveal information to them, commenting that their Investigating Officer would not reveal certain pieces of information both during and after the ICE investigation.

‘By the end, there were a lot of things the [the ICE] couldn’t tell me. They were bound by the non-disclosure of information.’

(Participant, resolved, female)

This participant became frustrated as they were unsure as to whether their Investigating Officer was successfully uncovering new information relating to the complaint or whether they were merely uncovering information the customer had already found out herself. Moreover, the customer was frustrated in her attempts to find out from her Investigating Officer what had happened as a consequence of the case being resolved by the ICE in her favour. Like many participants, one of the customer’s main motivations in taking her case to the ICE was to help reform DWP practices to prevent similar problems reoccurring in the future to other DWP customers.

However, it should be noted that this participant was the only customer of the ICE to express dissatisfaction as a result of the belief that their Investigating Officer was holding back information from them. The majority of participants praised the ICE office for its diligence in keeping them informed of what was happening with their case. One other participant did, however, raise a related issue that the ICE appeared to be only able to investigate the information put in front of them by DWP agencies, and suspected that the agencies withheld information from the ICE.

The third cause of dissatisfaction relating to the power of the ICE was cited by a few participants who felt frustrated that the ICE did not have the power to review and overturn DWP agency judgments or to look at complaints relating to other issues not related to procedural and administrative errors. It should also be noted that this issue was only raised by participants whose complaints were either not fully upheld or had failed the gateway, and wanted further investigation of the case following the ICE’s final judgment.

‘The ICE only got the person at DWP to respond to me and that was it. There was no further investigation that went on about that situation.’

(Participant, failed gateway)
'I was very satisfied with the exception that the fact that I’d received anonymous phone calls was never dealt with. All they could do, and I knew this, was to look at the procedural process.’

(Participant, one complaint upheld/one not upheld, male)

It is possible that these complaints might reflect insufficient or poor communication on the part of the ICE in explaining to customers why their complaint had not been upheld or why they had failed the gateway (resulting in these customers feeling confused and frustrated). Again, however, it should be noted that this was a rare source of dissatisfaction amongst participants.

Obviously such negative comments tie in closely with customers’ satisfaction with the final outcome of their case and how this compared to their initial expectations (which is discussed later in this chapter).

3.3 Other negative experiences with the ICE service

Aside from the issue of the ICE’s power and its ability to enforce its recommendations, other sources of dissatisfaction about the service amongst participants were few and far between. In each of the cases described in this section, all were only made by one or two participants each and, as noted earlier, mainly by those who failed the gateway or in cases that were not upheld or only partially upheld.

One participant whose complaint was only partially upheld said that he would have liked to have had the opportunity to have a face-to-face meeting with his Investigating Officer, feeling that he would have been better able to communicate his grievance and that he might have gained further reassurance from the Investigating Officer.

Another participant whose case was not upheld complained that her Investigating Officer’s manner was too informal and descended into a patronising attitude.

‘I thought [the Investigating Officer] was nice at first, but they tried to make me very confused, treating me like an idiot or a child. They really hammered it home by asking “are you sure?” It was a patronising attitude as if you didn’t have a brain, as if they had to do your thinking for you and it had to fit into their own little plan.’

(Participant, Female)

This participant complained that the ICE made errors during the investigation, that the ICE was more difficult to deal with than she originally expected, and that she was dealt with by more than one person, noting that the person who made the judgment was someone she had never spoken to before. However, it should be noted that these grievances were not typical of the ICE experience of most participants. Indeed, the majority praised the ICE for the informal, friendly attitude, the fact that they usually had only one point of contact and that the ICE reached a speedy conclusion.
Relating to the issue of informality, one other participant did mention that the ICE used first name terms when speaking to the customer over the phone without asking for permission to do so first.

A couple of participants said that the ICE appeared to lack independence and that they perceived the body was upholding the interests of the Government/DWP before the interests of customers.

‘I know that documents were mislaid through no fault of my own. I think the purpose of the ICE is to ensure that procedures are investigated by an independent body and that it is found that the procedures in place have been followed correctly. PR companies do the same thing when they bury bad news. I think the ICE did what they set out to do, which is to whitewash a system of Government.’

(Participant, investigated and not upheld, male)

‘I assumed that [the ICE] was more independent, possibly a charity or something, not part of the Government.’

(Participant, Investigated and not upheld, female)

Whilst undoubtedly these grievances were likely to have been strongly influenced by the ICE’s judgment on their complaints – in both cases the ICE did not uphold the complaints – they did appear, in part at least, to have been influenced by communications from the ICE, particularly in regards to its independence from the DWP. Better communication from the outset about the ICE’s status and remit might have prevented the occasional comment that the ICE acted primarily to ‘whitewash’ the Government.

One participant did take issue with the fact that he was not able to mail evidence from his case directly to his Investigating Officer, and instead was instructed to mail it to another person who would then pass it on to the Investigating Officer. Whilst no problems arose, the participant was uneasy about passing his documents to a second person as he perceived it as an unnecessarily increasing the chances of his documents being lost in the system. Such concern was understandable given that the participant’s original complaint related to important documents that a DWP agency had lost.

Another source of dissatisfaction, which was again in contrast to the experience of most participants, was that a customer became confused and failed to comprehend what was happening during the time the ICE handled her case, despite recognition on her part that her Investigating Officer did provide her with regular updates.

Finally, a couple of participants whose cases were resolved by the ICE commented that the ICE took too long to conclude their case. In both cases it took the ICE between two and three months to reach a verdict.
3.4 Suggestions for improvements to the ICE

All participants who participated in the study were asked for suggestions as to how the ICE could be improved or changed for the benefit of customers like themselves. Reflecting the generally positive experience of participants with the ICE process, most had either no suggestions on how to improve the service or felt that no improvements were necessary. Such positive assessments came not only from participants whose cases were resolved by the ICE, but also from participants whose complaints were not upheld, or who had failed the gateway.

‘No, they couldn’t have done anything better, they’re amazing! They’re the first agency I felt I could go to as a human being. They did what I expected them to do, when I expected them to do it, and they provide good value for money. I wish there were more agencies like that.’

(Participant, resolved, female)

‘I think the ICE did their best, they’ve gone through it efficiently and at a remarkable pace. Within days things started to happen. Nothing could be done to improve things really.’

(Participant, resolved, male)

Case study: Satisfied customer who can suggest no improvements despite the ICE not upholding his complaint

This participant applied for [benefit] for a relative. The [agency] turned down his application. However, the participant claimed that the [agency] had not followed their assessment procedures properly and had failed to consult the appropriate [professionals] about his medical condition.

He then took his case to the ICE after being signposted. The ICE investigated but did not uphold the complaint and concluded that the proper procedures had been followed by the DWP [agency]. The ICE did note in their report that the [agency] should have taken the customer’s case more seriously and this seemed to have had a positive effect on the final outcome. Since the report from the ICE, the [agency] has reopened the case and the customer has noted a significant improvement in the attitude of the [agency] towards him.

‘I don’t think the ICE could be improved. The DWP’s hands were tied, the ICE was able to untie them. It’s plain that the DWP are certainly nicer towards me.’

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6 To protect customer confidentiality and anonymity, certain details (for example, the agency the customer addressed their original complaint to) have not been included in this case study.
The most common suggestion for improvement was to grant the ICE more power, reflecting that this was the most common source of negative comments about the ICE. Several customers said that the ICE should have the power to enforce its recommendations on DWP agencies. This suggestion was made by participants of both genders and by participants who had complained against each of the agencies that fell within the scope of the ICE Prototype. As could be expected, these comments were mainly made by those for whom the ICE had found in their favour but the DWP had not acted in accordance with all or some of the ICE’s recommendations.

Case study: Customer where the DWP did not act on the ICE’s recommendations

A participant complained to the [agency] about matters relating to DWP procedures, as well as a negative attitude on the part of staff handling his case. The ICE looked at the case and upheld the customer’s complaint. The ICE recommended that the [agency] offer the customer an explanation for their actions and recommended that the customer deserved compensation.

However, the [agency] felt that there were no grounds for a payment and rejected this part of the ICE’s recommendation. The participant was frustrated that a second body had investigated his case, found in his favour but that the [agency] had the authority to override the ICE’s recommendations. Consequently, his formerly positive opinion of the ICE changed to one of bitterness and suspicion that the ICE was not a truly independent body and may in fact be designed to ‘whitewash’ Government errors.

‘[ICE] could have been more forceful with the DWP. If they’ve got no power they’re toothless. Something set up by the Government, jobs for the boys.’

As a result, the participant recommended that the ICE be given greater independence from the DWP and the power to force DWP agencies to comply with its recommendations.

A few customers made other suggestions relating to granting the ICE more power, although these were exceptional cases relating closely to particular aspects as to how the ICE had handled their case. For example, a participant who complained about what they believed to be a limit on information the ICE could disclose during and after their investigation called for greater powers of disclosure, whilst a participant who failed the gateway called for powers to enable the ICE to overturn DWP agency judgments (i.e. widen the scope of the ICE’s remit).

7 To protect customer confidentiality and anonymity, certain details (for example the agency the customer addressed their original complaint to) have not been included in this case study.
Case study: Customer who felt that the ICE requires wider powers to counter-balance the DWP

A customer complained about delay on the part of the [agency] in handling her claim and a lack of sufficient advice on her entitlements. However, when she took the case further to the ICE, her case failed to pass the gateway.

The customer was satisfied that the ICE had listened fairly to her complaint but blamed secrecy within the [agency] for the failure of the case to pass the gateway and called for the remit of the ICE to be widened so that it could question [agency] judgments in individual cases.

‘I didn’t feel that [the ICE] could do anything else for me. The people at DWP had closed ranks. There needs to be something powerful enough to keep them in check.’

Other suggested improvements made by customers were generally only made by one or two respondents each and reflected a particular concern about the process. One participant said that the ICE should ensure that there is no lengthy delay between the ICE reaching a final judgment or receiving a final response from the DWP agency and communicating that information to the complainant. This customer complained that the ICE had known the final response from the DWP agency regarding his case for a month before they told them about it. This was an isolated complaint/suggestion, indicating that this is probably not a widespread problem (as discussed earlier most participants praised their Investigating Officer for keeping them fully informed and up-to-date on the progress of their case). A couple of participants, whose cases took two and three months each to conclude once they had taken it to the ICE, said that the ICE should resolve cases more quickly.

One participant suggested that Investigating Officers needed to avoid using a patronising tone or attitude when communicating with customers, particularly over the telephone. Another suggested that the ICE log every single action they take once they agree to take on a customer’s case and fully detail this record in the final report. Another participant said that customers should be able to mail evidence directly to the Investigating Officer handling their case, so as to avoid the risk of documents becoming lost in the system.

One participant, whose case was eventually resolved by the ICE, recommended that the Investigating Officers should be more careful in their initial dealings with customers not to build up their expectations too high as to what they should be able to achieve on their behalf.

To protect customer confidentiality and anonymity, certain details (for example, the agency the customer addressed their original complaint to) have not been included in this case study.
‘[The Investigating Officer] builds you up. ICE say “I’m sure we can get you this” and then they say “oh, [the DWP] haven’t replied” which shows the contempt the DWP hold ICE in.’

(Participant, resolved, male)

3.5 Satisfaction with the ICE outcome

The final section of this chapter examines customer satisfaction with the outcome of referring their case to the ICE and how this compares with their initial expectations. It again primarily covers the views of participants, but also includes the two failed gateway cases.

Broadly equal proportions of participants were satisfied or dissatisfied with the final outcome of their case. Many of those who expressed satisfaction with the outcome were entirely satisfied. In almost all these cases the issue had been resolved and the recommendations of the ICE followed (for example, the ICE had recommended compensation and the DWP had since paid them compensation). However, it did include the one case discussed earlier in which the complaint was not upheld but the ICE asked the DWP agency to take his complaint seriously and as a result his case has been reopened by the agency. In almost all of these cases the customer had received the outcome they were originally seeking, but in some cases the outcome exceeded their original expectations, usually because they received some compensation which they were not expecting.

‘Very satisfied. I got the amount that was due to me. I can’t fault them for the service they have provided to me.’

(Participant, resolved, female)

‘A speedy resolution without recourse to the courts to get a decision, to get clarification on the state of affairs within DWP which I suspect probably couldn’t have been obtained in a court proceeding and certainly couldn’t have been obtained within that time-frame. The ICE flushed out internal information from the DWP that would have taken me months to have flushed out.’

(Participant, resolved, female)

‘The compensation was an added bonus. I didn’t know anything about the claims process. I wouldn’t have claimed myself. I wouldn’t have got that if I hadn’t gone through ICE.’

(Participant, resolved, female)

It is interesting to note that for many of this group, the ICE recommended that the customer be given a formal apology by the DWP agency. Customers who received such an apology were far more likely to be satisfied at the conclusion of the case than those who did not, suggesting that an admission of responsibility on the part of the DWP agency is a significant driver of overall satisfaction levels.
Some participants were only partially satisfied with the outcome of their case. These were mainly resolved cases where either the customer was disappointed with the amount of compensation they had received or that the DWP agency had not apologised immediately (which was perceived as a lack of sincerity). In a few cases there were outstanding issues related to the case. For example, one participant had had her complaint against the DWP agency resolved but had ongoing issues with local benefit offices – beyond the remit of the ICE – that had occurred as a result of the agency’s initial mistake.

‘I was happy with the findings, although I did feel that [DWP] dragged their feet a bit over the apology.’

(Participant, one complaint upheld/one not upheld, Male)

‘I didn’t expect the sort of service that I got, but I didn’t get a written apology from the DWP. I wasn’t really impressed with the compensation of £50, especially when the letter said “we understand that you are not completely happy”, it seemed that they were making a gesture but they were not admitting that they had made a mistake, it was all very grudging.’

(Participant, resolved, male)

As noted above, broadly equal numbers of participants were satisfied and dissatisfied with the outcome of their case. Again, most of these were very dissatisfied, but some were only somewhat dissatisfied. These participants expressed some dissatisfaction at the end of their case, not because they were unhappy with the way the ICE had handled their case or the conclusions that they had drawn, but because the DWP agency had failed to act upon their recommendations. As well as including cases where the DWP agency had failed to pay compensation, this group also included cases where the relevant agency had not apologised for the initial mistake.

‘No apology. DWP have also not contacted the Special Payments team even though ICE recommended that a payment be considered.’

(Participant, resolved, male)

‘ICE recommended a compensation payment but Special Payments just chewed it up and spat it out. They’ve decided that there are no grounds for a payment and that the decision is final. There’s no process for appeal. The DWP have refused all suggestions by ICE and they’re saying there’s nothing I can do about it.’

(Participant, resolved, male)

Those participants who said they were very dissatisfied with the outcome of the ICE case were either not satisfied with the ICE’s conclusions or the limits of their power to investigate their case. This group was equally split between resolved cases, failed gateway cases and complaints that had been investigated but not upheld. Amongst the failed gateway and not upheld cases, customer dissatisfaction was clearly linked
to the outcome of the case and what they perceived to be the limited scope of the ICE that prevented the ICE from investigating cases not related to procedural or administrative matters, although perhaps the reasons why their cases failed could have been better explained to these customers. It might also be the case that better communication at the initial signposting stage, outlining exactly what the ICE can and cannot do for customers, would reduce the number of failed gateway and not upheld cases or better prepare customers for this potential outcome.

Regarding the resolved cases in which participants were very dissatisfied with the outcome, the reasons for their dissatisfaction either concerned disappointment that the ICE had recommended compensation but did not specify an amount (resulting in the DWP agency granting an amount of compensation that the customer felt to be insufficient) or they perceived that the ICE might have been able to insist on back payments for lost benefit (which is not within the ICE’s remit) and were consequently disappointed that the ICE only recommended an apology from the DWP agency.

‘I don’t think the level of compensation should be left to the agency. If the ICE find something wrong they should be able to say how wrong.’

(Participant, resolved, female)

‘A complete waste of time, I still haven’t got any benefit’.

(Participant, resolved, male)

3.6 How outcome achieved through the ICE compared to original expectations

Customers’ initial expectations of what could be achieved through the ICE often influenced their satisfaction with the actual outcome of the case. In essence, those with relatively simple expectations, confined to resolving their own personal case, were more likely to achieve the outcome they expected and be amongst the more satisfied participants. In the majority of cases where the aim was to get the issue addressed and seek answers from the agency, the ICE recommended that the agency apologise and make efforts to put right the original problem.

Those customers who had more ambitious expectations when approaching the ICE were less likely to achieve their goals, and were more likely to be dissatisfied with the outcome of the case. Of those customers whose stated aim in approaching the ICE was to overturn an agency decision, only a minority managed to get the ICE to back their case, and even when they did, the ICE only recommended that the DWP agency apologise to the customer. Similarly, those customers who hoped that the ICE could influence DWP policy and procedures often failed in this aim, with a greater number of cases failing the gateway or not being upheld. Those whose cases were upheld were likely to get their own personal situation changed, but nothing further, reflecting their unrealistic expectations of the ICE’s powers.
4 Experience of DWP complaint procedures and comparisons with experiences of using the ICE

This section details how respondents (both participants and non-participants) found the internal complaints procedures of the Department for Work and Pensions (DWP) agencies prior to their case being signposted to the Independent Case Examiner (ICE). These views were examined in order to identify if there were ways in which the internal complaints procedures of the DWP agencies could be improved to reduce the number of cases which might potentially be referred to the ICE. For those who opted to take their case to the ICE (participants and failed gateway cases), it also explores how customers felt their experience of complaining via the ICE felt different to how their initial complaint was handled by DWP agencies.

4.1 DWP handling of the original complaint

Only a few customers complained that they were victims of unfair legislation, which suggested that the majority of customers believed that their complaint was within the power of the DWP agency to resolve.

Most respondents were generally dissatisfied with the way in which the DWP agency handled their complaint originally. Only a few expressed any sense of satisfaction with the way the DWP agency handled their complaint and attempted to resolve it. These were most likely to be non-participants who felt that the response they received from the agency Chief Executive Officer (CEO) fully resolved their issue or grievance (and therefore, had less reason to take the case further with the ICE).
Case study: Customer who was satisfied with the [agency’s] complaint handling

This customer had complained about the [agency] service giving him the wrong advice and information in relation to [benefits] for his wife. The customer also wanted to highlight to the [agency] the lack of clarity in their application procedures.

‘I was looking for the [agency] to review how they treat people, and for them to look at the way they write their literature – it’s a maze of documentation.’

The customer wrote to the CEO of the agency directly and was pleased with the response that he received, which included a ‘sincere apology’ for the poor level of service and ‘an explanation of the normal procedure and what the advice should have been’. The key to the customer’s satisfaction about how his complaint was handled was the clear communication and respectful acknowledgement of his concerns by the agency staff and the CEO.

‘I phoned the DWP and they were very helpful. They realised what was happening and arranged to send details of how many qualifying years she had. Ultimately I thought it was handled well…. It was a reasonable letter. I was impressed that they acknowledged that there was a problem and that they thanked me for this.’

For most customers who expressed dissatisfaction with the way in which their original complaint was handled, this dissatisfaction centred on the perceived lack of effort made to rectify their complaint, that no one took ownership of the complaint and on the attitude of the staff.

Most respondents complained that the DWP agency made no attempt at all to rectify the original problem or that they promised to resolve the problem but did nothing. This reflected, as discussed earlier in this report (see Chapter 1) that many customers felt it was necessary to enlist the help of their MP or other organisation in getting their case addressed.

‘They were making no effort at all. He didn’t highlight a single problem.’

(Non-participant, male)

‘The decision wasn’t upheld...no offer was made, no verbal or written apology.’

(Non-participant, male)

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9 To protect customer confidentiality and anonymity, certain details (for example, the agency the customer addressed their original complaint to) have not been included in this case study.
‘It [the CEO letter] basically said the Department had done its job properly and was sorry that the MP thought they hadn’t – more or less blaming me. It didn’t say any action would be taken and neither my MP or myself was happy with this letter.’

(Participant, resolved, male)

Some customers also highlighted difficulties in trying to get answers from the relevant DWP agency, with no one being seen to take ownership of the complaint. They complained about the lack of continuity in who was dealing with their complaint and being referred to other people or offices which appeared to them to be staff simply trying to ‘pass the buck’.

‘Every time you ring them you get someone else. Every time you get passed on to a branch you are passed on to another one.’

(Participant, resolved, female)

‘I was calling two different offices, with direct lines to the people in charge – they were never there and my calls were never returned. Even my MP said she couldn’t get a joined up answer from the two departments. I wanted them to speak to me and treat me like a human.’

(Participant, resolved, male)

‘The problem is that you never get the same person twice…. They just passed me from one person to another. They just ignored me. I didn’t exist. They promised to send forms out which they never did. Not only were they wasting their own time, they were wasting my time.’

(Non-participant, female)

‘The people at the call centre don’t actually deal with the problem, they can only take down messages. It seems that they are acting to protect, acting as a barrier between the public and the people who are actually supposed to be dealing with the problems. Anything that was more direct would be much better.’

(Non-participant, male)

Linked to the problems they encountered in trying to get their case resolved, some customers complained about the time, effort and stress involved in trying to seek a resolution.

‘There were lots of phone calls and letters. I couldn’t understand why there was all this hassle.’

(Non-participant, male)
‘There was a lot of stress. It could have been dealt with within a week, and it took 8 months in the end.’

(Non-participant, male)

The other main source of dissatisfaction with the way in which complaints were originally handled was the poor attitude of the staff. In particular customers were unhappy about what they perceived to be either the rude or aggressive attitude of staff or the fact that they were seen to be impersonal and uncaring.

‘I felt the letter [from the agency] was very personal against me. The letter said that the Department had done its job – more or less blaming me!’

(Participant, resolved, male)

‘It wasn’t the money- what annoyed me more than anything else was the girl’s attitude’. [This was mostly due to a dismissive comment about the customer’s illness.]

(Non-participant, female)

‘I did try to get a copy of the form from the DWP, and they said “We can’t do that. It’s time wasting”. The tone of voice that made me feel like a real trouble maker. I felt almost attacked on the phone. It just shows how unprofessional the DWP have become. One thing I expected the DWP to be is nice and respectful.’

(Non-participant, female)

The attitude of staff often left customers feeling guilty for ‘having the nerve’ to complain or, in a few cases, feeling that they were being perceived as potentially fraudulent cases. It was not only personal contact with DWP staff that drew such complaints but also other forms of communication such as letters.

‘They were making me feel like a liar or a scrounger. Just another person trying to get something out of the system.’

(Non-participant, male)

‘I became quite worried about all this and the tone of letter was quite accusing towards us...I didn’t like the tone of the letter it made us feel as though we were in the wrong for complaining in the first place.’

(Non-participant, female)

A few customers also complained that they simply did not feel that the DWP agency had listened to them.

‘What they could have done is to have listened to what I had said in the first place, not to dismiss it out of hand, thought about it, and found the time to act on it.’

(Participant, resolved, male)
4.2 How the experience of the ICE felt different to the experience of complaining to DWP agencies

When asked whether dealing with the ICE felt any different to their initial contact with the relevant DWP agency regarding their complaint, the majority of participants said it was a more positive experience. This included all resolved cases, but also most of those whose complaints were not upheld or who had failed the gateway. It reflected, as discussed earlier (Chapter 2 of this report), that most participants were very satisfied with the way in which the ICE handled their case and that this was in stark contrast to the way the DWP agency handled their complaint originally. The key reasons why the ICE was felt to have handled their complaint better than the DWP agency included that:

- the ICE took ownership of the complaint and appeared to take a genuine interest in getting it resolved;
- their case was addressed and resolved quickly;
- staff were professional and thorough in their approach to investigating the case, which gave customers confidence that their case would be assessed fairly;
- the ICE communicated with them throughout the process;
- the Investigating Officers had a very approachable/helpful attitude; customers had a single point of contact and appreciated that they were encouraged to talk to them and that staff were accessible and responsive;
- staff were very honest and open and sought to manage their expectations by being as clear as possible about the probable outcome of their case.

‘It was very different. I was dealing with people who were professional. The [agency] was full of rude people. When I complained they didn’t do a thing.’

(Participants, resolved, male)

‘Overall I would say [the ICE] was more professional and they seemed to be looking for solutions. Whereas the DWP seemed to be going round in circles and I felt as if I was being stonewalled.’

(Participants, resolved, female)

‘It was a completely different experience. I was dealing with a named person, with a named address and telephone number, which you never get with the DWP.’

(Participant, resolved, female)

A few participants said that the ICE experience felt no different to that of the DWP agency-level experience. Only one participant said that the experience with the ICE felt worse. This was a customer whose case was not upheld and who was dissatisfied
because having gone to the extra effort of taking their case to the ICE, the outcome had still not changed.

‘It was definitely more difficult. They took their time but didn’t get a conclusion that was in any way satisfactory.’

(Participant, not upheld)

Most participants, including customers who failed the gateway or did not have their complaint upheld, said that they would recommend the ICE to others, which reflected that most were satisfied with the way in which their case was handled by the ICE.

‘I would recommend [the ICE] as the more it happens the more likely any inherent problems will be uncovered.’

(Participant, resolved, female)

‘Certainly. It’s made a huge difference and I would recommend their service to anyone facing the same brick walls that this family has.’

(Participant, not upheld, male)

‘I would recommend ICE to anyone with similar problems who felt they’ve been treated harshly. They can deal with administrative matters in a very positive way and give lots of help in every way. I’ve got nothing but praise for ICE.’

(Participant, resolved, male)

‘I would recommend the ICE to others. I’ve been treated disgracefully by the DWP and there needs to be something powerful enough to keep them in check.’

(Participant, failed gateway)

Only a few said they would not recommend others to take their case to the ICE. This was mainly because they felt that the money could be better spent elsewhere within the DWP.

‘The Department should be scrapped and the money put towards people on benefit.’

(Participant, resolved, male)

The majority of respondents whose case had been handled by the ICE felt that referring their case had been of benefit to them. In particular, they felt that referring their case to the ICE had resulted in it being resolved or resolved more quickly than it otherwise might have been. Many felt that their case had stalled and referral to the ICE prompted action or the disclosure of information that led to the case being resolved.
Many participants also viewed the ICE as an independent arbiter and felt this was beneficial to them as it gave them confidence that their case would be assessed fairly. However, a few customers did express the view that the lack of power of the ICE to enforce its recommendations was a threat to the ICE’s independence and its ability to take their case further.

Some participants said they would have considered taking alternative action against the DWP agency (mainly via the courts) if they had not been given the opportunity to take their case to the ICE. Only a few participants indicated that they might still take their case further. One participant said he definitely intended to take further action now that the ICE has concluded his case, as he was dissatisfied with the amount of compensation he received. Another participant indicated that they had already taken their case to the Parliamentary Ombudsman, as they felt the amount of compensation they had been offered by the DWP as a result of the ICE process had not been sufficient.

‘The ICE gave a speedy resolution, which I suspect could not have been obtained in court proceedings and certainly not within that time frame.’

(Participant, resolved, female)

However, as discussed earlier in this section, most respondents felt their complaint could and should have been dealt with by the DWP agency without the need to involve an additional body like the ICE.

‘ICE provides a useful service but only because [the agency] are not doing their job properly.’

(Participant, resolved, female)

‘Why are they not on the case from the start? Why can’t [the agency] give you this service straight off.’

(Participant, resolved, female)
5 Conclusions and considerations

This final chapter draws together the main findings from the research and suggests some issues the Department for Work and Pensions (DWP) may wish to consider should the Independent Case Examiner (ICE) service be rolled out across all DWP departments in the future.

5.1 Conclusions

The main reason for not approaching the ICE was the lack of information about what the ICE was and the service it could offer. Those who approached the ICE were generally more determined to resolve their complaint, rather than being any more aware of what the ICE was than non-participants.

Currently, the invitation to have their case reviewed by the ICE is made to customers in a short paragraph towards the end of the letter they receive from the Chief Executive Officer (CEO). The main reason that most non-participants did not approach the ICE was that the opportunity did not fully ‘register’ with them at the time, either because they did not fully read this part of the letter or because they did not understand what the ICE was and the service it offered. This lack of knowledge about the ICE and its status, coupled with their poor experience of the handling and resulting stress and effort of making their original complaint, discouraged some non-participants, who did not feel their case had been resolved satisfactorily, from pursuing their complaint.

There was no evidence to suggest that participants’ knowledge of the ICE and the service it offered would have been any greater than non-participants, which leads us to conclude that the primary driver was that participants were far more resolute in their determination to get their complaint resolved and in some cases, to feel that they should do this not just for themselves but also to try and get procedures changed and improved for the greater good.
Customers would have welcomed more information about the ICE at the initial signposting stage. Details they would have particularly welcomed would have been an outline of the services the ICE offered to DWP customers and information on the status of the ICE and its relationship to the DWP.

More information at this stage could have encouraged some non-participants who were signposted to have more seriously considered and possibly to have taken their case to the ICE.

Participants were generally very satisfied with the way in which their case was handled by the ICE. The efficient and professional manner in which their case was dealt with inspired confidence that their case would be assessed fully and fairly. They were also satisfied with the speed with which it was handled.

While customers were generally positive about the process of interacting with the ICE and the service they received, customers were not always necessarily satisfied with the outcome of their complaint. As expected, this included those cases which were not upheld or that failed the gateway. It also included cases where the ICE found in the customer’s favour but some aspects of the ICE’s recommendations were not acted upon. Customers were frustrated with what they perceived to be the limits of the ICE’s power, in particular the fact that the DWP agencies were not required to comply with the ICE’s recommendations. Better explanation of the status and relationship of the ICE to the DWP and the extent of its powers to those opting to have their case reviewed by the ICE, might have helped to better manage their expectations and reduce these feelings of dissatisfaction.

Some customers who were frustrated with the limits of the ICE’s power also questioned its true independence from the DWP, and therefore, the extent to which it could act as a fair and independent arbiter between the customer and the DWP agency.

Most respondents (both participant and non-participants) were dissatisfied with the manner in which their complaint was originally handled by the DWP agency; this dissatisfaction centred on the perceived lack of effort to resolve the issue and poor attitude of the staff. Most respondents felt their complaint could and should have been dealt with by the DWP agency.

Notwithstanding this, from the perspective of most participants, referring their case to the ICE had been of benefit to them in enabling their case to be resolved more quickly and effectively than it might otherwise have been.
5.2 Considerations

Whilst the research has shown that the majority of customers were satisfied with the level and efficiency of the service offered to them by the ICE, we offer a number of potential issues for consideration should the ICE service be fully rolled out to other DWP agencies.

- **Provide more effective communication to customers about the ICE when customers:**
  - *are initially signposted to the service*, possibly through a leaflet to accompany the letter which briefly explains what the ICE is, what types of cases it can review and what the process of having their case reviewed by the ICE would involve;
  
  - *first approach the ICE*, its status and relationship to the DWP and the extent of its powers should be (re) explained. Investigating Officers were generally good at explaining to customers about the possible/probable outcomes of their case and this might be an appropriate opportunity to re-explain about the ICE’s remit and scope of its powers.

- **Consider the current policy on signposting customers:**

  Cases that failed the gateway or were not upheld could be reviewed, together with the current signposting policy, to ensure that only customers that are likely to benefit from the service are signposted to the ICE, as this will increase the likelihood that customers will be satisfied with the final outcome. There is some evidence to indicate that the ICE may be taking on cases which, although they involve an element of complaint about an error or poor service quality, are primarily being pursued by the customer to change the outcome of their case. This leads to customers being dissatisfied with the outcome even if the ICE finds there has been a service failing.

- **Acknowledge the importance of formal apologies:**

  Receiving an apology was a key driver of customer satisfaction with the outcome of their complaint. In light of this finding we would suggest that the DWP considers the important role of apologies in ensuring that customers feel that they are being listened to and that their complaint is being taken seriously.
Appendix A
Sample profile

Tables A.1 and A.2 show the profile of survey respondents compared to the population profile of signposts to the Independent Case Examiner (ICE) during the survey period.

For non-participants, the population was taken to be the total number of customers signposted to the ICE in the period December 2005 to March 2006 who did not go on to contact the ICE. The delay between this sampling period and the start of survey fieldwork was necessary to allow for the passing of the six month deadline for approaching the ICE after customers receive the Chief Executive Officer (CEO) letter.

In the case of participants, the population figures refer to the total number of cases cleared by the ICE during the period October 2005 to September 2006.

A.1 Non-participants

Table A.1 shows the profile of non-participant customers surveyed, split by the agency about which the customer’s original complaint was made and the customer’s gender. The survey sample was evenly split between men and women, reflecting the overall proportion of male and female customers not taking up the opportunity to complain to the ICE.

In terms of problem agency, the sample was slightly skewed towards the Disability and Carers Service (DCS) in comparison to the total population of non-participants, but this did result in a more even split between the three Department for Work and Pensions (DWP) agencies in our sample.
Table A.1  Sample profile for non-participants

<table>
<thead>
<tr>
<th>Population</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
<td>n</td>
<td>%</td>
</tr>
<tr>
<td>-------</td>
<td>-----</td>
</tr>
<tr>
<td>Total</td>
<td>438</td>
</tr>
<tr>
<td>Problem agency</td>
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<tr>
<td>JobcentrePlus</td>
<td>179</td>
</tr>
<tr>
<td>The Pension Service</td>
<td>199</td>
</tr>
<tr>
<td>The Disability and Carers Service</td>
<td>60</td>
</tr>
<tr>
<td>Gender</td>
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<tr>
<td>Female</td>
<td>206</td>
</tr>
<tr>
<td>Male</td>
<td>232</td>
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</tbody>
</table>

A.2  Participants

The participant sample drawn for this study closely matched the composition of the total cases handled by the ICE during the Prototype period, both in terms of the problem agency and the eventual outcome of the ICE case. The sample of participants accurately reflected the proportion of ICE cases being resolved at an early stage through discussions between the ICE and the agency and those proceeding to investigation. However, none of those participants who had withdrawn from the ICE process were available to take part in the study.

Table A.2  Sample profile for participants

<table>
<thead>
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<th>Population</th>
<th>Sample</th>
</tr>
</thead>
<tbody>
<tr>
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<td>%</td>
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<td>-------</td>
<td>-----</td>
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<tr>
<td>Total</td>
<td>42</td>
</tr>
<tr>
<td>Problem agency</td>
<td></td>
</tr>
<tr>
<td>Jobcentre Plus</td>
<td>13</td>
</tr>
<tr>
<td>The Pension Service</td>
<td>22</td>
</tr>
<tr>
<td>The Disability and Carers Service</td>
<td>7</td>
</tr>
<tr>
<td>Gender</td>
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<tr>
<td>Female</td>
<td>18</td>
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<tr>
<td>Male</td>
<td>24</td>
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<tr>
<td>Outcome of ICE case</td>
<td></td>
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<td>Resolved</td>
<td>29</td>
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<tr>
<td>Investigated and upheld</td>
<td>3</td>
</tr>
<tr>
<td>Investigated and not upheld</td>
<td>5</td>
</tr>
<tr>
<td>Case withdrawn</td>
<td>3</td>
</tr>
<tr>
<td>Failed gateway</td>
<td>2</td>
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Appendix B
Topic guides

1. NON-PARTICIPANTS

A. INTRODUCTION
1) Explain the purposes of the study
2) Reassure the respondent of confidentiality

B. HISTORY OF COMPLAINT

INTERVIEWER NOTE: In this section we are trying to build up a picture of the nature of the respondent’s complaint against the government agency.

3) I’d like to briefly talk through the process by which you came to receive your letter signposting you towards the Independent Case Examiner (ICE), starting from your initial complaint to the government agency.
   • Firstly, can you outline what your original complaint was about?
   • When did you make this original complaint?
   • Who did you initially complain to? What happened then? What was the outcome of this initial complaint?
   • What did you hope would happen when you made the complaint?

C. SATISFACTION WITH CEO RESPONSE

4) Do you remember receiving a letter from the Chief Executive Officer addressing your concerns? Was this the first response that you received from [AGENCY] or did other people respond first?

5) What did this letter from the CEO say? Was this what you were expecting/hoping for? Did this letter state that any action would be taken in response to your complaint? How satisfied were you with this response?
6) What could the agency have done differently to respond to your complaint that would have left you feeling (more) satisfied?

INTERVIEWER NOTE: We are trying to get beyond ‘not having made the mistake in the first place’. Once a mistake had been made, how could it have been handled better?)

D. AWARENESS AND UNDERSTANDING OF THE ICE PROCESS

INTERVIEWER NOTE: Here we are trying to understand how aware respondents were about the possibility of approaching the ICE, and what their understanding of the ICE process was at the time. The following section (Section E) looks at whether these factors influenced their decision not to approach the examiner with a complaint.

7) You said to us when we set up this interview that you remembered a reference to the ICE in the letter that you received from the CEO of [AGENCY]. Was this something that you paid much attention to when you received the letter?
   • Was the fact that this was a possibility made clear enough in this letter?
   • Was this the first time you had heard about the ICE?

8) Did you receive information regarding the ICE from any other source?
   • Where did you receive this information from?
   • How clear/helpful was this information?

9) At the time you were deciding whether or not to approach the ICE, what did you understand about the way that the ICE works?
   • What did you believe the powers of the ICE to be? What did you believe would be the outcome if you were to refer your case to them? What sort of action did you believe the ICE would be able to take/recommend?
   • Did you believe that the ICE would be able to offer a different outcome to that you achieved through the [AGENCY’s] own internal complaints procedure?
   • Do you feel that you understood clearly what the ICE would or would not be able to do for you?
   • Did you understand the process which you would have to go through if you were to take your case to ICE? e.g. what evidence you would need to produce, who would be dealing with your case, how long it would take.
   • Do you feel that the ICE offers a service that is useful?
10) At the time, did you understand that the ICE was fully independent from [AGENCY]?
   • Did this influence how you felt about the ICE?

E. DECIDING NOT TO APPROACH THE ICE

INTERVIEWER NOTE: Here we are trying to find out as much detail as possible about the decision not to approach the ICE, whether positive (e.g. they were satisfied with the agency’s response) or the negative (they did not think applying to the ICE would get them anywhere, that it would be difficult etc).

11) How seriously did you think about taking your complaint to the ICE? Did you think about approaching the ICE and then change your mind? Why did you change your mind?

12) Can you tell me the main reasons why you decided not to take your complaint to the Independent Case Examiner?
   • Was it because you were satisfied with the outcome of the internal complaints procedure?
   • Did your expectations of the service you might receive during the ICE process influence your decision? [REFER BACK TO ANSWERS GIVEN AT Q9 HERE IF NECESSARY]
   • Did your beliefs about the likely outcomes of the process contribute to your decision? [REFER BACK TO ANSWERS GIVEN AT Q9 HERE IF NECESSARY]
   • What would you say was the most important factor behind your decision not to apply?

13) Did you have any particular concerns about referring your case to the ICE, or was there any aspect that you thought would be difficult?
   • Were there any barriers that prevented or discouraged you from approaching the ICE?
   • Which of these was the biggest/most important barrier to approaching the ICE?
   • How could these barriers have been removed?
   • Do you think that the removal of one or more of these barriers would have meant that you would have approached the ICE?

Do you think that if you had had more information about the ICE process you might have considered making an application?
   • What about if you had received help or advice from an organisation such as a customer support group? Which support groups’ advice would you have valued? [RECORD SPONTANEOUS SUGGESTIONS THEN PROMPT WITH: Citizens’ Advice Bureau, Age Concern, any others?]
14) Was your case being handled by any other investigative body at the time you were deciding whether to approach the ICE? e.g. The Parliamentary ombudsman.

F. RETROSPECTIVE OPINION ON INFORMATION PROVIDED ABOUT ICE

15) I’d now like to give you a brief description of the ICE service. The key elements of the ICE are that:

- She is independent;
- She can investigate issues around the service provided by DWP agencies such as instances where there have been long delays, mistakes, staff have been impolite, a complaint has been badly handled, there have been failures in communication or there have been failures to follow procedures
- The ICE does not have any powers over matters of legislation or Government policy i.e. she does not have the power to say that certain rules are ‘unfair’
- If the ICE feels that a DWP agency has provided poor customer service to an individual then she can make recommendations to that agency about what can be done to ‘make up for’ this poor service (which can involve recommending financial compensation). However, she does not have the power to ‘force’ the agency to act on her recommendations.

How does this compare with your understanding of what the ICE service involved? What is different? IF ANY DIFFERENCE: Do you think that if you had understood this about the service you would have been more likely to refer your case to the ICE?

16) The description that you would have been given about the ICE in the letter that you received from the CEO of [AGENCY] would have been something like:

‘The Independent Case Examiner (ICE) will consider complaints about our service, though not about matters of law or Government policy’

Comparing this to the information that I’ve just given you, does this seem a fair reflection of the service available? What do you think should be emphasized more/less?
2. PARTICIPANTS

A. INTRODUCTION
1) Explain the purposes of the study
2) Reassure the respondent of confidentiality

B. HISTORY OF COMPLAINT

INTERVIEWER NOTE: In this section we are trying to build up a picture of the nature of the respondent’s complaint against the government agency.

3) I’d like to briefly talk through the process by which you came to be involved with the Independent Case Examiner, starting from your initial complaint to the government agency.
   • Firstly, can you outline what your original complaint was about?
   • When did you make this original complaint?
   • Who did you initially complain to? What happened then? What was the outcome of this initial complaint?

4) Do you remember receiving a letter from (or on behalf of) the Chief Executive Officer addressing your concerns? Was this the first response that you received from [AGENCY] or did other people respond first? What did this letter from the CEO say? Did this letter state that any action would be taken in response to your complaint? How satisfied were you with their response?

5) What could the agency have done differently to respond to your complaint that would have left you feeling satisfied?

   (INTERVIEWER NOTE: We are trying to get beyond ‘not having made the mistake in the first place’. Once a mistake had been made, how could it have been handled better?)

C. DECISION TO APPLY TO THE ICE AND EXPECTATIONS OF THE ICE PROCESS

INTERVIEWER NOTE: Here we are trying to understand why respondents decided to make an approach to the ICE. We are aiming to understand the triggers that made the respondent decide to approach the ICE, and the factors that may make this approach easier or more difficult. We are interested in how people’s expectations of the ICE process influence their decision to approach the examiner with a complaint.

6) How did you become aware of the possibility of taking your complaint to the Independent Case Examiner?
   • Do you remember being informed about the ICE in the letter you received from the CEO? Was the fact that this was a possibility made clear enough in this letter?
   • Was this the first time you had heard about the ICE?
7) Can you tell me why you decided to take your complaint to the Independent Case Examiner?
   • What was the main reason you wanted to take your complaint further?
   • Did any individual or organisation encourage you to take your complaint to the ICE?

8) What did you hope to gain from approaching the ICE?
   • What sort of action did you believe that the ICE would be able to take?
   • Did you believe that you would have more success through the ICE than you had had through the agency’s own internal complaints procedure? Why was that?
   • At that stage, what did you believe the powers of the ICE to be? What did you believe would be the outcome if your complaint was upheld?
   • At that stage, did you understand that the ICE was Independent? Was this important to you?
   • Looking back, do you feel that you understand clearly what the ICE would or would not be able to do for you?

9) Did you have any reservations about approaching the ICE?

10) How long after receiving the letter from the CEO did you decide to take your case to the ICE? IF NOT STRAIGHTAWAY - Why was this? Was there something that prevented you from referring your case to the ICE? Why did you finally decide to go ahead?

11) Did you seek out more information about the ICE before deciding to refer your case to them?
   • Where did you receive this information from?
   • How clear/helpful was this information?

D. EXPERIENCE OF THE ICE COMPLAINTS PROCESS AND SATISFACTION WITH SERVICE

I would now like to ask you some questions about the ICE process itself, and the service you received while your complaint was being investigated (leaving aside the actual outcome for the moment).

12) Can you describe for me exactly how you went about referring your case to the ICE?
   • Was it in writing or over the phone?
   • Did anyone help you in making your referral? Do you think you would have gone ahead without this assistance?

13) How satisfied were you with the customer service you received during the
ICE investigation process?

- How long after you made your initial referral did you get to speak to someone?
- When you first spoke to someone at ICE, did they make it clear what ICE would be able to do for you and the possible outcomes of your complaint?
- Did you speak to the same person at ICE throughout the investigation of your case or several different people?
- How satisfied were you with the service provided by the investigation officer(s)? Were you able to get in touch with them when you needed to? How confident were you in the ability of the officer to investigate your case fairly? Did you feel that they listened to the concerns you had? How friendly/helpful were they?
- In general, how satisfied were you with the speed with which your complaint was dealt with?
- To what extent were you informed about the progress of your complaint? Do you think that you understood enough about the decisions being made about your case and who was making them?
- Were you asked to provide any additional information or documentary evidence? How easy or difficult was this for you to arrange?
- Did having your complaint investigated by ICE ‘feel different’ to having had it investigated by the [AGENCY]?
- Is there anything that the ICE team could have done better in terms of the way that they investigated your complaint?

14) Was taking your case to the ICE easier or more difficult than you had anticipated beforehand?

- **IF EASIER:** Which of your concerns turned out to be less of a problem than you imagined? Why did you think these things would be more difficult?
- **IF HARDER:** What was more difficult than you thought it would be? Did any of these issues make you think about withdrawing from the ICE process?

**ASK ALL EXCEPT WITHDRAWN CASES OR FAILED GATEWAY CASES**

**E. OUTCOME OF REFERRING CASE TO ICE**

15) Did you receive a document from ICE stating the results of their investigation into your case? Was this a letter or a formal report? Did it make their findings clear?

16) What was the ultimate outcome of your complaint to ICE?
• What (if anything) did the ICE recommend that the [AGENCY] should do to address your complaint? Were you satisfied with this suggestion?

• Is this what has happened in practice? Has the [AGENCY] followed the suggestions made by ICE?

• IF MENTION THAT FINANCIAL COMPENSATION WAS RECOMMENDED: How satisfied were you with the speed at which you received this compensation? NB: There would be no requirement to ‘claim’ compensation. Any recommendation by the ICE for a special payment to be considered (ICE would not recommend that it be paid) would automatically be progressed by the relevant business and the decision notified to the customer.

• Was this the outcome that you expected when you referred your case to ICE?

• Was it the outcome that you were hoping for?

• What, if anything, do you feel you have achieved through referring your case to ICE that you did not get through making your complaint to [AGENCY]?

17) How satisfied are you that your case had been fairly heard by the ICE? Do you feel that the relevant evidence was taken into account?

• Have you taken/would you consider any further action through alternative channels (e.g. legal proceedings)?

18) Would you recommend to others in similar situations that they take their case to the ICE?

ASK WITHDRAWN CASES ONLY

F. REASONS FOR WITHDRAWING FROM ICE PROCESS

19) I understand that you eventually decided to withdraw from the ICE process. At what stage did you decide to do this?

20) What was it that made you decide to withdraw? To what extent was it related to the service that you received?

• What would have persuaded you to continue with your case?

21) Would you recommend to others in similar situations that they take their case to the ICE?

ASK FAILED GATEWAY CASES ONLY
F. EXPERIENCE OF FAILING GATEWAY

22) I understand that in the end the ICE was unable to take on your case. At what stage did they tell you that this was the case?

23) What explanation were you given by the ICE for them being unable to take on your case? Was this explanation clear? Did it seem reasonable to you?

24) Would you recommend to others in similar situations that they take their case to the ICE?