**Complaints about benefits administration**

You can complain about the way benefit claims and other issues have been dealt with by any department administering benefits - HMRC, DWP and local authority. Each will have their own procedure on how to make a complaint.

**What can you complain about?**

Complaint can be made about

* delays,
* inappropriate staff behaviour,
* poor customer service,
* misleading advice,
* confusing letters,
* payment processing errors,
* any other form of maladministration.

Complaints should not be made about the matters that can be dealt with under an appeal or through a judicial review. For instance, a benefits decision that carries appeal rights should not be dealt with by complaint but by lodging an appeal.

**Making a complaint to the DWP**

The DWP deal with complaints about Job Centre Plus, the Pension Service, the Disability and Carer service, the Debt Management Organisation and the Child Support Agency.

Please be aware that DWP do not deal with complaints about contract providers such as work program providers, or providers of medical assessments. If claimants are unhappy with any contract provider they should use the internal complaint procedure of that contractor before escalating it to an Independent Case Examiner.

Most DWP agencies have a standard complaint procedure. To make a complaint about the service received in relation to a DWP benefit, the procedure is as follows:

1. Contact the office that deals with that particular claim. If this is not possible, call the helpline and explain the complaint - what has happened, how this has affected the client/their family and what should happen to put things right. The front line officer should try to resolve the complaint there and then. They may engage the team leader or manager in order to reach a solution, and promise a call back within 48 hours.
2. If you/the client are dissatisfied with the outcome at this stage, it should be passed on to a complaint resolution manager who should provide a full response within 15 working days. This is known as a Tier 1 complaint.
3. If the response is still not satisfactory, the next stage is to write to the Director General of Operations for DWP with details of the complaint and the reason you are not satisfied with the outcome. They aim to deal with complaints within 15 working days. This is called Tier 2 complaint.
4. If you are still unhappy with the outcome at this stage, you can ask the Independent Case Examiner (ICE) to investigate the complaint. ICE is independent and impartial. Complaints to ICE can be made in writing or by telephone. More details can be found in their website. ICE will refuse to register a complaint from someone who has not yet exhausted all stages of the internal procedure. A complaint to ICE should be made no later than six months from the final response.
5. Finally, you can approach your local MP if you are still not satisfied having gone through the full internal procedure, asking the MP to forward the matter to the Parliamentary Ombudsman. You will need to complete a form and attach copies of all previous correspondences. Form can be downloaded from parliamentary ombudsmen website.

**Making a complaint to the local authority:**

Complaints about Housing Benefit and Council Tax Reduction should be made to the relevant local authority. All local authorities are required to have their internal complaint procedure, accessible to public. If anyone is unhappy about local authority service or action they should first request a copy of their complaint procedure.

Most local authorities have a three stage complaint procedure which should be fully used before things further. Each stage will have time limits within which the authority must respond to your complaint.

If the complaint is serious in nature, you can also approach a local councillor or MP for help.

Once all three stages are exhausted with no satisfactory result, you can take the complaint to the Local Government Ombudsmen (LGO). A complaint to LGO should be made within 12 months of when you first became aware of the problem.

**Making a complaint to HMRC:**

HMRC’s complaints procedure is set out on its website and in its leaflet, *Complaints and putting things right (C/FS).* Child Benefit and Tax Credit offices are both of HMRC. They have their own complaint procedures in respect of whom to lodge complaint to and what to expect after making a complaint. Generally, a complaint cannot be made about a decision which can be redressed under an appeal. However, there are some instances when lodging an appeal while making a complaint alongside can be justified, particularly in Tax Credit claims. Seek advice if you are not sure about the right course of action. Both Child Benefit Centre and Tax Credit Office have a three-stage complaint process.

1. First stage is to call or write to the office dealing with the claim with details of the decision that you are complaining about. Child Benefit office can also accept complaints online. Child Benefit should make a response to the initial complaint within 15 working days; however there are no guidelines from Tax Credit as to how long they should take to respond. You should escalate the matter if you do not receive a response within 4-6 weeks.
2. Second stage of the complaint procedure should be used when the response is unsatisfactory or not given within a reasonable timescale. This stage involves writing a letter to **Child Benefit Office Director’s Complaint team** (Child Benefit complaints) or to **Second Complaint Handler** (Tax Credit complaints).
3. Once HMRC’s internal complaints procedure has been exhausted, you have received a **final response** and are still not satisfied, you can ask the Adjudicator to investigate. More guidelines are given on their website about how to do this. Contact with the Adjudicator must usually be made within six months of the outcome of the final response.
4. Finally, you can also meet your local MP to take your complaint to the parliamentary Ombudsman.

**What outcome do you want?**

Keep in mind when making complaints that you are seeking specific outcomes, for example:

* An apology
* An end to delays in dealing with a benefit claim/change of circumstances/enquiry/appeal
* Compensation – this could be for actual expense incurred such as the costs of phone calls or travel incurred while trying to resolve a benefits issue, or could be for distress, anxiety, effects on health.

**Tips for making a complaint**

* Don’t delay
* Record everything, i.e. time, date or person spoken to
* Tell them clearly it’s a complaint
* Put all your complaints in writing, if possible
* Be specific, clear and brief about the facts
* Be clear about what outcome you want
* Be polite and respectful to staff
* Respond appropriately
* Be patient while persistent at the same time
* Remember time limits.

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