

Mr Gareth Davies

Ref: VTR 1298

request-14079-0d9334f2@whatdotheyknow.com

Date: 12 October 2009

Dear Mr Davies,

Thank you for your Freedom of Information request dated 4 July 2009. Your request has been considered under the terms of the Freedom of Information Act 2000 (FOIA). Please accept our apologies for the delay in replying. Please find below a copy of your request together with a corresponding response.

Request

In order to enable me to make an independent assessment of the causes of complaints against CSA / CMEC I would be grateful if you would forward to me;

Q1. Any guidance prepared (within the last three years) for managers of CSA debt enforcement teams (or teams of CSA staff charged with collecting arrears) as to appropriate key performance indicators to be used for assessing their team's performance.

Q2. Any guidance provided (within the last three years) to managers of CSA debt enforcement teams (or teams of CSA staff charged with collecting arrears) as to appropriate key performance indicators to be used for assessing the performance of individual team members.

Q3. Any guidance provided (within the last three years) to managers of CSA debt enforcement teams (or teams of CSA staff charged with collecting arrears) as to appropriate reasons for instituting individual performance improvement plans with individual team members.

Q4. The definitions of all key performance indicators currently used with CSA debt enforcement teams or teams of CSA staff charged with collecting arrears.

Q5. The numbers of CSA staff disciplined as a result of a finding of maladministration against them for each of the last five years.

Response

To support day to day Performance Management we operate a Performance and Development System which applies to all employees across the business as a whole. This involves setting clear work objectives and the discussion of competencies appropriate to the level an individual is working. The process includes agreeing learning and development needs between the individual and their line manager resulting in a Personal Development Plan being produced. Continuous feedback takes place throughout the reporting period.

Managers are expected to have day to day involvement in performance, which includes ensuring their people receive training and coaching, enabling them to deliver the level of service clients should expect. Managers are also expected to tackle poor performance as this weakens the ability of the Commission to serve the public.

Other than the Performance and Development system no specific guidance has been distributed to Debt Enforcement Teams to assess the performance of individuals or teams. However, I have included some information below which is reflected in an individuals key work objectives, competencies and performance reporting.

➤ September 2008:

- Team Leaders will use Voice Recording to confirm debt negotiations have been undertaken appropriately during non-resident parent telephone contact including the use of Caseworker Online;
- Team Leaders will examine Payment Arrangement Guide sheets for every agreement and/or arrangement made to ensure the Debt Steer has been applied and will randomly cross reference using the Voice Recording process above and Task 567s to ensure Preferred Methods of Collection are being promoted.

➤ The 2009/10 Key Performance Indicator (KPI) that applies to all lines of business within Debt Enforcement is provided below:

Proposed Measure	Rationale	Lead Line of Business
Arrears Arrangements. At least 95% of new arrears arrangements will be accurate when compared to the agency debt steer.	This measure is designed to ensure appropriate arrangements including the use of discretion. Performance to be reported via the Quality Assurance Team. This measure applies to all lines of business as Payment Arrangements will be made by all caseworkers	Debt Enforcement
		<i>Additional Measures to support KPI Delivery</i>
		Checks completed on all Payment Arrangements & documentation to support decision

- Enforcement Teams work toward the following target: Leading and co-coordinating on the delivery of the Agency Collections target of £1.08 billion during 2008-09 of which at least £220 million should be arrears.
- Employees who negotiate the repayment of arrears with clients are required to follow guidance which is sometimes referred to as the Debt Steer. I have attached an overview of this guidance at Annex A to this letter.

Finally, you asked for the numbers of people disciplined as a result of maladministration for each of the last five years. This information is not available as it is not recorded for management information purposes. As part of the performance and development system full guidance is provided for managers on how to deal with poor performance. This can lead to informal or formal action being taken.

The Commission is committed to taking reasonable measures necessary to help, support and encourage its employees to perform to a satisfactory standard. Managers should make employees aware of any capability issues and will talk to the employee to find out the reasons for the performance issues and establish if there are any underlying problems.

I hope you find the information you have been provided with helpful. If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely

**Child Maintenance and Enforcement Commission
Freedom of Information Act Focal Point**

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing FOI.FocalPoint@childmaintenance.gsi.gov.uk or by writing to Child Maintenance and Enforcement Commission, Freedom of Information Act Focal Point, PO Box 61791, London, SW1P 9NT. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.gov.uk.

Annex A - Policy Overview

Background

When a non-resident parent is liable to pay arrears of child maintenance it is essential to initiate prompt recovery action. The policy intention is to recover outstanding arrears as quickly as possible:

- Voluntary offers to repay by instalments must be sustainable. For example, if the non-resident parent offers to repay 90% of net income over a 3 months period the case-worker should seek assurance this commitment is feasible.
- Enforcing arrears recovery is a discretionary decision and when implementing a Deduction from Earnings Order (DEO) the case-worker must have regard to the Protected Earnings rate. The non-resident parent should always be left with at least 60% of net income.

Exercising Discretion

Determining the rate of arrears recovery and/or deciding to take enforcement action are decisions made on behalf of the Commissioner for Child Maintenance and discretion must be exercised. When determining the recovery amount and/or enforcing debt recovery the case-worker must always have regard to:

- The welfare of any child involved. When exercising discretionary powers the case-worker should always take account of the child's best interest. This is especially important where a child is seriously ill or disabled.
- The needs of the non-resident parent and any second family
- Representations of hardship from the non-resident parent

Arrears Negotiation

Caseworkers should adhere to the following guidance when setting up a collection agreement:

- Full payment should be sought in the first instance.
- If not a lump sum should be sought – caseworkers should access 'Caseworker Online' to view available information about the non-resident parent's current financial commitments to support them in negotiating the maximum lump sum possible. A lump sum should be sought which will allow a minimum of 30% (for CSCS cases the higher of £5 or 33% contribution) of net income to clear the whole debt within a 2 year period.
- If this is not possible a lump sum payment which will allow contributions at 40% of net income, covering regular maintenance and arrears, to ensure debt is repaid within 2 years may be appropriate. Any payments from the non-resident parent will be regarded as an Arrangement rather than an Agreement and :
 - A Deduction from Earnings Order can be sought to recover up to 40% of net income.
 - If a Deduction from Earnings Order does not clear the entire debt in 2 years, a parallel liability order can also be sought. In general, the Commission does not currently seek a liability order where arrears are less than £1,000 – however

this threshold is kept under review and improved enforcement powers may prompt the Commission to review any such arrangements.