

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 March 2014

Public Authority: The Parliamentary and Health Service Ombudsman

Address: Millbank Tower
Millbank
London
SW1P 4QP

Decision (including any steps ordered)

1. The complainant has requested information about how the Parliamentary and Health Service Ombudsman (PHSO) handles complaints. The PHSO provided the complainant with some information in response to this request but confirmed that it did not hold any further information relevant to the scope of the request.
2. The Commissioner considers that the PHSO was correct to confirm that it did not hold any further information, other than that which was provided to the complainant, under section 1(1)(a) of the Freedom of Information Act 2000 (FOIA).
3. The Commissioner requires no steps to be taken.

Request and response

4. On 1 October 2013 the complainant requested information of the following description:

"1.....it is interesting to note that the Head of the Review team does not have to report any complaint about him/herself to his/ her line manager and therefore has a special privilege.

Is this the only post that does not have to report a complaint, in the first instance, to his/ her line manager?

.....

2. If not, what other posts are allowed this special favour?

.....

3. Since the PHSO ethical system depends on trust - and not supervision, have all members if the PHSO staff always behaved ethically?

If not, how many PHSO employees have not done so in the past three years?

.....

4. How many PHSO employees gave behaved unethically over the past five years on a year by year basis."

5. On 29 October 2013 the PHSO responded. It said that it had already provided the complainant with all of the information it holds on its complaints procedures, it clarified that it is not obliged to provide opinions where this is not recorded information.
6. The complainant requested an internal review on 29 October 2013. The PHSO sent the outcome of its internal review on 13 December 2013. It upheld its original position.

Scope of the case

7. The complainant contacted the Commissioner on 22 December 2013 to complain about the way her request for information had been handled.
8. The Commissioner has considered whether or not the PHSO holds any further information other than that which has already been provided.

Reasons for decision

9. Section 1(1)(a) of FOIA states that, "Any person making a request for information to a public authority is entitled – to be informed in writing by the public authority whether it holds information of the description specified in the request".
10. The PHSO explained that the request in this case flows from several other requests for clarification the complainant made which were

responded to. The PHSO provided the Commissioner with these responses for reference because they show some of the additional explanations and information it provided to the complainant in relation to questions she had asked about 'ethics' and complaints handling.

11. It said that it considered that a number of the requests it had responded to were leading questions designed to get the PHSO to agree that its staff and processes were unfair and 'unethical'. It said the requests reflect the complainant's unhappiness with the decision it reached in relation to a complaint she had made, and her dissatisfaction with how it proposed to review those concerns and the complaints she made about PHSO staff. Nonetheless, it confirmed that where possible it had tried to explain a bit more about its processes and to correct some of the false assumptions made.
12. The PHSO explained that having reviewed this request it confirmed that it does not hold any more recorded information about these issues. It clarified that whilst it expects staff to behave professionally and in line with its organisational principles, 'ethical behaviour' is not a tangible performance measure that it uses to manage staff. However, it confirmed that the complainant has previously been provided with PHSO casework policies and its internal review policies. It said it has also provided links to publically available information about the civil service complaints process to try and aid and assist the complainant.
13. The complainant has not provided the Commissioner with any evidence to support the position that the requested information is held.
14. Given the confirmation that the issues contained within the request are governed by general policies (which have been provided to the complainant) the Commissioner considers that on the balance of probabilities the requested information is not held other than that which has already been provided to the complainant.

Right of appeal

15. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0300 1234504

Fax: 0116 249 4253

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
17. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Pamela Clements
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