

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 September 2014

Public Authority: Parliamentary and Health Service Ombudsman (PHSO)

Address: Millbank Tower
Millbank
London
SW1P 4QP

Decision (including any steps ordered)

1. The complainant has requested information relating to the number of complaints received by the PHSO which are published. The PHSO provided the complainant with links to where he could obtain the requested information. The complainant said that he was unable to locate the information within the links provided.
2. The Commissioner considers that the PHSO complied with section 1(1)(a) of the Freedom of Information Act (FOIA) in this case.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 7 April 2014 the complainant requested information of the following description:

"I would like to know how many complaints about government bodies you have dealt with that you have decided not to publish or otherwise make available to members of the public?"

I would like to know which government departments have been allowed to have their maladministration remain a secret?

I would like to know what the policy and guidelines are that determine whether a complaint would or would not be published?

I would like to know what level of staff members are authorised to decide if a finding of maladministration should or should not be published?"

5. On 8 May 2014 the PHSO responded. It provided the complainant with information in response to the request.
6. The complainant requested an internal review on 8 May 2014 as he did not consider that the PHSO had provided him with sufficient information in response to his request. The PHSO sent the outcome of its internal review on 1 July 2014. It confirmed that it had provided the complainant with all information it held relevant to the scope of the request.

Scope of the case

7. The complainant contacted the Commissioner on 3 July 2014 to complain about the way her request for information had been handled.
8. The Commissioner has considered whether or not the PHSO has provided the complainant with all of the information it holds relevant to the scope of the request.

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 complainant has explained that he is trying to find out which organisations have had complaints upheld or partly upheld by the PHSO and have not been published. He has said that the PHSO directed him to two pages on their website. He explained that he cannot find the information on these pages.
11. The Commissioner therefore asked the PHSO to confirm where and how the requested information could be obtained using the links it provided to the complainant in response to his request.

12. The PHSO explained that the complainant asked how many of the complaints the PHSO had dealt with were not published. The PHSO explained that it advised the complainant that he could see how many complaints it had dealt with by looking at their annual reports. It said for example that in 2012/2013 it dealt with over 26,000 complaints. It provided the Commissioner with the link to its annual reports which was provided to the complainant:

<http://www.ombudsman.org.uk/about-us/publications/annual-reports>

13. It said that in the year 2012/2013, information about the total number of complaints received, investigated and upheld can be found on pages 5, 12, 18 and 20 of the report. It confirmed that this information is similarly easy to find in its other annual reports.
14. It said that in order for the complainant to establish how many cases the Ombudsman had looked at were published, it also provided the complainant with a link to its published casework reports for its two jurisdictions:

Health: http://www.ombudsman.org.uk/reports-and-consultations/reports/health?result_3044_result_page=1

Parliamentary: <http://www.ombudsman.org.uk/reports-and-consultations/reports/parliamentary>

15. It said that also included in these pages are the yearly NHS and parliamentary complaints handling reports that show the breakdown of complaints received against each body. It said that as can be seen when accessing the above links, it publishes relatively few reports about individual cases each year.
16. It said that it does not consider that the information is difficult to access, it explained that the complainant can fairly quickly compare the number of cases received in any given year to the number of individual cases that are published.
17. Finally it confirmed that it does not hold figures on how many reports it does not publish and the only way to answer this request was to refer to the publicly available information which the complainant was directed to.
18. Upon viewing the links provided to the complainant by the PHSO, the Commissioner is satisfied that the complainant is able to access the information he requires within these publicly available reports. This is therefore the information held by the PHSO which would answer this request and links to the relevant information have been provided to the complainant.

19. The Commissioner is therefore satisfied that the PHSO has complied with section 1(1)(a) FOIA in this case.

Right of appeal

20. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

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

21. 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.
22. 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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