

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 February 2024

Public Authority: Financial Ombudsman Service Limited

Address: Exchange Tower

London

E14 9SR

Decision (including any steps ordered)

1. The complainant requested information from the Financial Ombudsman Service Limited (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The public authority must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 10 December 2023, the complainant wrote to the public authority and requested information in the following terms:

“Context

For some time, the Financial Ombudsman (FO) simplified its handling of customer complaints against its service. It went from a 3-stage process (manager, senior manager, response to the Independent Assessor [IA]) to a single stage process: manager's response. See: <https://www.financial-ombudsman.org.uk/files/324005/FinancialOmbudsman-Service-The-Independent-Assessors-annual-report-202122.pdf>, page 9 if you need more information.

The IA thought this was good, but this initiative seems to have been ultimately dropped: <https://www.financial-ombudsman.org.uk/who-we-are/customer-service/service-complaints>

Requests

One.- Please provide, from 2021 and until today, communications between the IA, and members of your Executive Team that are related to this initiative/pilot and that provide an explanation on why the process was not left in its simplified form.

Two.- Please provide any minutes, interim or final reports that explain the rationale behind dropping the simplified complaint handling procedure.

Notes and conditions

*Please only search from 01-01-2021 until today.

*Please limit the search to electronic/digitised records. Do not search paperwork or hard copies.

*By executive team, I mean:

<https://www.financialombudsman.org.uk/who-we-are/staff/executive-team> and their predecessors if applicable (equivalent posts or people if some of them were not there in 2021).

*By "communications", I mean e-mails. You don't have to search MS Teams, SMS, etc.

*Please use reasonable keywords, as needed, to focus the search. "Complaint process", "Simplification", "Single stage", "Independent Assessor", "Bias reduction", etc. The previous keywords are not exhaustive, they are just representative examples.

*If people that are not in the Exec. Team or are not the IA are copied in in some of the communications, the communication shall still be considered within scope."

Reasons for decision

6. Section 1(1) of FOIA states that:

"Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

7. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".

8. On 25 January 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

10. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Right of appeal

11. 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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatorychamber

12. 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.
13. 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

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF