

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 21 February 2019

**Public Authority:** Local Government and Social Care Ombudsman  
**Address:** PO Box 4771  
Coventry  
CV4 0EH

#### **Decision (including any steps ordered)**

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1. The complainant requested information from the Local Government and Social Care Ombudsman regarding the number of complaints it has refused in the last twelve months and related information.
2. The Commissioner's decision is that the Local Government and Social Care Ombudsman failed to respond to the request within 20 working days and therefore breached Section 10 of the Freedom of Information Act.
3. As a response has been issued, the Commissioner does not require the Local Government and Social Care Ombudsman to take any further steps.

#### **Request and response**

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4. On 6 December 2018, the complainant wrote to the Local Government and Social Care Ombudsman and requested information in the following terms:

*"Under the Freedom of Information Act, I request the following information. As you will know, by law, you have twenty working days to respond."*

- 1. In the last twelve months, in what percentage of cases has the Local Government Ombudsman refused to investigate complaints?*
- 2. In the last twelve months, in what percentage of cases has your investigator Suzanne Eves refused to investigate a case?*
- 3. In the last twelve months, how many complaints against Bath & North East Somerset Council has the Ombudsman refused to investigate?*
- 4. In the last twelve months, how many complaints against Bath & North East Somerset Council has Suzanne Eves, as an Ombudsman investigator, refused to investigate?*
- 5. In the last twelve months, what percentage of draft decisions have been significantly changed once the complainant member of the public has given further response?*
- 6. In the last twelve months, what percentage of draft decisions issued by Suzanne Eves once the complainant member of the public has given further response?*
- 7. In the last twelve months, how many complaints has the Ombudsman service received about your refusal to investigate complaints about Councils?*

*Thank you for your assistance"*

5. The Local Government and Social Care Ombudsman provided a response on 11 January 2019.

## **Scope of the case**

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6. The complainant contacted the Commissioner on 5 February 2019 to complain about the way his request for information had been handled and he specifically requested a decision notice recording the late response provided by the Local Government and Social Care Ombudsman.
7. This decision notice deals purely with the timeliness of the response to the request submitted to the Local Government and Social Care Ombudsman on 6 December 2018.

## Reasons for decision

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8. Section 1(1) of the 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.*

9. Section 10(1) of the 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.*"
10. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue a response to the request within 20 working days, the Local Government and Social Care Ombudsman breached Section 10(1) of the FOIA.

## Right of appeal

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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: 0300 1234504

Fax: 0870 739 5836

Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**