

4 July 2017

Professor Ben Paechter

Our ref: IR201700679

By email: **request-404236-f8f41f75@whatdotheyknow.com**

Dear Professor Paechter

**Your request for review**

I refer to your email of 7 June 2017. In your correspondence you ask for a review of the handling of your FOI request for 'Copies of the Independent Customer Complaints Reviewer's Six Monthly Reports and the SPSO Responses'.

Your request for review has been passed to me to consider and I can now respond as follows.

On 11 May you asked that if the previous Ombudsman, Mr Jim Martin, authorised a change to the SPSO Scheme of Control in respect of the frequency of ICCR reports on customer service complaints, to be provided with copies of Mr Martin's written agreement to the changes and the notice informing the external auditors of the change.

On 18 May you noted that the Scheme of Control had been updated on our website and again asked for a copy of the communication to the external auditors informing them of the change to the Scheme of Control - including the date that the communication was sent and the date that the external auditors were told the new policy came into force.

In our response of 26 May we advised you that the change in respect of ICCR reporting had been informally agreed by the Ombudsman. We referred to a 3 July 2016 AAC meeting minute to support this. We thanked you for highlighting the text and advised that we had now updated the Scheme of Control to reflect this. We confirmed that we did not hold the then Ombudsman (Jim Martin)'s written agreement or notice to the external auditors.

In your request for review you state that we have told you that the Scheme of Control was updated on 10 May but have failed to respond to your request for a copy of the notice to the external auditor that the Scheme of Control had been changed with respect to Rosemary Agnew.

I apologise that we did not also confirm in our response that we did not hold any communication from the current Ombudsman (Rosemary Agnew) to the external auditors informing them of the update to the Scheme of Control. In line with section 17 of the Freedom of Information (Scotland) Act 2002 (FOISA), I now confirm that this information is not held.

On 11 May you also asked for a report detailing all of the complaints upheld or partly upheld by the ICCR, along with their recommendations and the Senior Management Team response

to those recommendations, including their agreed actions for any year that the Scheme of Control has not been followed. As well as the ICCR reports, we directed you to our quarterly and annual reports of organisational learning from service delivery complaints, to include our response to recommendations and actions taken. We confirmed that as this information was available on our website, it was exempt information under section 25 of the FOISA. In your request for review you state that you disagree that these documents contain the information you requested.

While it is my understanding that these reports do contain information about all upheld/partially upheld stage 3 (ICCR) complaints, I now attached a spread sheet detailing all upheld/partially upheld stage 3 (ICCR) customer service complaints from 1 March 2010. In line with section 17 of the FOISA, we have indicated in the spread sheet where information is not held.

### **Your Right of Appeal**

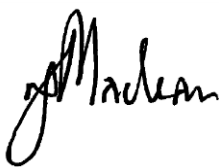
If you are dissatisfied with the outcome of any review carried out by the SPSO following your request for information, you have a right under the Freedom of Information (Scotland) Act 2002 to appeal to the Scottish Information Commissioner. Details about appealing to the Commissioner are set out on page 3 of the attached information leaflet 'Your Information Rights & SPSO'. Following an investigation by the Commissioner, you have a right (on a point of law) of appeal to the Court of Session.

### **New Request**

Finally, in response to your new information request for upheld/partially upheld dates, and for action implementation dates, this information is also included in the attached spread sheet. In line with section 17 of the FOISA, we have indicated in the spread sheet where information is not held.

As you are aware, you also have a right under the FOISA to request a review of the handling of this new request, and of appeal to the Scottish Information Commissioner if you remain dissatisfied. Details about requesting a review and appealing to the Commissioner are set out on page 3 of the attached information leaflet 'Your Information Rights & SPSO'.

Yours sincerely



Niki Maclean  
Director

Phone: 0800 377 7330  
Email: [Inforequests@sps.gov.uk](mailto:Inforequests@sps.gov.uk)

Enc. Information leaflet 'Your Information Rights & SPSO'