

DWP Central Freedom of Information Team

e-mail: freedom-of-information-request@dwpgsi.gov.uk

Our Ref: VTR 381

12 February 2015

FAO: Mr N Parker
request-251595-e2395d2f@whatdotheyknow.com

Dear Mr Parker

Thank you for your Freedom of Information (Fol) request received on 1 February 2015. You asked:

Subject to your response of VTR219 you made the following statement,

"I can confirm that the ICE is not an Ombudsman. The ICE is an independent office holder appointed by the Permanent Secretary of the Department for Work and Pensions to provide an impartial complaint handling service to customers who are dissatisfied with the Department's responses to their complaints, her role is non-statutory and ICE investigations carry no weight in law. The ICE office does not have policy documents in relation to maladministration and UK law".

Based on the above could you explain the following;

- a) Could you confirm if the ICE is in the Ombudsman's Association?*
- b) If the ICE is in the Ombudsman's association could you please explain the conflict in relation to your explanation that the ICE is not an Ombudsman?*
- c) Is the ICE unit an Ombudsman or part of the Ombudsman's association?*
- d) Is there any person within the entirety of the ICE unit/DWP registered as an Ombudsman and/or accountable within the remit of an Ombudsman associated with independent complaints for citizens or registered with the Ombudsman's association?*
- e) Why and how is the ICE unit/ the ICE in the Ombudsman's association?*
- f) The Oxford dictionary states the following in relation to the word independent, "Free from outside control; not subject to another's authority". The ICE and the ICE unit is funded by the DWP whilst it is in the ombudsman's association but yet subject to FOI request VTR219 the ICE is not an Ombudsman! For citizens clarity, could you please explain all of this conflict?*

g) The ICE web site refers to corporate information. The Oxford dictionary refers to corporate as the following definition;

Law (Of a large company or group) authorized to act as a single entity and recognized as such in law:

It is clear that the ICE unit as a corporate part of the DWP as defined by the Oxford dictionary and IS recognised in law. Why do you state in the above paragraph that ICE investigations carry no weight in law and the ICE office does not have policy documents in relation to maladministration and UK law when it is clear as a corporate that your statement is a clear breach of the Oxford dictionary's definition of the ICE/the ICE unit. For Freedom of Information request purposes and citizens clarity could you please explain this conflict/reasoning behind your previous statements?

Based on the previous paragraph, I ask again, could I have all policy documents in relation to the ICE unit as a corporate part of the DWP in relation to maladministration and UK law.

It may be helpful if I start by clarifying the remit of the Freedom of Information Act. The Act gives any person legal right of access to any and all recorded information which is held by a public authority. The Act does not require the Department to provide opinions or explanations, generate answers to questions, or create or obtain information it does not hold. In cases where a person asks a question, rather than requests recorded information, we do our utmost to provide the recorded information that best answers the question. Once the public authority has provided the recorded information, it has met its obligations under the Act; interpretation of the information provided is left to the requestor.

In cases where a customer does ask a question, rather than request recorded information, we provide the recorded information that best answers the question. Once the public authority has provided the recorded information or confirmed that no such recorded information is held, it has met its obligations under the Act.

In a previous Fol response sent to you on 13 November 2014 (Fol 4826) we explained that neither the ICE office nor the ICE is accountable to the Ombudsman Association (OA). We explained that the ICE is a complaint handler member of the OA and the office participates in constructive dialogue with the OA to exchange best practice for independent complaints resolution. The same response also clarified the ICE's independence.

I can confirm that membership to the OA is entirely voluntary and the association has no role whatsoever in the internal working of member schemes nor any influence or jurisdiction over them. The previous Fol response provided to you on 29 January 2015 (VTR219) explained that the ICE is not an Ombudsman - as such there is no conflict. I can confirm that the ICE office signposts complainants to the Parliamentary and Health Service Ombudsman if they are dissatisfied with the ICE investigation findings.

As explained in response VTR219, the ICE investigations carry no weight in law and the ICE office does not hold information within the description specified in your request.

If you have any queries about this letter please contact me quoting the reference number above.

Yours sincerely,

DWP Central Fol Team

Your right to complain under the Freedom of Information Act

If you are not happy with this response you may request an internal review by e-mailing freedom-of-information-request@dwpgsi.gov.uk or by writing to DWP, Central Fol Team, Caxton House, Tothill Street, SW1H 9NA. Any review request should be submitted within two months of the date of this letter.

If you are not content with the outcome of the internal review you may apply directly to the Information Commissioner's Office for a decision. Generally the Commissioner cannot make a decision unless you have exhausted our own complaints procedure. The Information Commissioner can be contacted at: The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow Cheshire SK9 5AF www.ico.org.uk/Global/contact_us or telephone 0303 123 1113 or 01625 545745