

Our ref: [REDACTED]

3 September 2008

[REDACTED]

Dear [REDACTED]

Your request for information under the Freedom of Information (Scotland) Act 2002 (FOISA)

I refer to your email of 6 August 2008. In your email you ask for various items of information, and your request has been processed in line with the Freedom of Information (Scotland) Act 2002. This is the 13th request for information that we have received from you. I will now address each of the points in your letter in turn.

1. "Please provide copies of all the responses to "service complaints" along with copies of complaints from authorities to the SPSO from the 22nd December 2006 until now."

These are now available in PDF format from our website at:

<http://www.spsso.org.uk/complain/article.php?ssi=36>

2. "The Scottish Information Commissioner advised me that you had sent them a more detailed Service Quality Complaints report than you publish on your web site. The SIC confirmed that these reports provided a brief synopsis of what each individual complaint concerned when the same report on your web site did not. Please provide copies of all these "more detailed" reports."

I can only assume that the 'reports' referred to are those which are now being published on a quarterly basis on our website at:

<http://www.spsso.org.uk/complain/article.php?ssi=36>

I am not aware of any other reports that have been provided to OSIC. If you have any specific information from OSIC that may help identify these 'reports', please forward it to me and I will look into it further. Otherwise, I can only advise in line with section 17 of FOISA that the requested information is not held by this office.

3. "The SPSO seems to make a distinction between "service complaints" and "comeback complaints". Please advise what the difference is between these two types of complaints."

These terms are explained in the Scottish Information Commissioner's Decision Notice 080/2008, in paragraph 13. Furthermore, information about 'services complaints' can be found on our website at <http://www.spsso.org.uk/complain/article.php?ssi=36> and information

about 'comebacks', ie challenges to casework decisions, can be found at <http://www.spsos.org.uk/complain/article.php?id=136>. Since this information is otherwise accessible online, and because a copy of the Commissioner's decision notice has been provided to you by the Commissioner, the information requested under point 3 is exempt from FOISA under section 25(1).

4. "Please confirm how many "service complaints" and how many "comeback complaints" were made per year from the start of the SPSO in 2002 until now."

Statistical information relating to 'service complaints' is available, on our website at <http://www.spsos.org.uk/complain/article.php?ssi=36>. Since this information is otherwise accessible online, this information is exempt from FOISA under section 25(1).

Statistical information relating to 'comebacks' (or equivalent) is not available elsewhere, and I have therefore enclosed a breakdown of the details requested. *SEE PAGE 4 FOR DETAILS OF THE 641 COMPLAINTS NOT REPORTED TO PARLIAMENT.*

5. "Please supply copies of all SPSO responses to "comeback complaints" (minus information redacted in terms of 38(1) (b) and 26(a)) since the start of the SPSO in 2002 until now."

We have examined the time and resources that would be required to comply with this part of your request. We have done so with reference to Annex 3 of the section 60 Code of Practice¹. As you can see from the statistics enclosed, we have some 641 comebacks registered in our system. To collect and redact all corresponding decision letters in line with sections 38(1)(b) and 26(a) of FOISA would take a considerable amount of time, and we have estimated the associated costs to be in excess of £600. According to section 12(1) and with reference to Annex 3 of the section 60 Code of Practice, the SPSO is therefore not obliged to comply with this request.

6. "Please can you explain why my complaints to the SPSO were treated as "comeback" complaints and not "service" complaints?"

This should be clear from the explanation of terms given in paragraph 13 of the Information Commissioner's decision notice, and from the information available on our website that explains the two types of complaints. Furthermore, detailed information about your own case has previously been given to you, for example, in Lewis Shand Smith's letter of 14 June 2006, which clearly indicates that we were reviewing the decision that was reached on your complaint. This information is already held by you, and / or otherwise available to you, and is therefore exempt from FOISA under section 25(1). If the aim of point 6 was to request something else in addition to those items I have mentioned, I must advise in line with section 17 of FOISA that the requested information is not held by this office.

7. "Please provide details of the number of outstanding complaints the SPSO currently has and the year in which these complaints were first submitted to the SPSO."

I have enclosed a table of data showing the SPSO caseload as at 29 August 2008.

¹ Scottish Ministers' Code of Practice on the Discharge of Functions by Public Authorities under the Freedom of Information (Scotland) Act 2002, pursuant to section 60(5) of the Freedom of Information (Scotland) Act 2002, prepared in consultation with the Scottish Information Commissioner and laid before the Scottish Parliament on 6 September 2004.

YOUR RIGHT TO REQUEST A REVIEW

You have a right under section 20(1) of FOISA to request a review of this decision by the SPSO. If you wish to exercise this right, you must write to the SPSO to request a review within forty working days of receipt of this decision. In your request for a review you must specify your name and address for correspondence. You must also identify the decision that you wish reviewed. Should you wish to request a review, please address your request to:

Eric Drake
Director of Investigations
Scottish Public Services Ombudsman
4 Melville Street
Edinburgh

YOUR RIGHT OF APPEAL

If you are dissatisfied with the outcome of any review carried out by the SPSO, you have a right under FOISA to appeal to the Scottish Information Commissioner. If you wish to do so, you must appeal to the Commissioner within six months following the date of receipt of the review notice. The Commissioner's contact details are as follows:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
KY16 9DS
Email: enquiries@itspublicknowledge.info
Tel: 01334 464610

Yours sincerely

Louise Davies
Information Analyst

Enc

Point 4 – Comebacks Received by Year to 29 August 2008

Year Received	Total
2003-04	41
2004-05	146
2005-06	77
2006-07	70
2007-08	222
2008-09 (to date)	85
Grand Total	641

Point 7 – SPSO Caseload at 29 August 2008

Year First Received as Complaint	No of cases open at 29 August 2008
2003-04	1
2004-05	1
2005-06	15
2006-07	42
2007-08	103
2008-09	274
Total	436

Note - SPSO reporting years run from April to March