

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 April 2025

Public Authority: Financial Ombudsman Service Ltd

Address: Exchange Tower
London
E14 9SR

1. Request:

The complainant requested the following information from the Financial Ombudsman Service on 7 January 2025:

"Following the recent GRC Hearing on 15 October 2024, at which approximately five or six FOS representatives, including yourself, were present, I am writing to follow up on a point raised by [name redacted] regarding the reopening of dismissal decisions.

As you will no doubt recollect, and is confirmed by my notes from the hearing, the FOS' witness, [name redacted] stated, inter alia:

"As a matter of strict law, Public Law, a dismissal decision is not the same as a determination. It is not the same as a final decision. There is a judicial review some years ago which talked about the status of jurisdiction decisions and dismissal decisions which indicated that potentially, if new evidence came to light, that issue could be revisited."

To clarify this point, could you please provide, or ask [name redacted] to provide by return e-mail, a copy of the Judicial Review decision referenced.

Additionally, could you please confirm the identities of the other FOS representatives present at the hearing, besides yourself, [name redacted] , and [name redacted]? Was [name redacted] also one of the others present, for example?

2. Commissioner's Decision:

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore the Commissioner finds a breach of section 10.

Whilst it is noted that the complainant may have access to the requested information, the public authority must still provide an appropriate response or refusal notice with any exemptions cited. In the circumstances of this case, the public authority has not done so.

3. Steps:

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step within 30 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 pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

4. Right of Appeal:

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-regulatory-chamber

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**