

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 May 2013

Public Authority: Dr S. Mughal
Address: Alpha Medical Practice
38 Alum Rock Road
Saltley
Birmingham
West Midlands
B8 1JA

Decision (including any steps ordered)

1. The complainant requested from Alpha Medical Practice ("the Practice") various pieces of information about the Practice. The Practice did not provide a response to the request within 20 working days.
2. The Commissioner's decision is that the Practice has not responded to the complainant's request within the statutory time frame of 20 working days and so it breached section 10(1) of FOIA. However, the Practice subsequently provided a response to the complainant and therefore the Commissioner does not require it to take any further steps to comply with the legislation.

Request and response

3. On 11 March 2013, the complainant wrote to the Practice and requested the following information:

"1. The number of your frontline health and social care staff (e.g. doctors, nurses, allied health professionals, support workers etc) who have received specialist autism training as in accordance with the Autism Act 2009?"

- 2. The number of all other staff (e.g. receptionists etc) employed by the practice who have received general autism training as in accordance with the Autism Act 2009?*
- 3. What are your policies regarding data protection, complaints, freedom of information and removing patients from your register (including appealing)?*
- 4. Copies requested of the above policies.*
- 5. How is the practice currently funded by the NHS Primary Care Trusts (PCTs)?*
- 6. Is the practice currently or has previously been a private company or partnership and receiving funds from the PCTs through this avenue?*
- 7. What funding avenue will you take with the upcoming Clinical Commissioning Groups (CCGs)?*
- 8. How much funding do you currently received from the PCTs and have received in the last three tax years?*
- 9. How are patients and members of the public actively involved with decisions taken by the practice and will be when the CCGs come in April 2013?*
- 10. What avenues will there be for the groups mentioned in question 9, to represent themselves and/or the practice at more senior levels externally (e.g. patient partnership, CCG board member and Health and Wellbeing Board etc)?*
- 11. Will the practice be providing more mental health services for patients from April 2013 (e.g. counselling, more practice based CPNs etc)?*
- 12. What is the current number of patients currently registered with the practice?*
- 13. How many patients have been struck off your register from 2007 to present?*
- 14. How many patients have been asked voluntarily removed from the register, from 2007 to present?*
- 15. In reference to questions 13 and 14, what were the reasons for patients being removed from the register?*

16. What Reasonable Adjustments (RAs) does the practice make for patients with the following disabilities:

- *Autism,*
- *Mental Health Conditions (e.g. GAD, OCD, Schizophrenia, Personality Disorders etc),*
- *Rheumatoid Arthritis*
- *Autism and Co-morbid disabilities (e.g. Cystic Fibrosis, OCD etc),*
- *Fibromyalgia.*

17. As the practice receives public funding, how do you ensure that you have "Due Regard" to patients with the above disabilities, as in accordance with Section 149 Equality Act 2010?

18. How do you ensure you fulfil your obligations to all patients, including the disabled patient groups mentioned in question 16, under the Human Rights Act 1998?"

4. The Practice informed the Commissioner that it received the request on 15 March 2013 and that on 12 April 2013 it informed the complainant that it was in the process of gathering the relevant information.
5. The Practice subsequently sent a response to the complainant on 15 May 2013.

Scope of the case

6. The complainant contacted the Commissioner on 11 April 2013 to complain about the fact that he had not received a response from the Practice to his request.
7. The Commissioner considered whether the public authority had complied with FOIA.

Reasons for decision

8. Section 1 of FOIA states that any person making a request for information is entitled to be informed by the public authority whether it

holds the information and, if so, to have that information communicated to him. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.

9. The Commissioner notes that the Practice sent a response to the complainant on 15 May 2013. It has not therefore responded to the complainant's request within the statutory time frame and so it breached section 10(1) of FOIA.

Right of appeal

10. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. 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.
12. 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

**Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF**