

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 14 March 2016

Public Authority: East Lancashire Hospitals NHS Trust
Address: Royal Blackburn Hospital
Haslingden Road
Blackburn
BB2 3HH

Decision (including any steps ordered)

1. The complainant has requested information relating to the treatment of her father at East Lancashire Hospitals NHS Trust.
2. The Commissioner's decision is that in failing to respond to this request East Lancashire Hospitals NHS Trust (the Trust) has breached sections 10(1) of the FOIA.
3. The Commissioner requires East Lancashire Hospitals NHS Trust to take the following steps to ensure compliance with the legislation.
 - Respond to the request in accordance with FOIA
4. East Lancashire Hospitals NHS Trust must take these steps within 35 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 3 December 2015, the complainant wrote to the Trust and requested information in the following terms:

"A full copy of the attendance records of those persons present at Royal Blackburn Hospital, HPB MDT meeting on 12th September 2014"

A full copy of the attendance records of those persons present at Royal Blackburn Hospital, HPB MDT meeting on 19th September 2014

A full copy of the attendance records of those persons present at Royal Blackburn Hospital, HPB MDT meeting on 3rd October 2014

A full copy of the email sent by Royal Blackburn Hospital HPB MDT Cancer Nurse Specialist, to Dr [redacted](Ward consultant - C1), sent 3rd October 2014, regarding my father [redacted].

This is also to include a copy of the reply given.

6. The Trust did not acknowledge receipt of the request.

Scope of the case

7. The complainant contacted the Commissioner on 18 January 2016 to complain about the way her request for information had been handled.
8. The Commissioner contacted the Trust on 21 January 2016 and asked it to provide a full response to the request within 20 working days. The Trust did not respond.

Reasons for decision

Sections 1 and 10

9. Section 1(1) of the FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
10. In this case the Trust has breached 10(1) by failing to provide a response to the request within 20 working days.
11. At paragraph 3 above the Trust is now required to respond to the complainant's request in accordance with the FOIA.

Other matters

12. As well as issuing this notice, the Commissioner is concerned that the Trust may not have adequate procedures in place to deal with requests of this nature.
13. He is also concerned by the apparent lack of engagement by the Trust in trying to resolve this matter and notes that there has been no communication from the Trust to him.
14. This issue may be revisited should evidence from other cases suggest that this is necessary.

Right of appeal

15. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Pamela Clements
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Wycliffe House
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SK9 5AF