

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 4 July 2017

Public Authority: United Lincolnshire Hospitals NHS Trust

Address: Trust Headquarters
Lincoln County Hospital
Greetwell Road
Lincoln
LN2 5QY

Decision (including any steps ordered)

1. The complainant has requested information relating to paediatric audiology waiting times. Despite the intervention of the Commissioner, United Lincolnshire Hospitals NHS Trust (the Trust) has failed to provide a response to the request in accordance with the FOIA.
 2. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in the handling of the request.
 3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust must provide the complainant with a response to the request in accordance with its obligations under the FOIA by either providing the requested information or issuing a valid refusal notice under section 17(1).
 4. The public authority 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.
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Request and response

5. On 30 March 2017, the complainant wrote to the Trust and requested information in the following terms:

1. *“How many children with a permanent childhood hearing impairment are currently on waiting lists for a follow up appointment with the Ear, Nose and Throat clinics at ULH Trust hospitals and have been waiting beyond their scheduled follow up date?”*
2. *How long have children with a permanent childhood hearing impairment been waiting for a follow up appointment (beyond their scheduled follow up date) with the Ear, Nose and Throat clinics at ULH Trust hospitals:*

Number of children waiting:

- (a) *More than 4 weeks* _____
- (b) *More than 6 weeks* _____
- (c) *More than 8 weeks* _____
- (d) *More than 12 weeks* _____
- (e) *More than 16 weeks* _____

- a) *How many children diagnosed with otitis media with effusion (glue ear) are currently waiting for a follow up appointment with the Ear, Nose and Throat clinics at ULH Trust hospitals?*

Number of children:

- (a) *Who wear hearing aids to manage the hearing loss caused by glue ear*_____
- (b) *Who have had grommet surgery*_____
- (c) *Who are on “watchful waiting” pathways*_____

- b) *How many children with glue ear have been waiting for a follow up appointment (beyond their scheduled follow up date) with the Ear, Nose and Throat clinics at ULH Trust hospitals for more than:*

Number of children waiting:

- (a) *More than 4 weeks* _____
- (b) *More than 6 weeks* _____
- (c) *More than 8 weeks* _____
- (d) *More than 12 weeks* _____
- (e) *More than 16 weeks* _____

c) *In reference to the paediatric audiology clinics led by the Ear, Nose and Throat Doctors at ULH Trust hospitals, how many new children are currently waiting for a **first** appointment?"*

6. The Trust acknowledged the request on 31 March 2017 and provided the reference number of 194/17.
7. Having received no response, the complainant followed up her request with the Trust on 8 and 18 May 2017.
8. To date, the complainant has not received a response to her request for information.

Scope of the case

9. The complainant contacted the Commissioner on 23 May 2017 to complain about the way her request for information had been handled.
10. The Commissioner has considered whether the Trust dealt with the request in accordance with its obligations under section 10(1) of the FOIA.

Reasons for decision

Section 10 – time for compliance

11. Section 1(1) of FOIA states that any person making a request is entitled to be told whether the information they have asked for is held and, if so, to have that information communicated to them, subject of course to the application of any exemptions that are appropriate.
12. Where a public authority is obliged to communicate the requested information, section 10 provides that a public authority must do so within twenty working days of the date on which the request was received.
13. The request in question was made on 30 March 2017, and a response is yet to be provided. The Commissioner therefore finds that the Trust breached section 10(1) of the FOIA in failing to respond to the request within 20 working days.
14. On 7 March 2017, the Commissioner wrote to the Trust, requesting that it respond to the request within 10 working days. She provided a copy of the request and informed the Trust to either provide the information requested or issue a refusal notice in accordance with the requirements

of section 17 of the FOIA. She also provided links to her Guide to Freedom of Information and guidance issued on the time limits for responding to a request for information.

15. On 23 June 2017, the complainant confirmed to the Commissioner that she had still not received a response to the request.
16. To date, the Trust has not provided a response to the complainant. It is therefore clear to the Commissioner that, in this case, the Trust has failed to respond to the request in accordance with the legislation.

Right of appeal

17. 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

18. 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.
19. 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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Wilmslow
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SK9 5AF