

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 February 2018

Public Authority: Direct Local Health

Address: C/O Gade Surgery at Witton House,
Lower Road, Chorleywood
Herts, WD3 5LB

Decision (including any steps ordered)

1. The complainant has requested information relating to reports health care providers submit to NHS England as well as systems in place on December 2014.
2. The Commissioner's decision is that Direct Local Health (DLH) has not provided a response to the complainant within 20 working days and has therefore breached section 10 of the FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide the complainant with a written response to his request.
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.

Request and response

5. On 17 May 2017, the complainant wrote to DLH and requested information in the following terms:
6. *"I refer to the (Dept of Health) DH's, "National Quality Requirements in the Delivery of Out-of-Hours Services" 2006 document (attached) in pages 5 to 7, referred also in the Direct Local Health Limited t/a Watford Care Alliance's Out-Of-Hours (OOH) APMS (Alternative Provider of Medical Services) contract with the NHS England in clause 3.5.1 on page 10 of "2014/15 APMS Contract 18.06.14 v1.0."*

1. *"Providers must report regularly to PCTs on their compliance with the Quality Requirements."*

FOI: *Please tell when these reports were sent between 2014 and March 2015 from Direct Local Health Ltd t/a Watford Care Alliance to the Local NHS Hertfordshire county Commissioner [sic] (HVCCG)?*

2. *"Providers must have systems in place to support and encourage the regular exchange of up-to-date and comprehensive information (including, where appropriate, an anticipatory care plan) between all those who may be providing care to patients with predefined needs (including, for example, patients with terminal illness)."*

FOI: *Please tell what systems Direct Local Health Ltd t/a Watford Care Alliance have that were put in place for Mr [redacted] in the OOH appointment in December 2014 his elder son [redacted] attended and complained about large skin peeling blisters on his father's testicles? Please include a copy of the computer file's properties evidencing its formed date.*

3. *"Providers must regularly audit a random sample of patients' experiences of the service (for example 1% per quarter) and appropriate action must be taken on the results of those audits. Regular reports of these audits must be made available to the contracting PCT. Providers must cooperate fully with PCTs in ensuring that these audits include the experiences of patients whose episode of care involved more than one provider organisation."*

FOI: *Please tell when these reports were sent between 2014 and March 2015 from Direct Local Health Ltd t/a Watford Care Alliance to the Local NHS Hertfordshire county Commissioner (HVCCG)?*

4. *"Face to Face Clinical Assessment"*

Identification of immediate life threatening conditions

Providers must have a robust system for identifying all immediate life threatening conditions and, once identified, those patients must be passed to the most appropriate acute response (including the ambulance service) within 3 minutes.

Definitive Clinical Assessment

Providers that can demonstrate that they have a clinically safe and effective system for prioritising patients, must meet the following standards:

- Start definitive clinical assessment for patients with urgent needs within 20 minutes of the patient arriving in the centre*
- Start definitive clinical assessment for all other patients within 60 minutes of the patient arriving in the centre*

Providers that do not have such a system, must start definitive clinical assessment for all patients within 20 minutes of the patients arriving in the centre.

Outcome

At the end of the assessment, the patient must be clear of the outcome, including (where appropriate) the timescale within which further action will be taken and the location of any face-to-face consultation."

FOI: *Please tell what assessment systems Direct Local Health Ltd t/a Watford Care Alliance have that were put in place for Mr [redacted], in the OOH appointment in December 2014 his elder son [redacted] attended including definitive clinical assessment about large skin peeling blisters on his father's testicles?*

- 7. Please include a copy of the computer file's properties evidencing its formed date. Because Mr [redacted] could not attend in December 2014 because of peeling large skin blisters on his testicles, why was there no need for a clinical assessment at his residence by the OOH GPs?*

5. "Providers must ensure that patients are treated by the clinician best equipped to meet their needs, (especially at periods of peak demand such as Saturday mornings), in the most appropriate location. Where it is clinically appropriate, patients must be able to have a face-to-face consultation with a GP, including where necessary, at the patient's place of residence"

FOI: *Because it was reported by the elder son to your OOH GP Dr [redacted] at the OOH appointment in December 2014 there were large skin peeling blisters on the testicles of his father Mr [redacted], who could not attend therefore at OOH appointment, why was it not clinically appropriate for your OOH GPs to see Mr [redacted] at his residence for a face-to-face consultation?*

6. Face-to-face consultations (whether in a centre or in the patient's place of residence) must be started within the following timescales, after the definitive clinical assessment has been completed:

- *Emergency: Within 1 hour.*
- *Urgent: Within 2 hours.*
- *Less urgent: Within 6 hours.*

FOI: *Why did your OOH GPs not see Mr [redacted] in December 2014 for face-to-face consultation with 1 hour to 6 hours after his elder son approached your OOH GP complaining about large skin peeling blisters on his father's testicles?*

8. At the time of this decision notice, the DLH has not provided any response.

Scope of the case

9. The complainant initially contacted the Commissioner 29 September 2017 to complain that he had not received a response from the surgery. The Commissioner contacted the surgery on 5 January 2018 advising it should provide a response within 10 working days.
10. The Commissioner has not received any communication from the surgery indicating that it has provided a response.

Reasons for decision

Section 10 – time for compliance

11. 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.
12. Section 10(1) of the FOIA provides that a public authority must comply with section 1(1) promptly and in any event not later than the twentieth

working day following the date of receipt. From the information provided to the Commissioner it is evident that the public authority has not responded to the complainant within the statutory timeframe in respect of this request.

Conclusion

13. The Commissioner's decision is that surgery did not deal with the request for information in accordance with the FOIA. In this case the surgery has breached section 10(1) by failing to respond to the request within 20 working days.

Right of appeal

14. 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

15. 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.
16. 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
Group Manager
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