

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 August 2018

Public Authority: Severn Valley Medical Practice
Address: Henwick Halt Medical Centre
1 Ingles Drive
St John's
Worcester
WR2 5HL

Decision (including any steps ordered)

1. The complainant has requested information on a range of topics including how the practice handles complaints and the performance of its triage system. Although the medical practice did respond to the request, the response was outside the statutory time limit of twenty working days.
2. The Commissioner's decision is that the medical practice has breached section 10 of the FOIA.
3. However as the medical practice has now responded to the request the Commissioner does not require it to take any further action.
4. The Commissioner notes that the medical practice itself is not a public authority for the purposes of the FOIA. Rather, each GP within the practice is a separate legal person and therefore each is a separate public authority. The actual duty under section 1 of the FOIA to confirm or deny whether information is held and then to provide the requested information to the applicant, subject to the application of any exemptions rests with each GP. However the Commissioner acknowledges that when an applicant makes a freedom of information request to a medical practice, or a single GP within the practice, it is reasonable to expect for convenience that the practice will act as the single point of contact and provide a response on behalf of the GPs concerned.

Request and response

5. On 7 May 2018, the complainant wrote to the medical practice via the WhatDoTheyKnow website and requested information in the following terms:
- "1. What is your current complaints procedure bearing in mind that annexed to your internet page appears out of date at least in certain respects. Something which was noted in recent years by the Care Quality Commission.
 2. (a) Can you provide process details of how complaints are dealt with by Practice meetings.

(b) Are minutes taken of those meetings and what procedures exist for those meetings?

(c) As regards patient complaints being presented to the practice do you infer consent to have that dealt with explicitly at practice meetings without explicit consent from the patient given that the out of date currently published (on your webpage) complaints process does not specify the case may be discussed at practice meetings?
 3. In the last two years how many complaints have the practice received and can you provide any statistical information about that by type of issue complained about?
 4. (a) Have you statistics to show the impact of your relatively new triage system on the number of in person consultations at the surgery (either Henwick Halt or Lyppard Grange or both)

(b) Have you any documentation that shows the reasoning (and discussions that underpinned the reasoning) of the introduction of triage at your branches?
 5. Have you a Triage Protocol you can provide?
 6. As regards catchment area for each Branch surgery. Can you please provide any protocol/process/policy that shows how that works. In particular is it an arid rule and when did any catchment area restriction for St Johns patients consulting with Lyppard Grange G.P;s at Lyppard Grange come into being if it did?
 7. The Practice has a 'mental health lead' G.P. Can I ask please for any information that shows who was the mental health lead for Henwick Halt and Lyppard Grange during the last three years.
 8. Do you have a policy/protocol for the role of mental health lead as regards qualification or special experience for that role?

9. When it comes to faxing patient information I have been advised that you cannot do this even with the patient requesting it
- (a) On the assumption the information about fax provided to me is accurate can you please advise when and how this position was implemented?
- (b) What would be the typical way by which the surgery would provide patient information in written form to a recipient who lacks an email address?
- (c) In the specific case of the DVLA that does not offer an email address for receiving completed medical questionnaires would the surgery typically use first or second class post as distinct from tracked and signed for postal services?
10. In terms of the staffing and patient workload. Do you have any readily accessible statistics that show significant change in patient demand and clinical staff availability to meet that demand during the last two years or shorter period if it still shows a meaningful divergence of demand and clinical time?
11. In terms of adverse drug reactions does the practice have a policy /process for reporting such and would that include flu vaccinations and
- (b) How many adverse reactions have you recorded in the last 12 month period?
12. Does the Practice have a process/protocol to follow when changing or removing clinical information from patient records?
13. Does the Practice have a policy/practice (even if unwritten) about how it time manages requests from DVLA to provide medical information and particularly with regards to timescale?"
6. The medical practice acknowledged receipt of the request on 8 June 2018.
7. Following the intervention of the Commissioner the medical practice provided a response to the request on 14 August 2018.

Scope of the case

8. The complainant contacted the Commissioner on 15 June 2018 to complain about the way his request for information had been handled.

9. The Commissioner considers that the matter to be decided is whether the medical centre complied with its obligation under section 10 of the FOIA to respond to a request within twenty working days.

Reasons for decision

Section 10 – time for compliance

10. Where a public authority receives a request for information it is obliged under section 1(1) to confirm whether it holds that information, and if so, subject to the application of any exemptions, to communicate that information.
11. Section 10 of FOIA states that a public authority must comply with its obligations under section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.
12. The request was made on 7 May 2018. The twentieth working day following its receipt would have been 5 June 2018, allowing for the late May bank holiday. The request was not responded to until 14 August 2018. This is clearly a breach of section 10. However as the medical practice has now provided a response the Commissioner does not require it to take any further action.

Other matters

13. If the complainant is not satisfied with the response he has received from medical centre he will need to go through the public authority's internal review process. If having exhausted the internal review process the complainant remains dissatisfied he may then raise the matter with the Commissioner as a fresh complaint.

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

Rob Mechan
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