

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 September 2018

Public Authority: Camden and Islington NHS Foundation Trust
Address: 4 St Pancras Way
London
NW1 0PE

Decision (including any steps ordered)

1. The complainant has requested information in relation to Camden and Islington NHS Foundation Trust's (the trust) patient transport policy. The trust has not to date responded to the request.
2. The Commissioner's decision is that the trust has failed to respond to the complainant's request within 20 working days of receipt 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.
 - The trust should issue a response to the request in accordance with the FOIA.
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 27 May 2018, the complainant wrote to the trust and requested information in the following terms:

“Please provide the following:

(1) Copy of the clinical criteria used when requesting/processing outpatient transport for patients

(2) Copy of the FULL policy with all appendices relating to patient transport

(3) Copy of the Trusts procedures and guidelines for the management of Trust transport accounts.

(4) Confirmation of what types/groups of accessible transport available when booking transport for patients with disability

(5) Copy of the booking form used by outpatient clinics based in the Trust

Separate to the above:

Please confirm exactly what disability awareness training front line staff, managers and ward staff attend and how often this happens (do NOT include physical illness training)”

6. As the complainant received no response she requested an internal review on 13 July 2018.
7. As the complainant again received no response, she advised the trust on 31 July 2018 that she would be referring the matter to the Commissioner.
8. The trust responded on 2 August 2018, apologising for the delay and to advise that it would respond in accordance with the FOIA as soon as possible.
9. The Commissioner contacted the trust on 18 August 2018. She requested the trust to respond by 4 September 2018.
10. The complainant contacted the Commissioner on 6 September 2018 to confirm that she had still not received a response from the trust. She requested that a decision notice is now issued, as the request has been delayed for several months.

Scope of the case

11. As stated above, the complainant contacted the Commissioner to complain about the trust's failure to respond to her request in accordance with the FOIA. To the date of writing the Commissioner understands that the trust has still not responded.
12. The Commissioner considers the scope of this investigation is to therefore determine whether the trust has complied with its obligations under section 10 of the FOIA.

Reasons for decision

13. Section 10 states that a public authority shall respond to information requests promptly and in any event no later than 20 working days from receipt.
14. It is noted that the complainant's request was made via the What Do They Know website on 27 May 2018 and to the date of writing no response has been issued. It is clear in this case that the trust has breached section 10 of the FOIA, as it failed to respond within 20 working days of receipt.
15. The Commissioner requires the trust to issue a response in accordance with the FOIA.

Right of appeal

16. 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

17. 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.
18. 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

Samantha Coward
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF