

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 May 2012

Public Authority: NHS Hillingdon
Address: Kirk House
97 – 109 High Street
Yiewsley
Middlesex
UB7 7HJ

Decision (including any steps ordered)

1. The complainant has requested various pieces of information about the document entitled "Tackling violence in general practice". The complainant has not received a substantive response to this request.
2. The Commissioner's decision is that NHS Hillingdon has breached section 10(1) of the FOIA by failing to respond to the complainant's request promptly or at all within 20 working days. The Commissioner requires NHS Hillingdon to take the following steps to ensure compliance with the legislation:
 - state which information it holds within the scope of the complainant's request; and
 - communicate the information it holds to the complainant and/or issue a refusal notice in respect of all or the parts of the information it intends to withhold in accordance with section 17 of the FOIA.
3. NHS Hillingdon 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 FOIA and may be dealt with as a contempt of court.

Request and response

4. On 15 June 2011, the complainant wrote to NHS Hillingdon and made the following request:

"With reference to the document titled 'Tackling violence in general practice' issue date 31st May 2011 (issue 01) can you please provide me the following;

- 1. Copies of all emails/meeting minutes/consultation with interested parties or other related material concerning the creation of this documentation*
- 2. Copies of the ratification process for the authorisation of this document*
- 3. Copies of the board meeting to which this document has been presented and signed off as acceptable.*
- 4. Any copies of Violent Patient Scheme appeal processes that pre-date this document.*

In addition, can you please provided me with copies and decisions of ALL times [NHS Hillingdon] has considered my remaining on the VPS. It appears to state (in this latest document) that there is a continual review process at 6monthly intervals. I am unaware of this occurring in my case."

5. The Patient Advice and Liaison Service for NHS Hillingdon acknowledged this request in an email dated 21 June 2011, and confirmed that the request would be treated as a request under the FOIA. However, the complainant received no further response in relation to this request.

Scope of the case

6. The complainant has contacted the Commissioner to complain that he has received no substantive response to his request from NHS Hillingdon.

Reasons for decision

7. Section 1(1) of the FOIA provides that any person making a request for information to a public authority is entitled –

- to be informed in writing by the public authority whether it holds the information of the description specified in the request, and
 - if that is the case, to have that information communicated to him.
8. 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 twenty working days following the date of receipt.
9. In this case, the complainant submitted his information request to the NHS Hillingdon on 15 June 2011. However, other than an acknowledgement email sent on 21 June 2011, NHS Hillingdon has not provided a response to this request. Consequently, the Commissioner finds that NHS Hillingdon has breached section 10(1) of the FOIA by failing to comply with its obligations under section 1(1).

Right of appeal

10. 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: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

11. 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.
12. 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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Information Commissioner's Office
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Cheshire
SK9 5AF