

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 August 2016

Public Authority: Sandwell and West Birmingham Hospitals NHS Trust

Address: Trust Headquarters
Health & Wellbeing Centre
Sandwell General Hospital
Lyndon
West Bromwich
B71 4HJ

Decision (including any steps ordered)

1. The complainant made a request to the Sandwell and West Birmingham Hospitals NHS for information about a housing venture which the Trust was involved with.
2. The Trust failed to respond to the request and therefore the Commissioner has found that it has breached section 10(1) of FOIA.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust shall disclose the requested information to the complainant or else issue a refusal notice in accordance with section 17 of 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 (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 24 March 2016 the complainant made a freedom of information request to the Trust for information about the joint housing venture between the Trust and St Basils, a local homelessness charity. The request read as follows:

I would be indebted if your NHS trust could supply me with the following hard copy data to enable a comprehensive study of this form of Live and Work Partnership model of Housing support.

- *Property Construction: please can you supply me with copies of the internal construction plans detailing the internal layout before and after refurbishment, including a photocopy of the building specification used by the construction team e.t.c. to modify the existing building structure.*
 - *On-Site Support: the types of support personnel employed at the live and work project, namely a documentation of their function i.e. (job description).*
 - *Work Opportunities: the variety of in house work opportunities being offered to service users, and how these work placements are implemented to maximise positive outcomes.*
 - *Project funding: A physical copy of the funding application made to the Department for Communities and Local Government seeking monetary assistance, including all associated documents/evidence in support of the grant claim. Thank you.*
6. The Trust failed to respond to the request.

Scope of the case

7. On 3 May 2016 the complainant contacted the Commissioner to complain about the Trust's failure to respond to his request.
8. Following receipt of the complaint the Commissioner contacted the Trust to remind it of its responsibilities and to ask it to respond to the complainant within 10 working days.
9. On 3 June 2016 the Trust informed the Commissioner that it was preparing to respond to the request. However despite, further reminders from the Commissioner the Trust has failed to respond to the complainant's request.

10. The Commissioner considers the scope of the complaint to be to consider whether the Trust has breached FOIA by failing to respond to the request.

Reasons for decision

Section 10 – Time for compliance

11. Section 10(1) provides that a public authority shall respond to a request promptly and in any event within 20 working days.
12. In this case the complainant made his request on 24 March 2016 and has yet to receive a response from the Trust. The Trust has clearly exceeded the 20 working day limit and therefore the Commissioner has found that it breached section 10(1) in its handling of the request.

Right of appeal

13. 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

14. 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.
15. 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

Paul Warbrick
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Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF