

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 11 August 2016

**Public Authority:** Sandwell & West Birmingham Hospitals NHS Trust

**Address:** Management Centre  
City Hospital  
Dudley Road  
Birmingham  
B18 7QH

### Decision (including any steps)

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1. The complainant has requested information about employing doctors in A&E departments and to date she has not received a substantive response. The Information Commissioner's decision is that Sandwell & West Birmingham Hospitals NHS Trust (the Trust) has failed to provide a response to the request within the statutory time frame of 20 working days. The Commissioner requires the Trust to comply with the request or issue a valid refusal notice as set out in section 17 of the FOIA.
2. 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 Information 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

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3. On 3 February 2016, the complainant wrote to the Trust and requested information in the following terms:

*'Under the Freedom of Information Act, please can you provide me with the amount spent on employing agency/temporary/locum doctors*

*in A&E departments, and the number of FTE roles covered by agency doctors, if possible for each month in 2014 and 2015, or for 2014 and for 2015 as whole years.*

*Please can you provide me with the number of FTE doctors working in the A&E department, if possible for each month in 2014 and 2015, or for 2014 and for 2015 as whole years.*

*If possible, please provide a breakdown between junior doctors and consultants. Please provide information as a spreadsheet or CSV.'*

4. The complainant chased the request on 11 April 2016. The Trust acknowledged the request as received 11 April 2016, but did not issue a response under FOIA.

### **Scope of the case**

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5. The complainant wrote to the Commissioner to complain about the lack of a response from the Trust. The Commissioner wrote to the public authority on 13 June and 2 July 2016 asking that it issue a response to the complainant. The Information Commissioner also telephoned the Trust on 25 July 2016. To date no response has been forthcoming.

### **Reasons for decision**

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6. Section 1(1) of FOIA requires a public authority in receipt of a request for information to confirm whether it holds the requested information, and, if so, disclose it to the applicant. Section 10(1) of FOIA provides that this must be done within 20 working days of receiving a request.
7. From the information provided to the Commissioner it is evident that the Trust did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

## Right of appeal

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8. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

9. 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.
10. 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**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**