

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 25 August 2016

Public Authority: Norfolk and Norwich University Hospital
NHS Trust (the Trust)

Address: Colney Lane
Norwich
NR4 7UY

Decision (including any steps ordered)

1. The complainant has made two requests for information relating to staff in the department of neurology. The Trust has failed to respond to these requests for information.
2. The Commissioner considers that the Trust breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust must provide the complainant with a response to this request in accordance with its obligations under 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 5 April 2016, the complainant made the following request for information:

I am writing to request the following information specifically with regards to the Medinet service within the department of neurology for the six month period between 5th September 2015 and 13th March 2016.

1. The date the contract was signed for the Medinet service within the department of neurology September 2015.
2. The job titles of all the stakeholders involved in the procurement of the Medinet contract within the department of neurology.
3. The date Medinet and the Clinical Director of Neurology met to discuss the service level agreement.
4. The number of patients who did not attend (DNAs) appointments booked with Medinet doctors within the neurology department between 5th September 2015 and 13th March 2016.
5. The total sum paid to Medinet for DNAs. If the total sum is exempt from disclosure, please state as a percentage total of the Medinet contract.
6. The total sum paid for the Medinet service between 5th September 2015 and 13th March 2016.
7. The initial contract time frame for the Medinet service and the date of each service extension between 5th September 2015 and 13th March 2016.
8. The total sum of any penalties paid by Medinet in relation to breach of contract.
9. The number of complaints received from patients seen by Medinet doctors between 5th September 2015 and 13th March 2016 within the department of neurology and state whether the NNUH handled the response to those complaints or whether they were dealt with directly by Medinet themselves.
10. The number of patients seen by Medinet doctors on behalf of the department of neurology and who contacted PALS between 5th September 2015 and 13th March 2016.
11. The number of incident reports logged regarding the Medinet service within the department of neurology between 5th September 2015 and 13th March 2016.
12. The date Medinet was added to the Risk Register within the department of neurology.
13. The contracted turnaround time for the typing of clinical letters.

14. The longest delay experienced for the typing of clinical letters in days, weeks and months.
6. On the same date the complainant also made the following request for information:
 1. The number of staff working within the department of neurology currently awaiting formal disciplinary proceedings and their job titles.
 2. Please list the number of grievances the Trust received from staff within the department of neurology in 2014, 2015 and 2016.
 3. Please list the number of staff working within the department of neurology who have had their contracts terminated by the Trust in 2013, 2014, 2015 and 2016.
7. The Trust has not provided a response to these requests.

Scope of the case

8. The complainant contacted the Commissioner on 14 June 2016 to complain about the way his request for information had been handled.
9. The Commissioner has considered whether the Trust dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

10. Section 1(1) provides that:

"Any person making a request for information to a public authority is entitled –

*(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to him."*

10. The requests were made on 5 April 2016 and a response is yet to be provided. The Commissioner therefore finds that the Trust breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. 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

13. 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.
14. 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

Gemma Garvey
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
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SK9 5AF