

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 from Camden and Islington NHS Foundation Trust (the trust) concerning the access to beds for female patients. 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 24 May 2018, the complainant wrote to the trust and requested information in the following terms:

"As you are aware previous questions relating to these issues were raised in detail in 2014 . The Trust failed to fully respond/could not provide the information needed at that time. These questions are related but separate.

Please respond to the following questions so that the information available is up to date. If there are relevant up to date links then please provide:

(1) Please provide copies of all the Trusts' Equality and Diversity policies from 2012 to current day

(2) There have been recent refurbishments on wards on Trust sites and some reconfiguration including opening a female PICU unit.

Please list the wards where such work has taken place.

Please provide copies of the Equality Impact assessment for the work undertaken

Please provide copies of all reports from occupational therapists (OTs) and disability analysts with input in to to the design and provision of disability adaptations on the refurbished wards

If the Trust did not use disability specialist input then please state this

Please describe the input sought from external disability organisations whereby advice was given on disability needs of patients admitted

If possible please provide the design plans of any accessible rooms

(3) Where there are dedicated disabled access rooms please confirm whether or not these rooms have permanent hoist rails installed, what sensory alarm equipment has been installed and if all disabled access rooms have alarm bells in BOTH bathrooms and bedrooms.

Please confirm what specific training ward staff have had regarding physical and sensory disability awareness and assessment of need - do NOT include physical health which is NOT the same as physical and sensory disability

(4) Please explain why on the Trusts' own care plans used on Care Notes there is NO section for disability need - please can the Disability 'lead' comment on this and whether there are any plans to change the Care Plan format to reflect patient need (separate to physical health)

Given the above please explain how and where disability care needs are recorded so that support is inputted from the moment a patient is admitted or detained

(5) Between January 2012 and January 2018 how many women with physical and/or sensory disability under 65 yrs were admitted in to the Acute sector.

How many women were refused admission because there were no disability accessible beds

If the Trust does not record this information please state so.

(5) Please provide copy of the policy relating to assistance dogs for patients admitted on to wards.

(6) In the acute sector for women under 65 yrs please state how many dedicated female ONLY beds there are for women with physical and/or sensory disability - please include PICU

How many shared use beds are there whereby the accessible room women are placed on is outside of the female ward area

Please list the locations of ALL of the above - please do not include any reference to crisis houses

(7) Drayton Park womens' crisis house does not have disability adapted rooms or bathrooms or dedicated protected external access

. Please provide any detail of plans to install fully accessible wet rooms . Please provide any details or formal assessments regarding physical access to the building including whereby external stair lift consideration has been considered/refused"

6. The complainant chased the trust on 15 May 2018.
7. As the complainant had still received no response, she requested an internal review on 24 May 2018.
8. The complainant referred the matter to the Commissioner on 16 August 2018.
9. The Commissioner wrote to the trust on 18 August 2018 and requested that it responds to the request by 4 September 2018.
10. The complainant contacted the Commissioner on 6 September 2018 to confirm that she has not received a response from the trust despite the Commissioner's intervention. She therefore requested the Commissioner to issue a decision notice.

Scope of the case

11. As stated above, the complainant contacted the Commissioner to complain about the trust's continued failure to respond to an information request she made in May 2018.

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 24 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
Water Lane
Wilmslow
Cheshire
SK9 5AF