

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 6 March 2019

Public Authority: NHS England
Address: 4N22 Quarry House
Quarry Hill
Leeds
LS2 7UE

Decision (including any steps ordered)

1. The complainant requested information relating to mental health homicides. NHS England failed to respond to this request within the statutory time for compliance.
2. The Commissioner considers that NHS England has breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 25 February 2018 the complainant wrote to NHS England and requested information in the following terms:

"1. Since 1 April 2013, how many independent mental health homicide investigations has NHS England commissioned? Please give a break down by financial year. Please include investigations that are still ongoing, and please indicate how many current investigations

2. Are there any NHS mental health homicides since 1 April 2013 for which NHS England has not commissioned an independent investigation? If so, please give the reasons for any such decisions.

3. Has NHS England published all completed mental health homicide independent investigations that it has commissioned?

If not, please give the reasons for any such decisions.

4. Has NHS England conducted or commissioned any thematic analysis/ review of the mental health homicide independent investigation reports since 1 April 2013?

(For example to detect recurring patterns of governance failure, unmet need or resource shortfall such as pressure on mental health beds or gaps in community support and monitoring, issues with staffing level or competencies, numbers of homicides associated with particular mental health trusts or other similar issues).

5. If NHS England has carried any such thematic analyses or reviews, please disclose the relevant reports or equivalent.

6. Does NHS England have any internal guidance on the commissioning of independent investigations into mental health homicides and or how action plans arising from such investigations should be tracked and implemented? If so, please disclose the relevant documents."

5. NHS England responded to the request on 8 February 2019.

Scope of the case

6. The complainant contacted the Commissioner on 23 January 2019 to as he had not received a response from NHS England.
7. The Commissioner has considered whether NHS England has dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

8. 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."

9. 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 original request was made on 25 February 2018 and the response was provided on 8 February 2019. The Commissioner therefore finds that NHS England breached section 10(1) in failing to respond within 20 working days.

Right of appeal

11. 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

12. 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.
13. 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

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Water Lane
Wilmslow
Cheshire
SK9 5AF