

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 9 February 2021

Public Authority: London North West University Healthcare
NHS Trust

Address: Northwick Park Hospital
Watford Road
Harrow
HA1 3UJ

Decision (including any steps ordered)

1. The complainant has requested from London North West University Healthcare NHS Trust (the Trust) equality impact assessments conducted into the impact of COVID restrictions on visitors and companions attending maternity services and the risk assessments that led to these restrictions. By the date of this notice the Trust had failed to provide a substantive response to this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA.
4. The Trust 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 15 November 2020, the complainant wrote to the Trust and requested information in the following terms:

"For many months, there have been restrictions on expectant mothers' right to have a companion with them when accessing maternity services at your hospitals. I presume you conducted at least one equality impact assessment when introducing these restrictions and at least a further one each time they were amended; perhaps you also conducted an assessment when deciding not to amend them.

In any event, I would like to request the following under FOIA:

- an electronic copy of all equality impact assessments, and human rights assessments, you have conducted into the impact of covid restrictions on the presence of visitors and companions to/ at maternity services delivered at your hospitals, and

- an electronic copy of all risk assessments dated 1 March or later which led to these restrictions.

Please note that 'maternity services' includes, but is not limited to, the following serviced: the early pregnancy unit, the maternity ward, the labour ward, the foetal medicine unit, pregnancy ultrasounds."

6. The Trust confirmed receipt of the request on 26 November 2020.
7. To date, a substantive response has not been issued by the Trust.

Scope of the case

8. The complainant contacted the Commissioner on 21 December 2020 to complain about the failure by the Trust to respond to her request.
9. The Commissioner has considered whether the Trust has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

Reasons for decision

10. Section 1(1) of the FOIA states 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.

11. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and "*not later than the twentieth working day following the date of receipt.*"

12. On 20 January 2020 the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days. On 4 and 5 February 2021 she contacted the Trust by telephone to obtain an update on the status of its response, she was however unable to speak with the relevant member of staff.

13. Despite this intervention the Trust has failed to respond to the complainant.

14. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Trust has breached section 10(1) of the FOIA by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

Right of appeal

15. 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

16. 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.
17. 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
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