

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 June 2023

Public Authority: Oxford University Hospitals NHS Foundation Trust

Address: John Radcliffe Hospital
Headley Way
Headington
Oxford
OX3 9DU

Decision (including any steps ordered)

1. The complainant requested information relating to correspondence between multiple specific individuals. By the date of this notice the Oxford University Hospitals NHS Foundation Trust (the Trust) had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of 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 Trust to take the following step to ensure compliance with the legislation.
 - The Trust must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Trust must take this step 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 5 December 2022, the complainant wrote to the Trust and requested information in the following terms:

“Please supply the personal data you hold about me, which I am entitled to receive under data protection law, held in:

my personnel file, OUHFT electronic email and information systems.

The timeframe of my request is as follows: -

Information request from June 1 2021 to May 25 2022.

- Letter 28/6/2022 from [NAME REDACTED], [NAME REDACTED], [NAME REDACTED] to [NAME REDACTED] raising concerns detailed in the letter sent by the Chief Nursing officer (CNO) [NAME REDACTED] on 22/07/21 to [NAME REDACTED] Director of Midwifery
- All correspondence between [NAME REDACTED] and [NAME REDACTED], [NAME REDACTED], [NAME REDACTED] relating to [NAME REDACTED] / Director of Midwifery.
- All correspondence between [NAME REDACTED], [NAME REDACTED] Chief People Officer, and [NAME REDACTED] relating to the letter sent 22 July 2021 to [NAME REDACTED].
- All correspondence relating to the change of line management of the Consultant Midwives between [NAME REDACTED], [NAME REDACTED] [NAME REDACTED], [NAMES REDACTED].
- All correspondence between [NAME REDACTED], [NAME REDACTED], [NAME REDACTED], [NAME REDACTED], [NAME REDACTED], [NAME REDACTED] relating to the investigation in to the letter sent to [NAME REDACTED]/DOM 22 July 21.
- All correspondence relating to the outcome of the respect and dignity at work investigation report into [NAME REDACTED] by [NAME REDACTED] between, [NAME REDACTED], [NAME REDACTED], [NAME REDACTED], [NAME REDACTED], [NAME REDACTED].
- A copy of the investigation report submitted to [NAME REDACTED] by [NAME REDACTED] relating to [NAME REDACTED].
- All information sent by [NAMES REDACTED] /[NAME REDACTED] about [NAME REDACTED] to [NAME REDACTED] in relation to the maternity incident 19/5/21.
- All correspondence between [NAME REDACTED] and [NAME REDACTED] relating to the outcome letter and recommendations contained within the final outcome of the respect and dignity at

work investigation letter dated 17 December 2021.

- Copy of the notes prepared by [NAME REDACTED] for meeting with [NAME REDACTED] on 30/11/21 where [NAME REDACTED] and [NAME REDACTED] met with [NAME REDACTED] for investigation outcome. requested 1/12/21/ & 8/12/21 by ac
- All correspondence between [NAME REDACTED] and [NAME REDACTED] relating to the factual accuracy and concerns raised by [NAME REDACTED] to the outcome of the investigation undertaken by [NAME REDACTED].
- All correspondence between [NAME REDACTED] and [NAME REDACTED] relating to emails sent by [NAME REDACTED] 19/12/21 and 5/1/22 raising concerns into the accuracy of the investigation into respect and dignity at work investigation.
- All correspondence relating to the meeting request made by [NAME REDACTED] to [NAME REDACTED] between [NAME REDACTED] and [NAME REDACTED] and the written response promised in the email from [NAME REDACTED] to [NAME REDACTED] on 10/03/22
- All correspondence sent to the National Maternity Safety Team, and [NAME REDACTED] relating to the concerns raised by [NAME REDACTED] re conflict of interest in the appointment of [NAME REDACTED] as Maternity improvement Advisor at OUHFT
- All correspondence from [NAME REDACTED] referring to [NAME REDACTED]/ Director of Midwifery.
- All correspondence between [NAME REDACTED] and [NAME REDACTED] relating to [NAME REDACTED].
- All correspondence between [NAME REDACTED] and [NAME REDACTED] relating to [NAME REDACTED] May 26 2022 to December 5 2022
- Notes of the meeting with [NAME REDACTED] held on 26 May 2022 in attendance were [NAME REDACTED], [NAME REDACTED], [NAME REDACTED], [NAME REDACTED]
- Teams recording of the meeting held on 26 May 2022
- Notes of the conversation between the [NAME REDACTED] CNO and [NAME REDACTED] (RCM) between the 27 May and 7 June 2022 prior to the meeting on the 10 June 2022
- Notes of the meeting between [NAMES REDACTED] on the 10 June 2022
- A copy of the draft IBEX GALE report and recommendations and confirmation of date received by the Trust, [NAME REDACTED] and [NAME REDACTED] which contains information relating to [NAME REDACTED] Director of Midwifery.
- A copy of the final agreed IBEX GALE report and date received by the Trust [NAME REDACTED] and [NAME REDACTED]. Which contains information relating to [NAME REDACTED] Director of Midwifery.

- A copy of the verbatim comments made by individual staff about [NAME REDACTED] in the IBEX GALE report.
- All correspondence between [NAME REDACTED] and [NAME REDACTED] relating to the removal of [NAME REDACTED] from maternity services A copy of the suspension check list and just culture check list completed by [NAME REDACTED] and [NAME REDACTED] relating to [NAME REDACTED].

A copy of the notes of all discussions held in relation to IBEX GALE Suspension and Just culture check lists held between the [NAME REDACTED] (RCM) [NAME REDACTED] and [NAME REDACTED]

Please note that this request refers to all email, hard copy correspondence and electronic records.

If you need any more information, please let me know as soon as possible.

Please provide the information in both email and printed format.
(sic)"

6. The Trust acknowledged the request on promptly after receipt of the request. To date, a substantive response has not been issued.

Reasons for decision

7. Section 1(1) of 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."

8. Section 10(1) of 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".
9. On 22 May 2023 the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

10. Despite this intervention the Trust has failed to respond to the complainant.
11. 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 FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with FOIA.

Other matters

12. The Commissioner notes that most elements of the request seek information which is likely to be the complainant's own personal data and would thus fall to be dealt with under data protection legislation.
13. Whilst the Commissioner has no power to compel the Trust to do so as part of a decision notice issued under FOIA, he would recommend that the Trust also consider its responsibilities under the data protection legislation and respond to the complainant accordingly.
14. For the avoidance of doubt, then, this decision notice is issued only in relation to any recorded information which would fall under FOIA and is within scope of the request.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF