

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 December 2023

Public Authority: University College of London Hospitals
NHS Foundation Trust

Address: 250 Euston Road
London
NW1 2PG

Decision (including any steps ordered)

1. The complainant has requested information with regards to redundancies.
2. The Commissioner's decision is that the University College of London Hospitals NHS Foundation Trust (the Trust) has breached section 10(1) of the FOIA as it has failed to respond to the request within the required 20 working day timeframe.
3. The Commissioner requires the Trust 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 21 August 2023 the complainant made the following information request to the Trust:
 - “1) Number of redundancies in the past three years, if possible, can the return be grouped into clinical, non-clinical and by banding.
 - 2) Provide any equalities impact assessment that was undertaken for the above redundancies.
 - 3) Provide a list of the previous consultations undertaken in the last 5 years and the outcome reports of the consultations.”
6. The Trust acknowledged receipt of the request on 22 August 2023. The complainant then contacted the Trust on 20 September 2023 as they had not received a response to the request.
7. The complainant contacted the Commissioner on 27 September 2023 to complain that the Trust had not responded to his request.
8. The Commissioner wrote to the Trust on 4 October 2023 reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

Scope of the case

9. The complainant contacted the Commissioner on 5 December 2023 advising that he had not received a response to his request.
10. The following analysis covers section 10(1) of the FOIA – time for compliance.

Reasons for decision

11. 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.”

12. 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”.

13. In this case the Trust has provided the Commissioner with no evidence to show a response has been issued to the complainant. It is clear that the Trust has not dealt with the request for information in accordance with the FOIA.

14. The Commissioner finds that the Trust has breached section 10(1) of the FOIA by failing to respond to the request within the required 20 working days and it is now required to comply with the step in this decision notice at paragraph 3.

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@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

Ben Tomes
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF