

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 29 June 2015

Public Authority: Guy's and St Thomas' NHS Foundation Trust

Address: St Thomas Street

London

SE1 9RT

Decision (including any steps ordered)

1. The complainant has requested information from Guy's and St Thomas' NHS Foundation Trust ('the Trust') about its processes for discharging patients and managing its wards. To date, the Trust has not provided a response or responded to the complainant's request for an internal review.
2. The Commissioner's decision is that the Trust has breached section 1(1)(a) (general right of access) and section 10 (time for compliance) of the FOIA because it has not provided the complainant with a response within 20 working days. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - Provide the complainant with a response confirming or denying if the information is held. If the information is held the Trust must either disclose the requested information or issue a valid refusal notice in compliance with section 17 of the Act.
3. 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

4. On 25 November 2014, the complainant wrote to the Trust and requested information in the following terms:

"Under the freedom of information act I would be grateful if you could provide me with a copy of the following:

- *Clerking proforma(s) currently used in your trust*
 - *Discharge checklist if used in your trust*
 - *Discharge policy or procedure that is followed in your trust*
 - *Procedure followed for the discharge of anticoagulation patients on warfarin*
 - *Measures taken by your trust in order to implement a productive ward including ward round (and associated documentation used to the effect)"*
5. The Trust acknowledged this request on 26 November but has not gone on to provide a response.
6. The complainant requested an internal review on 9 March 2015. To date, the Trust has not provided a review.

Scope of the case

7. The complainant contacted the Commissioner on 20 May 2015 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether the Trust has met its obligations under section 1 and section 10 of the FOIA

Reasons for decision

9. **Section 1(1)** of the FOIA says that an individual who asks for information is entitled to be informed whether the information is held and, if it is, to have that information communicated to them.
10. **Section 10** of the FOIA says that a public authority must respond to a request for information no later than the twentieth working day following the date of receipt.
11. The complainant submitted his request on 25 November 2014 and, more than six months later, has yet to receive a response. The Commissioner therefore finds the Trust in breach of section 1(1)(a) and section 10(1) of the FOIA.

Right of appeal

12. 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

13. 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.
14. 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
Group Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF