

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 28 July 2015

**Public Authority:** University Hospitals Birmingham NHS  
Foundation Trust

**Address:** Queen Elizabeth Hospital  
Birmingham  
B15 2TH

### **Decision (including any steps ordered)**

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1. The complainant made a freedom of information request to the Birmingham University Hospitals NHS Trust ("the Trust") for details of medical Handover. The Trust failed to respond to the request.
  2. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA by failing to respond to the request within 20 working days.
  3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
    - The Trust shall inform the complainant whether the requested information is held. If the information is held it should provide it to the complainant or else issue a refusal notice in accordance with section 17 of FOIA.
  4. 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 (or the Court of Session in Scotland) pursuant to section 54 of the Act and may be dealt with as a contempt of court.
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## Request and response

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5. On 21 November 2014 the complainant made a freedom of information request to the Trust which read as follows:

*I would like you to provide me with information regarding handover within the division of medicine. In particular I would like you to include:*

- *Relevant policy associated with handover used in your trust*
- *Details regarding when medical handover occurs in your trust*
- *Associated documentation used during the process of handover to include handover agenda, example attendance sheets, handover checklists and other documentation used*
- *What measures your trust has implemented to ensure medical handover adheres to the Royal College of Physicians guidance regarding handover of patients*
- *The steps the trust has taken to ensure the appropriate senior leadership is present and appropriate colleagues attend these meetings*
- *The process involved in handing over patients out of hours including documentation and how audit of this process has ensured the service delivered is adequate.*

6. The Trust acknowledged receipt of the request on 17 December 2014.
7. On 24 December 2014 the Trust contacted the complainant to say that it had been working on a refresh of junior doctor handover procedures and that the next stage of this was due to go live on 12 January 2015. Therefore it asked the complainant if it could respond to the request at the end of January when this programme was in place.
8. The complainant contacted the Trust 31 December 2014 to confirm that its proposal was acceptable.
9. The complainant contacted the Trust again on 10 February 2015 and 9 March 2015 to ask when it intended to respond to his request.
10. On 10 March 2015 the Trust informed the complainant that it was dealing with the request and to apologise for the delay.

11. On 20 May 2015, having heard nothing further from the Trust, the complainant asked it to carry out an internal review of its handling of his request.
12. At the time of writing, the Trust has both failed to respond to the request and failed to complete an internal review.

### **Scope of the case**

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13. On 10 June 2015 the complainant contacted the Trust to complain about the Trust's failure to respond to his request for information.
14. Following receipt of the complaint the Commissioner contacted the Trust to remind it of its responsibilities under FOIA and to ask it to respond to the complainant as soon as practicable and in any event within 20 working days. Regrettably, the Trust failed to respond to either the complainant or the Commissioner.

### **Reasons for decision**

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#### **Section 10 – Time for compliance with request**

15. Section 10(1) of FOIA provides that a public authority must respond to a request promptly and in any event within 20 working days.
16. The complainant made his request for information to the Trust on 21 November 2014 but has failed to receive a response. The Trust has clearly exceeded the 20 working day limit very significantly and therefore the Commissioner has found that the Trust breached section 10(1) in its handling of the request.

## Right of appeal

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17. 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](mailto:GRC@hmcts.gsi.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

18. 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.
19. 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  
Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**