

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 5 October 2015

Public Authority: East of England Ambulance Service NHS Trust
Address: Trust Headquarters
Whiting Way
Melbourn
SG8 6NA

Decision (including any steps)

1. The complainant has requested correspondence on the CEO recruitment process and to date she has not received a response. The Information Commissioner's decision is that the public authority has failed to provide a response to the request within the statutory time frame of 20 working days and has therefore breached section 10(1) of the FOIA. The public authority must now issue a response to the request under FOIA.
2. 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 Information 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

3. On 8 July 2015, the complainant wrote to the public authority and requested information in the following terms:

*'CEO recruitment process
Please provide copies of all written/emailed forms of communication,
and minutes/agenda items from meetings regarding the CEO
recruitment process (from July 2014 onwards).'*

Please can you include all written/emailed communications with employment agencies/head hunters.

Please can you include all related written/emailed communications between Non Executive Directors and/or the Trust Chair.

Please provide any terms of reference, contracts or guidance provided to agencies/head hunters, any pre interview emails or written information exchanged with agencies/head hunters or potential applicants.

Please provide full disclosure of any and all costs, including any expenses or payments promised if appointment is successful or unsuccessful, from any agencies/head hunters or individuals.

Please also provide full details of any information held over the interview and stake holder engagement process.

Please include details of the interview panel, information circulated to panel members and feedback from panels.

Please can you include all written/emailed communications with Will Hancock, the TDA and all information exchanged between the Non Executive Board and the Trust Chair about the recruitment process.

Please provide all written/emailed communications with the TDA and any other agencies involved in or providing assistance over the CEO recruitment process.

If you feel you can provide partial information or redacted information, please provide justification in each case for the exemption(s) you are applying.'

4. On 9 July 2015 the public authority acknowledged the response to the complainant and allocated a reference number but did not issue a response.
5. The complainant wrote to the Information Commissioner on 10 August 2015.
6. The Commissioner wrote to the public authority on 7 September 2015 instructing it to issue an adequate response to the complainant within 10 working days. To date no such response has been forthcoming.

Reasons for decision

7. Section 1(1) of the FOIA states that an individual who requests information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
8. Section 10(1) of the FOIA states that on receipt of a request for information a public authority should respond to the applicant within 20 working days.
9. From the information provided to the Information Commissioner in this case it is evident that the public authority did not respond to the complainant within the statutory time frame and so it is in breach of section 10(1) of the FOIA.

Right of appeal

10. 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: <http://www.justice.gov.uk/tribunals/general-regulatory-chamber>

11. 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.
12. 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

Rachael Cragg

Group Manager

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF