

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 April 2017

Public Authority: The NHS Northern, Eastern and Western Devon
Clinical Commissioning Group

Address: Newcourt House
Newcourt Drive
Exeter
Devon
EX2 7JQ

Decision (including any steps ordered)

1. The complainant has requested information relating to a consultation on community hospital beds.
2. The Commissioner's decision is that NHS Northern, Eastern and Western Devon Clinical Commissioning Group ('the CCG') has breached section 10 (1) of the FOIA (time for compliance).
3. Because the CCG has provided a response to the complainant, the Commissioner does not require the CCG to take any steps.

Request and response

4. On 3 October 2016, the complainant wrote to the CCG and requested information in the following terms:

Can you please provide me with the following information under Fol:

1. On page 5 of your document "20160125 DVN001 Case for Change FINAL DRAFT" it is stated that "A third of bed space in community hospitals is empty or under-used".

Can you please provide any documents you hold that provide supporting evidence for this statement, together with details of where in these documents this supporting evidence can be found.

2. On page 26 of this same document "20160125 DVN001 Case for Change FINAL DRAFT" it is stated that "In many community hospitals, up to half the bed spaces are not used, and, overall, one third of the total bed space is either under-used or empty" with a reference (103) to another document "Northern Devon Healthcare Trust and team analysis, 2015".

Can you please provide me with the following information related to this:

2a. A copy of the document "Northern Devon Healthcare Trust and team analysis, 2015"

2b. Details of where in this document it details total bed space being under-used or empty.

2c. A list of all information held by NEW Devon CCG about community hospital bed occupancy for areas within the NEW Devon CCG area.

2d. Copies of all documents listed in your answer to 2c.

3. On page 26 of this same document "20160125 DVN001 Case for Change FINAL DRAFT" it is stated that "The cost per bed for community hospitals is higher than the cost per bed for acute hospitals (up to £750 per day) and higher than average costs for a community hospital bed elsewhere (around £285 per day)" with a reference (104) to another document "Intermediate bed community reference cost 2014/15".

3a. A copy of the document "Intermediate bed community reference cost 2014/15"

3b. Details of where in this document it details the costs per bed in acute hospitals and in community hospitals and an explanation if needed as to how the conclusion has been drawn that the cost per bed in Devon community hospitals is higher than that for acute hospitals.

3c. A list of all information held by NEW Devon CCG about community and / or acute hospital bed costs

3d. Copies of all documents listed in your answer to 3c.

5. The CCG responded on 9 January 2017 and provided some of the required information. However, the CCG stated that it did not hold any information in relation to questions 2a, 2b and 3d.

Scope of the case

6. The complainant contacted the Commissioner on 8 March 2017 to complain about the way his request for information had been handled.
7. The Commissioner considers the scope of this case to be to determine if the CCG has complied with its obligations under the FOIA, specifically section 10 (1).

Reasons for decision

8. Section 1 (1) of FOIA states that an individual who asks for information is entitled to be informed whether the information is held and, if the information is held, to have that information communicated to them.
9. Section 10 (1) of the FOIA provides that a public authority must comply with section 1 (1) promptly and in the event not later than the twentieth working day following the date of receipt.
10. From the information provided to the Commissioner it is evident that the CCG did not respond to the complainant within the statutory timeframe in respect of this request: the complainant submitted his request on 3 October 2016 and did not receive a response until 9 January 2017.

Conclusion

11. The Commissioner's decision is that the CCG did not deal with the request for information in accordance with the FOIA. In this case the CCG has breached section 10 (1) by failing to respond to the request within 20 working days.
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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
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