

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 19 June 2017

Public Authority: Norfolk and Norwich University Hospital NHS Trust

Address: Colney Lane
Colney
Norwich
Norfolk
NR4 7UY

Decision (including any steps ordered)

1. The complainant has requested information from Norfolk and Norwich University Hospital NHS Trust (the Trust) regarding permanent, temporary, locum and agency doctors used in A&E in 2016.
2. The Commissioner's decision is that the Trust has breached section 10(1) of the FOIA as it has failed to give a substantive response to this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - The Trust must issue a response to the request in accordance with its obligations under the 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 pursuant to section 54 of the Act and may be dealt with as a contempt of court.

Request and response

5. On 23 January 2017 , the complainant wrote to the Trust and requested information in the following terms:

"Under the Freedom of Information Act, please can you provide me with

- the amount spent on employing agency/temporary/locum doctors in A&E departments in each month in 2016.*
- the number of FTE roles covered by agency/temporary/locum doctors in each month in 2016*
- the total number of FTE doctors working in the A&E department in each month in 2016.*

If possible, please provide a breakdown for each item between junior doctors and consultants.

Please provide information as a spreadsheet or CSV."

6. The Trust replied the same day. It stated that the request had been received and that it was making enquiries with respect to the information requested. It also said that it would aim to respond within 20 working days.
7. On 24 January 2017 the complainant contacted the Trust to clarify that she wanted information relating to A&E only.
8. The complainant contacted the Trust again on the 14 March 2017 to ask when a substantive response would be issued.

Scope of the case

9. The complainant contacted the Commissioner on 24 March 2017 to complain about the Trust's failure to respond to her request.
10. Following receipt of the complaint the Commissioner contacted the Trust with details of the request, reminding it of its responsibilities and asking it to respond to the complainant within the next 10 working days.
11. The Commissioner then spoke to the Trust on 12 May 2017 and 24 May 2017 to try and resolve the complaint.
12. Despite these interventions the Trust has failed to respond to either the complainant or the Commissioner.

Reasons for decision

13. Section 10(1) of FOIA states that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

14. As a response has not yet been provided the Commissioner finds that the Trust breached section 10(1) in failing to respond within 20 working days.

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@hmcts.gsi.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

Alun Johnson
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF