

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

### **Decision notice**

**Date:** 16 August 2018

**Public Authority:** Great Ormond Street Hospital for Children NHS Foundation Trust

**Address:** Great Ormond Street Hospital  
Great Ormond Street  
London  
WC1N 3JH

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

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1. The complainant requested various information from Great Ormond Street Hospital for Children NHS Foundation Trust (GOSH), including information relating to end of life care and best interest court cases.
2. The Commissioner's decision is that GOSH has breached section 10(1) of the FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires GOSH to take the following step to ensure compliance with the legislation.
  - GOSH must issue a substantive response to the request in accordance with its obligations under the FOIA.
4. GOSH must take this step 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

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5. On 4 April 2018, the complainant wrote to GOSH and requested information in the following terms:

*"1) How many children, from 2010-2018, have been allowed home to pass away peacefully when agreement had been reached that end-of-life care was the only option? And from those children, how many were ventilated? From the children that were ventilated, how long were they at home before life support was removed?*

*2) How many children, from 2010-2018, have been allowed home to pass away peacefully after a court battle regarding the child's best interests?*

*3) From 2010-2018 how many parents have been taken to court, by GOSH, with regards to a child's best interests?*

*4) In July 2017 it was reported that GOSH made claims to the police about death threats and abuse. What exactly were these threats and to whom were they made? In what format were these threats made (email, letter, verbally etc.) and how many reports of abuse were filed by the police with regards to these complaints? Have these complaints been followed up, and if so, how many people have been apprehended/cautioned with regards to their threats? If there was/is a crime number, please disclose if possible.*

*5) How many staff have left GOSH since July 2017 to present day? From those staff, which department were they working for, and what were their job titles?*

*6) How many life-support machines have been switched off from 2010-2018, causing the patient to pass away? Please give figures for individual years as well as an overall total.*

*7) When the Liverpool Care Plan (LCP) was in place, were GOSH ever paid money from the government to hit targets in place with regards to the LCP from 2010 until the plan was abolished?*

*8) Have any complaints been made towards GOSH from 2010-2018 with regards to concerns that the LCP was being used inappropriately, or being used when it should have been removed from practice? Please give names of doctors involved in any claims if possible.*

*9) How many members of staff have been sacked, or left, as a direct result of the Charlie Gard case?*

*10) How many patients have been sent abroad - on GOSH's request - for life-saving or experimental treatments from 2010-2018? Please give dates if possible, and also confirm the name of the treatment involved.*

*11) How many experimental treatments have been conducted at GOSH from 2000-2018? From those treatments, how many have been successful and now made available for other patients?*

*12) How much money was spent on legal fees with regards to the Charlie Gard case in 2017?*

*13) What was the total amount paid on PR in 2013, 2014, 2015, 2016 and 2017? Please give individual amounts per year."*

6. GOSH acknowledged the request on 5 April 2018, confirming that the complainant should expect to receive a response by 1 May 2018.
7. To date, GOSH have not provided a substantive response to this request.

### **Scope of the case**

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8. The complainant contacted the Commissioner on 28 June 2018 to complain about GOSH's failure to respond to her information request.
9. On 13 July 2018 the Commissioner wrote to GOSH, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
10. Despite this intervention GOSH has failed to respond to the complainant.

### **Reasons for decision**

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11. Section 1(1) of FOIA states that:

*"Any person making a request for information to a public authority is entitled –*

- (a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and*
- (b) if that is the case, to have that information communicated to him."*

12. Section 10(1) of the FOIA states that a public authority must respond to a request promptly and *"not later than the twentieth working day following the date of receipt."*
13. From the evidence provided to the Commissioner in this case, it is clear that GOSH did not deal with the request for information in accordance with the FOIA. The Commissioner finds that GOSH has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to the request in accordance with the FOIA.

## Right of appeal

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14. 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)

15. 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.
16. 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 .....**

**Ben Tomes**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**