

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 September 2018

Public Authority: Wye Valley NHS Trust
Address: The County Hospital
Union Walk
Hereford
HR1 2ER

Decision (including any steps ordered)

1. The complainant has requested information from Wye Valley NHS Trust (the trust) concerning the usage of a Direct Engagement scheme. The trust responded to the complainant's request but not within the statutory time for compliance stipulated by section 10 of the FOIA.
2. The Commissioner's decision is that the trust breached section 10 of the FOIA in this case by failing to respond to the request in 20 working days. However, she notes that the trust has now responded and the complainant is otherwise satisfied with the information supplied. The Commissioner therefore does not require any further action to be taken.

Request and response

3. On 18 May 2018, the complainant wrote to the trust and requested information in the following terms:
 - "1. Does your organization use a Direct Engagement scheme?
 2. If so, who provides it? And when did you start using it?
 3. Did you take external legal advice before entering into it and, if so, from whom did you take external legal advice?
 4. What has your total locum/temporary staffing spend since you started using the scheme? If you started using the scheme before April 2017 please also state the total locum/temporary staffing spend since April 2017.
 5. How does the third party direct engagement facilitator save you

money on the agency spend? Please answer in short point form
6. How much has been paid to the third party direct engagement facilitator thus far?

7. Was this payment calculated as a percentage of the savings generated by employing the services of the third party direct engagement facilitator? If so, what percentage is this?"

4. The trust acknowledged receipt on 23 May 2018 and advised the complainant that it would respond in 20 working days.
5. The complainant chased the trust on 15 August 2018, as he had received no response. The complainant also requested an internal review and made a further request for information.
6. The trust responded to the complainant's information request of 18 May 2018 on 16 August 2018.
7. The complainant requested an internal review on 17 August 2018. He also made a further request for information.
8. The trust issued its internal review response on 24 August 2018 and confirmed that the complainant's two further information requests were being processed separately.

Scope of the case

9. The complainant contacted the Commissioner on 6 September 2018 to complain about the way his request for information had been handled. He stated that although he has now received the requested information for his request of 18 May 2018 he requires a formal decision notice to record any procedural breaches of the FOIA.
10. The Commissioner considers the scope of this investigation is therefore to determine whether the trust has breached the FOIA whilst handling this request.

Reasons for decision

11. Section 10 of the FOIA states that a public authority shall respond to requests for information promptly and in any event no later than 20 working days from receipt.
12. The trust received the complainant's request on 23 May 2018 yet failed to respond in accordance with the FOIA until 16 August 2018. The

Commissioner therefore finds the trust in breach of section 10 of the FOIA.

13. However, the Commissioner notes that the trust has now responded and despite the delay the complainant is satisfied with the information provided. She therefore does not require any further action to be taken.

Right of appeal

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

Website: 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

Samantha Coward
Senior Case Officer
Information Commissioner's Office
Wycliffe House
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Wilmslow
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SK9 5AF