

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 27 November 2019

Public Authority: Royal Wolverhampton NHS Trust

Address: New Cross Hospital
Wolverhampton Road
Wolverhampton
West Midlands
WV10 0QP

Decision (including any steps ordered)

1. The complainant requested information from The Royal Wolverhampton NHS Trust (the "Trust") about the roles of Head of Department/Lead Consultant for Gynaecology and Gynaecological Oncology.
2. The Commissioner's decision is that the Trust failed to respond to the requests within 20 working days and therefore breached section 10 of the Freedom of Information Act.
3. As a response has been issued, the Commissioner does not require the Trust to take any further steps.

Request and response

4. On 30 July 2019, the complainant wrote to the Trust and requested information in the following terms:

"I would like to receive information about the following:

1. Could you advise who was the Head of Department/Lead Consultant for Gynaecology and Gynaecological Oncology (if two separate roles) between November 2018 until May 2019 at New Cross Hospital (noting any changes which may have occurred between such dates).

2. Could you please advise of any protocols, policies or procedures the Trust has in place to document communications between medical/administrative staff and patients when making and receiving telephone calls to them (i.e. dates, time, content of conversation, any action to be taken.)"

5. The Trust provided a response on 2 September 2019.
6. On 2 September 2019, the complainant wrote to the Trust and clarified her request for information in the following terms:

"I would like to clarify one point with you, if I may:

You have listed [Redacted Name] as 'Lead Consultant Gynaecology. It has been suggested that [Redacted Name] retired at the end of December 2018 and returned in February 2019. If this is correct, and in the absence of any other staff listed as 'Lead' during this time, can you please confirm that there was NO 'Lead Consultant Gynaecology' during January 2019?"

7. The Trust provided a response to the second request for information on 4 October 2019.

Scope of the case

8. The complainant contacted the Commissioner on 4 November 2019 to complain about the way his request for information had been handled and he specifically requested a decision notice recording the late responses provided by the Trust.
9. This decision notice deals purely with the timeliness of the response to the requests submitted to the Trust on 30 July 2019 and 2 September 2019.

Reasons for decision

10. Section 1(1) of the 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.*

11. 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."
12. The Trust took a total of 23 working days to respond to the first request for information. It took a total of 24 working days to respond to the second request for information.
13. From the evidence provided to the Commissioner in this case, it is clear that in failing to issue responses to the requests within 20 working days, the Trust has breached section 10(1) of the FOIA.

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@justice.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

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