

## Freedom of Information Act 2000 (FOIA)

### Decision notice

**Date:** 6 December 2021

**Public Authority:** Cheshire and Wirral Partnership NHS Foundation Trust

**Address:** Trust Headquarters  
Liverpool Road  
Chester  
CH2 1BQ

### Decision (including any steps ordered)

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1. The complainant requested information from Cheshire and Wirral Partnership NHS Foundation Trust ("the Trust") about the skills and experience of staff working in Wirral Trust's Clinical Psychology provision for children and young people.
2. The Commissioner's decision is that the Trust breached section 10(1) of the FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

### Request and response

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3. On 15 October 2021, the complainant wrote to the Trust and requested information in the following terms:

*"I am writing to request some information relation to Wirral Community Trust's Clinical Psychology provision to children and young people.*

*More specifically, I would appreciate it, if you could let me know the number of the department's members of staff, who have the following skills, knowledge and/or experience:*

*Are highly specialised and experienced in working with children and young people with complex need presentations  
Are at least 8 years post D.Clin.Psych. qualification?*

*Are experienced and qualified to work with children a young people with a diagnosis of ASD with extreme demand avoidance (EDA/PDA)?*

*Are educated to doctoral level with specialism in working with children and young people?*

*Have at least 5 years' experience working with children and young people with an ASD diagnosis in a specialist tier 3 CAMHS team or equivalent?*

*Have regular & on-going CPD directly related to ASD with EDA profile in children and young people?*

*Receive regular supervision from consultant clinical psychologists or equivalent with child specialism and experience of working with ASD with EDA profile?*

*Are experienced and qualified in working with trauma in children and young people?*

*Have regular and on-going CPD directly related to trauma in children and young people?*

*Are experienced and qualified in the neurosequential model of clinical planning?*

*Have completed the NMT Training Certification through the Phase I level or equivalent?*

*Are experienced and qualified to deliver EMDR therapy with children and young people?*

*Have completed parts one and two of the EMDR for children and young people core training & receive regular supervision from an EMDR consultant with child specialism?*

*Are experienced and qualified to deliver PACE/DDP therapy?*

*Have completed DDP training and receive regular supervision from a DDP consultant or equivalent?*

*Have ALL the qualifications and experience outlined above ?*

*I would be grateful if you could supply this information to me within 20 working days as required by the Freedom of Information Act 2000."*

4. The Trust wrote to the complainant to request clarification of the request for information on 17 November 2021.

### **Scope of the case**

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5. The complainant contacted the Commissioner on 15 November 2021 to complain about the Trust's failure to respond to their request within the statutory time frame of the FOIA.
6. The Commissioner wrote to the complainant on 22 November 2021 to explain that, as the Trust had requested clarification, it had 20 working days to provide a response once clarification had been received.

7. The complainant wrote to the Commissioner on 29 November 2021 and requested a decision notice as although the Trust had sought clarification, it had done so after 20 working days.
8. The Commissioner has considered whether the Trust has complied with its obligations in relation to the time for compliance at section 10(1) of the FOIA.

### **Reasons for decision**

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9. 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."*

10. 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"*.
11. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with the FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20 working days.

## Right of appeal

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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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

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