

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 2 November 2022

Public Authority: NHS Lincolnshire Integrated Care Board

Address: Bridge House
The Point
Lions Way
Sleaford
NG34 8GG

Decision (including any steps ordered)

1. The complainant requested information from NHS Lincolnshire Integrated Care Board ("the Board") relating to the care of an individual. By the date of this notice the Board had not issued a substantive response to this request.
2. The Commissioner's decision is that the Board has breached section 10(1) of 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 the Board to take the following step to ensure compliance with the legislation.
 - the Board must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Board 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 FOIA and may be dealt with as a contempt of court.

Request and response

5. On 6 March 2021, the complainant wrote to the Board and requested information in the following terms:

"I am making a formal request to you under the Freedom of Information Act 2000 regarding NHS Continuing Healthcare in respect of my late mother, [redacted name], NHS number [redacted number]. As you know, a decision support tool was conducted in relation to her by your nurse practitioner [redacted name] on 22/3/19. I wish to establish who signed off the report prepared by [redacted name] and who was instrumental in the report and/or the recommendations making their way through your administration system to the Clinical Commissioning Group to approve. I am requesting all records you have that shed light on this issue, please. I would like to receive them by post within the usual 20 working days set down in the act."

6. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 25 May 2021 complain about the failure by the Board to respond to their request.
8. The Commissioner has considered whether the Board has complied with its obligations in relation to the time for compliance at section 10 (1) of the FOIA.

Reasons for decision

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 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. On 11 October 2022 the Commissioner wrote to the Board, reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.
12. Despite this intervention the Board has failed to respond to the complainant.
13. From the evidence provided to the Commissioner in this case, it is clear that the Council did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Council 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 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

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