

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 22 July 2022

Public Authority: West London NHS Trust
Address: 1 Armstrong Way
London
UB2 4SD

Decision (including any steps ordered)

1. The complainant requested information from West London NHS Trust ("the Trust") relating to expenses and accommodation costs. By the date of this notice the Trust had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust 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 Trust to take the following step to ensure compliance with the legislation.
 - The Trust must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Trust 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 22 April 2022, the complainant wrote to the Trust and requested information in the following terms:

"Please can you supply the detail of:

1. Executive Directors expenses submitted and paid for in the past 12 months (cost and item/s)
2. Executive Directors expenses submitted but rejected for payment in the past 12 months (cost and item/s)
3. Your expenses policy
- 4a. Executive Directors who receive payment in any method / emolument whether via payroll, expenses or other form of payment for accommodation – labelled relocation / dislocation dislocation /disturbance or other label, whether this for a primary home or additional home. If this applies, please state the total amount paid alongside the time period it was paid, the reason for the payment, the distance between this accommodation and the executive director's permanent place of work, and the detail of the person / body which authorised this payment.
- 4b. If any Executive Director of your organisation has received this payment, please can you state:

How many days in the year prior to the first COVID-19 lockdown (March 2019- March 2020) was the accommodation used by the executive director?

How many days in the year following the first COVID-19 lockdown (March 2020- March 2021) was the accommodation used by the executive director (where they were physically present at the address)?

How many days in the year March 2021- March 2022 was the accommodation used by the executive director (where they were physically present at the address)?

For any periods when the accommodation was not being used by the executive director (being physically present), what was the accommodation used for?"

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

Scope of the case

7. The complainant contacted the Commissioner on 6 June 2022 to complain about the Trust's failure to respond to their request.
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 FOIA.

Reasons for decision

9. 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.”

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 14 June 2022 the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

12. Despite this intervention the Trust has failed to respond to the complainant.

13. 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 FOIA. The Commissioner finds that the Trust 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: 0203 936 8963

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
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