

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 October 2022

Public Authority: Chesterfield Royal Hospital NHS Trust
Address: Chesterfield Royal Hospital
Calow
Chesterfield
S44 5BL

Decision (including any steps ordered)

1. The complainant has requested information from Chesterfield Royal Hospital NHS Trust ("the Trust") about the reporting of serious incident level 2 deaths and serious incident de-escalation report requests between 2015 and 2019. The Trust explained that as there were no such incidents or report requests during the requested timeframe, it did not hold the requested information.
2. The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold the requested information.
3. The Commissioner does not require the Trust to take any steps as a result of this decision notice.

Request and response

4. On 5 May 2022, the complainant wrote to the Trust and requested information in the following terms:

"Dear Sirs

Freedom of Information request please how many serious incidents level 2 deaths in 2015 – 2016 – 2017 – 2018 – 2019 please A/E acute medician.

How many serious incidents de-escalation request reports have they been in 2015 – 2016 – 2017 – 2018 -2019 in A/E acut med. (or delogged)

All deaths please.”

5. The Trust responded on 1 June 2022. It stated that there were no serious incident level 2 deaths or serious incident de-escalation report requests during the requested timeframe and therefore it did not hold the requested information.
6. Following an internal review request, the Trust wrote to the complainant on 9 June 2022. It stated that it upheld its original position, confirming that the requested information is not held.

Scope of the case

7. The complainant contacted the Commissioner on 8 August 2022, to complain about the way their request for information had been handled.
8. The Commissioner considers the scope of the investigation is to determine if, on the balance of probabilities, the Trust holds the requested information and whether it has complied with section 1(1) of FOIA.

Reasons for decision

9. Under section 1(1) of FOIA anyone who requests information from a public authority is entitled under subsection (a) to be told if the authority holds the information and, under subsection (b), to have the information communicated to them if it is held and is not exempt information.
10. The Commissioner has sought to determine whether, on the balance of probabilities, the Trust holds the requested information.
11. From the information provided, the Commissioner can see that the Trust has explained in both the original response to the complainant and in the internal review, that it does not hold such information as no such incidents or report requests occurred within the requested timeframe.
12. On the balance of probabilities, the Commissioner is satisfied that the requested information is not held by the Trust and, therefore, it cannot be provided.

13. The Trust has complied with its obligations under section 1(1) of FOIA in this case.

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
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF