

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 October 2022

Public Authority: Harrogate and District NHS Foundation Trust
Address: Trust Headquarters
Lancaster Park Road
Harrogate
HG2 7SX

Decision (including any steps ordered)

1. The complainant requested information in relation to emergency preparedness of NHS Acute Trusts in England. By the date of this notice Harrogate and District NHS Foundation Trust ("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 26 May 2022, the complainant wrote to the Trust and requested information in the following terms:

"Coordination of emergency and disaster management activities

Hospital Emergency / Disaster Committee

Any record of the current existence of a multidepartmental and multidisciplinary committee to coordinate EPRR measures. If such a committee exists then any record of which departments and disciplines are represented on it and the date the committee most recently met.

Committee member responsibilities and training

If such a committee above exists then any record that committee members have received training for their role on the committee and any record that committee members have been assigned specific responsibilities.

Designated emergency and disaster management coordinator

Any record of the current existence of a hospital emergency / disaster management coordinator. If such a co-ordinator exists then any record of what whole time equivalent of their time is devoted to emergency and disaster management.

Preparedness programme for strengthening emergency and disaster response and recovery

Any record that activities to strengthen EPRR have been implemented in the past 12 months.

Hospital incident management system

Any record of the current existence of list(s) of key personnel roles in a hospital incident management system for the command, control and coordination in an emergency or disaster response. If such list(s) exists then any record of the existence of corresponding key personnel role action procedure documents.

Emergency Operations Centre (EOC)

Any record of the current existence of a designated Incident Coordination Centre. If such an Incident Coordination Centre exists then any record of whether it has full immediate operational capacity in an emergency.

Coordination mechanisms and cooperative arrangements with local emergency / disaster management agencies

Any record of the existence of current formal co-ordination or co-operation mechanisms or arrangements between the Trust and emergency/disaster management agencies (e.g. local authorities, police services, fire and rescue services, civil society organisations) in order to support Trust functions in time of emergency or disaster.

If such mechanisms or arrangements above exist then any record of the most recent exercise(s) to test them, including date(s) of exercise(s).

Coordination mechanisms and cooperative arrangements with the healthcare network

Any record of the existence of current formal co-ordination or co-operation mechanisms or arrangements between the Trust and other healthcare providers in order to support Trust functions in time of emergency or disaster.

If such mechanisms or arrangements above exist then any record of the most recent exercise(s) to test them, including date(s) of exercise(s)."

6. The Trust acknowledged the request on 6 September 2022. To date, a substantive response has not been issued.

Scope of the case

7. The complainant contacted the Commissioner on 9 September 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 9 September 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
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF