

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 July 2023

Public Authority: Care Quality Commission
Address: Citygate
Gallowgate
Newcastle upon Tyne
NE1 4PA

Decision (including any steps ordered)

1. The complainant requested information from the Care Quality Commission ("the CQC") about two particular audit reports and an investigation.
2. The Commissioner's decision is that the CQC breached section 10(1) of 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

3. On 13 April 2023, the complainant made the following request for information:

"I have recently received information from a Freedom Of Information request from the North East Ambulance Service NHS Foundation Trust. In connection with the information disclosed, I request the following information under the provisions of the FOIA 2000, which is held by your organisation as follows:

- 1) Confirm that you are in possession of two reports dated March and June 2020, which were carried out by the company "Audit One" after being instructed by the North East Ambulance Service NHS Foundation trust.

- 2) Could you please confirm the dates these two audit reports came into your possession?
 - 3) Could you please confirm if such documents were supplied to the CQC voluntarily or were they supplied as a result of CQC regulatory powers and functions under the Health and Social Care Act 2008?
 - 4) Could you please confirm the name of the inspector who requested the Audit One reports?
 - 5) To what extent CQC Inspector [NAME REDACTED], was involved in the North East Ambulance Service concerns raised by Whistleblowers in both 2020 and again in 2021?
 - 6) Has CQC has reviewed [NAME REDACTED] involvement and her actions, regarding concerns raised about the North East Ambulance Service NHS Foundation Trust. Given the revelations about her improper actions in the [NAME REDACTED] whistleblowing case.
 - 7) Could you confirm why no action was taken or an inspection was carried out in relation to the evidence within the two Audit One reports, which first came into the possession of the CQC in July 2020, as confirmed by the North East Ambulance Service NHS Foundation Trust?
 - 8) Is the CQC in possession of a [NAME REDACTED] investigation, instigated by the North East Ambulance Service NHS Foundation Trust and conducted by [NAME REDACTED] in 2020. The investigation looked into a number of allegations made by staff, these concerning the altering or the concealing of documents intended for inquest, bullying and harassment of staff and allegations of fraud at the North East Ambulance Service?
 - 9) If the CQC is in possession of this document, what date did they receive this and from whom?
 - 10) If the CQC is in possession of the [NAME REDACTED] investigation into the misconduct, what action has it taken or does it intend to take in relation to its findings?
 - 11) If the CQC is not in possession of this investigation, does it intend on exercising its regulatory powers and requesting this document from the North East Ambulance Service NHS Foundation Trust?"
4. The CQC responded to the request for information on 18 May 2023.

Reasons for decision

5. 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.”

6. 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”.

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

Right of appeal

8. 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

9. 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.
10. 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