

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 November 2023

Public Authority: NHS England
Address: Quarry House
Leeds
LS2 7UE

Decision (including any steps ordered)

1. The complainant requested information from NHS England (the public authority).
2. The Commissioner's decision is that the public authority 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 16 September 2023, the complainant made the following request for information:

"I also have the additional questions, which should be dealt with as a new Freedom Of Information Request, details are as follows -

1) Why are the payment (s) made to panel member [redacted] recorded by NHS England, but payments made to rest of the panel members, are not held by NHS England?

2) Which of the NHS England review panel members, are currently employed by an NHS trust in any capacity or Non Executive Director or Governor role or have been previously ?

3) Which of the NHS England review panel members, are currently employed by NHS England or the CQC in any capacity or have been previously?

4) Dame Griffiths was appointed as the Chair of the review, by the NHS regional team. Who was responsible for appointing the rest of the review panel members?

5) Who was responsible for carrying out, the suitability checks of the entire review panel membership?

In relation to the above new FOIA request, I expect a response within the timescales as permitted by the FOIA 2000, which are 20 working days." (sic)

4. The public authority responded to the request for information on 9 November 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 public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority 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

Roger Cawthorne
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Wilmslow
Cheshire
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