

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 11 September 2012

Public Authority: Mid Yorkshire Hospitals NHS Trust
Address: Pinderfields General Hospital, 2nd Floor
Trust HQ & Medical Education Centre
Aberford Road
Wakefield WF1 4DG

Decision (including any steps ordered)

1. The complainant requested information concerning medical specialities, bed occupancy, patient admissions and patient transfers at hospitals within the area of the Mid Yorkshire Hospitals NHS Trust (the NHS Trust).
2. The Commissioner's decision is that the NHS Trust failed to respond to the request and therefore breached section 10 of the FOIA.
3. The Commissioner requires the NHS Trust to take the following steps to ensure compliance with the legislation.
 - State whether it holds the requested information.
 - Either disclose the information that is held or issue a valid refusal notice compliant with section 17 of the FOIA.
4. The NHS Trust must take these steps 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 the Act and may be dealt with as a contempt of court.

Request and response

5. On 22 January 2012 the complainant requested the following information from the NHS Trust:

"The medical specialities supported by a consultant projected to be resourced at Pontefract Hospital on 1 February 2012.

The projected bed occupancy by speciality, for which resources are anticipated to be in place at Pontefract Hospital on 1 February 2012.

The projected bed occupancy at Pinderfields and Dewsbury hospitals by patients from postal districts WF7, WF8, WF9, WF10, WF11, on 1 February 2012.

The numbers of admissions to each of the Accident and Emergency departments of Pontefract, Pinderfields and Dewsbury hospitals of patients with home addresses in postal districts WF7, WF8, WF9, WF10, and WF11 since the commissioning of the A&E department at Pontefract Hospital and for a comparable period before that commissioning.

The number of patients subsequently transferred for treatment to another hospital since Ponte new A&E opened."

6. The NHS Trust replied on 25 January 2012 saying that it would respond as soon as possible and no later than 20 working days.
7. Despite further reminders from the complainant on 22 February, 14 April, 8 May and 17 May 2012 the NHS Trust did not provide a response to his request.

Scope of the case

8. The complainant complained to the Commissioner that the NHS Trust had failed to respond to his request.

Reasons for decision

9. Section 1 of the FOIA provides a right of access to information held by a public authority. On receiving a request for information the public authority must state whether it holds it and if so provide it unless there is a valid exemption under the FOIA.
10. Section 10 states that a public authority must comply with section 1 promptly and in any event within twenty days of receiving the request.
11. By failing to respond to the request the NHS Trust breached section 10 of the FOIA.

Right of appeal

12. 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: 0300 1234504

Fax: 0116 249 4253

Email: informationtribunal@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/guidance/courts-and-tribunals/tribunals/information-rights/index.htm

13. 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.
14. 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

Rachael Cragg
Group Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF