

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 June 2018

Public Authority: University College London Hospitals NHS
Foundation Trust

Address: 235 Euston Road
London
NW1 2BU

Decision (including any steps ordered)

1. The complainant has requested information from the trust relating to its non-emergency ambulance service. To the date of this notice, the trust has failed to respond to the request.
2. The Commissioner's decision is that the trust has breached section 10 of the FOIA by failing to respond to the request within 20 working days of receipt.
3. The Commissioner requires the trust to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request in accordance with the FOIA. It should either disclose the requested information or issue a valid refusal notice in accordance with section 17 of the FOIA.
4. The 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 29 January 2018, the complainant wrote to the trust and requested information in the following terms:

" I would be grateful if you could supply under FOI details of:

- since 1/1/2015 the company/body contracted to supply your non-emergency ambulance service

- For each year since 1/1/2015

a) the name of the supplier

b) for each year please set out the key performance indicator(s) used by the trust to monitor whether patient journeys are completed on time (i.e if there were unacceptable delays to the collection of patients from home or hospital)

c) the number of times performance against each of these KPI's was measured

d) the number of times for each measurement the supplier failed to meet the agreed KPI standard, and by how much they failed to meet the standard.

e) the number of times a contract performance notice was issued, and what the contract performance notice related to and required

In the last year any serious incidents to which the NHS manager responsible for oversight of the service was alerted, where patient safety was put at serious risk by any action or inaction of the contractors

If you anticipate this request falling outside the time permitted for the request, please advise me how it may be amended."

6. The trust acknowledged receipt of the request on 29 January 2018.
7. As the complainant received no response, he chased the trust on 27 February, 5 and 27 March and 21 May 2018. Other than further acknowledgements the complainant received no response.
8. The complainant referred the matter to the Commissioner on 21 May 2018.
9. The Commissioner wrote to the trust on 26 May 2018 and requested that it respond to the request in accordance with the FOIA by 12 June 2018.

10. As the trust has failed to do so the complainant has referred the matter back to the Commissioner.

Scope of the case

11. The complainant contacted the Commissioner on 13 June 2018 to complain again about the way his request for information has been handled. He confirmed that to date he has still not received a response to his request in accordance with the FOIA.

Reasons for decision

12. Section 10 of the FOIA states that a public authority shall respond to an information request promptly and in any event no later than 20 working days from receipt.
13. In this case, it is clear that the complainant made his request to the trust on 29 January 2018. It was received by the trust on the same day, as the complainant received a standard acknowledgement. To the date of this notice the Commissioner understands that the trust has still failed to respond. It is therefore in breach of section 10 of the FOIA.
14. The Commissioner requires the trust to respond to the request in accordance with its obligations under the FOIA.

Right of appeal

15. 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: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

16. 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.
17. 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

Samantha Coward
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Wilmslow
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SK9 5AF