

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 1 July 2022

Public Authority: North Middlesex University Hospital NHS Trust
Address: Sterling Way
London
N18 1QX

Decision (including any steps ordered)

1. The complainant made a request for information relating to pagers used within the NHS. The request was made on 3 June 2021 and the Trust has failed to provide a response.
2. The Commissioner considers that the Trust has breached section 10 FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Provide a response to the request in compliance with FOIA.
4. The public authority 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 3 June 2021 the complainant made the following request for information under the FOIA for:

"I am undertaking a study on technology adoption within the NHS.

On 23 February 2019, the Secretary of State for Health and Social Care announced that NHS trusts should have infrastructure in place to replace

paggers (bleeps) by 30 September 2021, with complete phase out of paggers (bleeps) by 31 December 2021.

<https://www.gov.uk/government/news/health-and-social-care-secretary-bans-paggers-from-the-nhs>

Under the FOI Act, please provide the following information, with "paggers" used as a synonym for "bleeps":

1. As at 31 May 2021, how many paggers were in use in your Trust?
2. For the financial year ending 31 March 2021, what is the total annualised cost of paggers (broken down by equipment rental, licences, low value equipment replacement, maintenance of infrastructure, depreciation on capital assets and any other costs)?
3. What stage of procurement and implementation is your Trust currently at and what are the achieved and proposed times for the various steps (e.g. business case approved, tender issued, contract awarded, implementation started, test system is live/user acceptance testing, deployed system is live)?
4. If a contract has been awarded, which pager replacement system has your Trust selected?
5. What additional features does your proposed (or implemented) pager replacement system have, compared with previous capability? (e.g. integration with electronic patient record)
6. How many *users* and how many *devices* will the pager replacement system have?
7. What is the estimated total annualised cost of the replacement system (broken down by equipment rental, licences, low value equipment replacement, maintenance of infrastructure, depreciation on capital assets and any other costs)?
8. Will the trust retain some paggers for *emergency* communications or will emergency communications be handled by the pager replacement system? If some paggers are being retained, how many?
9. If the pager replacement system fails, what will be used as a backup system? (e.g. do you have plans to use staff personal devices?)
10. Is the Trust on course to phase out paggers for *non-emergency* communications by 31 December 2021? If not, by when?
11. Is there a benefits realisation plan or post-implementation monitoring plan in place?"

6. The Trust has failed to provide a response to this request.

Scope of the case

7. The complainant contacted the Commissioner on 3 May 2022 and asked him to investigate whether the Trust had complied with section 10 FOIA in the handling of this request.
8. The Commissioner has considered whether the Trust complied with section 10 FOIA in this case.

Reasons for decision

Section 10

9. Section 10(1) provides that:

“Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt.”

10. Section 1(1) provides 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.”

11. The request was made on 3 June 2021 and the Trust has failed to respond to the request. This is despite the complainant requesting an internal review regarding the timeliness of the response on 8 February 2022 and the Commissioner contacting the Trust on 14 May 2022 to remind it of its obligations under FOIA to respond to the request. The Commissioner therefore finds that the Trust breached section 10(1) FOIA in failing to provide a response to this request.

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: 0870 739 5836

Email: grc@Justice.gov.uk

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

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.....

Gemma Garvey

Senior Case Officer

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire

SK9 5AF