

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 24 May 2023

**Public Authority:** St Helens & Knowsley Teaching Hospitals NHS Trust

**Address:** Warrington Road  
Prescot  
Merseyside  
L35 5DS

#### **Decision (including any steps ordered)**

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1. The complainant requested information about emergency preparedness of NHS Acute Trusts in England. By the date of this notice, St Helens & Knowsley Teaching Hospitals NHS Trust ("the Trust") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust has breached section 10(1) of FOIA in that it failed to provide a valid response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the Trust to take the following step to ensure compliance with the legislation.
  - The Trust must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Trust must take this step 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 FOIA and may be dealt with as a contempt of court.

## Request and response

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5. On 17 March 2023, the complainant wrote to the Trust and requested information in the following terms:

"I am writing to request the following information. This information relates to the NHS England Emergency Preparedness, Resilience and Response Framework in general and section 10, "Cycle of preparedness", in particular.

Please note that much of the information requested is only records of the existence of current procedures, training, resources and tests, and not the contents of the procedures, training, resources and tests themselves.

For clarity, to minimise the cost of my request and to prevent the disclosure of any sensitive information, I have enumerated the information I am requesting and specified how it could be provided.

If you do not hold some of this information then I ask you to confirm explicitly that you do not hold it.

Given the potentially sensitive nature of this information, I ask you to redact any exempt information instead of refusing disclosure. This would be in accordance with guidance on best practice from the Information Commissioner's Office.

Patient care and support services

Continuity of essential clinical support services

1. Any record of whether procedures exist to ensure operational continuity of essential clinical support or ancillary services (e.g. laboratory, radiology, pharmacy) during emergencies and disasters. (Can be answered yes / no.)

2. Any record of whether staff have been trained in the above procedures. (Can be answered yes / no.)

3. Any record of whether resources to implement the above procedures can be mobilized at all times. (Can be answered yes / no.)

Expansion of usable space for mass casualty incidents

4. Any record of whether procedures and resources exist to expand space and provide access to extra beds in mass casualty incidents. (Can be answered yes / no.)

5. Any record of whether staff have been trained in the above procedures. (Can be answered yes / no.)

6. The date(s) of the most recent test(s) of the above procedures. (Can be answered with a date or dates.)

#### Triage for major emergencies and disasters

7. Any record of whether space has been designated and procedures exist to carry out triage during emergencies and disasters. (Can be answered yes / no.)

8. Any record of whether staff have been trained in the above procedures. (Can be answered yes / no.)

9. The date(s) of the most recent test(s) of the above procedures. (Can be answered with a date or dates.)

#### Triage tags for mass casualty incidents

10. Any record the existence of triage tags for mass casualty incidents. (Can be answered yes / no.)

#### System for referral, transfer and reception of patients

11. Any record of whether procedures exist for the reception, referral and transfer of patients to and from other health facilities within and outside the geographical area where the hospital is located during emergencies and disasters. (Can be answered yes / no.)

12. Any record of whether staff have been trained in the above procedures. (Can be answered yes / no.)

13. The date(s) of the most recent test(s) of the above procedures. (Can be answered with a date or dates.)

#### Infection surveillance, prevention and control procedures

14. Any record of whether procedures exist for infection prevention and control during emergencies and disasters. (Can be answered yes / no.)

15. Any record of whether staff have been trained in the above procedures. (Can be answered yes / no.)

16. Any record of whether resources are available for implementation of the above procedures. (Can be answered yes / no.)

Psychosocial services

17. Any record of whether procedures exist for provision of psychosocial support, assessment and treatment services to patients, families and staff during emergencies and disasters. (Can be answered yes / no.)

18. Any record of whether staff have been trained in the above procedures. (Can be answered yes / no.)

19. Any record of whether resources are available for implementation of the above procedures. (Can be answered yes / no.)

Thank you for all your assistance with this study."

6. The Trust acknowledged the request on 17 March 2023. To date, a substantive response has not been issued.

### **Reasons for decision**

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7. 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."

8. 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".
9. On 26 April 2023 the Commissioner wrote to the Trust, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
10. Despite this intervention the Trust has failed to respond to the complainant.
11. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to respond to the request within 20

working days and it is now required to respond to the request in accordance with FOIA.

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## Right of appeal

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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: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://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 .....**

**Michael Lea**  
**Team Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**