

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 December 2022

Public Authority: Imperial College Healthcare NHS Trust
Address: St Mary's Hospital
South Wharf Road
London
W2 1NY

Decision (including any steps ordered)

1. The complainant has requested information about disaster response plans. The above public authority ("the public authority") provided some information, but the complainant considers more is held.
2. The Commissioner's decision is that the public authority has complied with its obligations under section 1(1) of FOIA in response to some parts of the request, but not to others. The public authority also breached section 10 of FOIA as it failed to provide a response within 20 working days.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation. In respect of each of elements [6]-[19] (inclusive), the public authority must
 - Confirm explicitly whether or not it holds the requested information and, if the information is held:
 - Either provide a copy of that information or issue a refusal notice that complies with section 17 of 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 26 May 2022, the complainant wrote to the public authority and made a request for information comprising 19 individual elements. On 12 July 2022, he further clarified the information he was seeking. The clarified request is reproduced in the annex to this notice.
6. The public authority responded on 22 August 2022. In response to elements [1] to [5], it provided some information. In response to the remaining elements, it stated, in response to each individual element that "As per NHS England EPRR Framework, the Trust is fully compliant."
7. The complainant sought an internal review on 25 August 2022, arguing that elements [6] to [19] had not been answered. Despite the Commissioner's intervention, the public authority had yet to complete its internal review at the date of this notice.

Reasons for decision

8. When a public authority receives a request for information it has two obligations under section 1(1) of FOIA: firstly it must explicitly confirm or deny whether it holds the information in question. Secondly, if it does hold that information, it must either provide a copy to the requester or issue a refusal notice. If it receives a request that contains multiple elements, its response must be clear about which information it holds and which it does not.
9. Elements [6] to [19] of the request seek specific information. It is not sufficient for the public authority to simply state that it complies with appropriate guidance to meet its obligations under FOIA. It must state whether it holds each piece of information and then either provide that information or explain why it cannot. As the public authority has not done so, it has not complied with section 1(1) of FOIA.
10. As the public authority has not dealt with these elements properly, it must now do so again, this time addressing each element individually, providing a confirmation or a denial that the information is held and providing the information where appropriate.
11. As the public authority did not respond to the clarified request within 20 working days and did not respond to the original request at all, it breached section 10 of 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: 0203 936 8963

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

Roger Cawthorne
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex

15. The clarified request of 26 May 2022 was as follows:

"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.

"Coordination of emergency and disaster management activities

"Hospital Emergency / Disaster Committee

[1] Any record of the current existence of a multidepartmental and multidisciplinary committee to coordinate EPRR measures. (Can be answered yes / no.)

[2] If such a committee exists then any record of which departments and disciplines are represented on it. (Can be answered with the number of departments or disciplines on the committee.)

[3] If such a committee exists then the date the committee most recently met. (Can be answered with a date.)

"Committee member responsibilities and training

[4] If such a committee above exists then any record that committee members have received training for their role on the committee. (Can be answered yes / no.)

[5] If such a committee above exists then any record and any record that committee members have been assigned specific responsibilities. (Can be answered yes / no.)

"Designated emergency and disaster management coordinator

[6] Any record of the current existence of a hospital emergency / disaster management coordinator. (Can be answered yes / no.)

[7] If such a co-ordinator exists then any record of what whole time equivalent of their time is devoted to emergency and disaster management. (Can be answered with a whole time equivalent.)

"Preparedness programme for strengthening emergency and disaster response and recovery

- [8] Any record of a programme or plan to strengthen the preparedness of the Trust for response and recovery to emergencies and disasters. (Can be answered yes / no.)
- [9] If such a programme or plan exists then any record that activities from it have been implemented in the past 12 months. (Can be answered yes / no.)

"Hospital incident management system

- [10] Any record of the current existence of list(s) of key personnel roles in any hospital incident management system for command, control and coordination in an emergency or disaster response. (Can be answered yes / no.)
- [11] If such list(s) of key personnel roles exists then any record of the existence of corresponding key personnel role action procedure documents. (Can be answered yes / no.)

"Emergency Operations Centre / Incident Coordination Centre

- [12] Any record of the current existence of a designated Incident Coordination Centre. (Can be answered yes / no.)
- [13] If such an Incident Coordination Centre exists then any record of whether it has full immediate operational capacity in an emergency. (Can be answered yes / no.)

"Coordination mechanisms and cooperative arrangements with local emergency / disaster management agencies

- [14] Any record of the existence of current formal co-ordination or co-operation mechanisms or arrangements between the Trust and emergency/disaster management agencies (e.g. local authorities, police services, fire and rescue services, civil society organisations) in order to support Trust functions in time of emergency or disaster. (Can be answered yes / no.)
- [15] If such mechanisms or arrangements above exist then any record of the most recent exercise(s) to test them. (Can be answered yes / no.)
- [16] If there is a record of the most recent exercise(s) to test them then the date(s) of the most recent exercise(s). (Can be answered with a date.)

“Coordination mechanisms and cooperative arrangements with the healthcare network

- [17] Any record of the existence of current formal co-ordination or co-operation mechanisms or arrangements between the Trust and other healthcare providers in order to support Trust functions in time of emergency or disaster. (Can be answered yes / no.)
- [18] If such mechanisms or arrangements above exist then any record of the most recent exercise(s) to test them. (can be answered yes / no.)
- [19] If there is a record of the most recent exercise(s) to test them then the date(s) of the most recent exercise(s). (Can be answered with a date.)”