



**First-tier Tribunal
(General Regulatory Chamber)
Information Rights**

Appeal Reference: EA/2020/0218 (P)

Decided without a hearing on: 1 December 2020

Before

JUDGE BUCKLEY

MARION SAUNDERS

ALF MURPHY

Between

DALE BLAYLOCK

Appellant

and

THE INFORMATION COMMISSIONER

Respondent

Mode of hearing: The parties and the Tribunal agreed that this matter was suitable for determination on the papers in accordance with rule 32 Chamber's Procedure Rules. The form of remote hearing was a paper determination which is not provisional (P).

DECISION

1. For the reasons set out below the Tribunal dismisses the appeal.

REASONS

Introduction

1. This is an appeal against the Commissioner's decision notice FS50891138 of 25 June 2020 which held that the North Cumbria Integrated Care NHS Foundation Trust (NCIC) was entitled to withhold some of the information under s 21(1) of the Freedom of Information Act 2000 (FOIA) (information accessible by other means) and that it did not hold any further requested information. The Commissioner held that NCIC had breached s 17(1) FOIA. The Commissioner did not require the public authority to take any steps.
2. In general, references to 'the Trust' in this decision are references to NCIC's predecessor Cumbria Partnership NHS Foundation Trust.

Factual background to the appeal

3. The appellant has an underlying dispute with NCIC's predecessor, Cumbria Partnership NHS Foundation Trust, which arises out of events in 2017 and 2018. He has made numerous complaints about those events. The appellant is not satisfied by the way in which those complaints have been handled and he has made further complaints about the handling of his complaints.
4. Cumbria Partnership NHS Foundation Trust merged with North Cumbria University Hospitals NHS Trust in October 2019 and changed its name to NCIC.

Request and response

5. On 19 October 2019 the appellant made the following request for information from NCIC:

"1. Is there any outstanding Misconduct in Public Office complaints against any Consultants that you have listed on your new website?
2. Is there any outstanding Fraud by Abuse of Position of Trust allegations against any consultants that you have listed on your new website?
3. How many outstanding complaints were inherited by your trust from Cumbria Partnership?
4. Is there any outstanding Child Safeguarding complaints inherited from Cumbria Partnership?
5. Is there any fit and proper persons tests applications against any Executive Directors?
6. Does your trust still have to pay the £20 million a year PFI project?
7. Is there any outstanding allegations/complaints in regards to any members of your Governance team, in regards to lying to the Information Commissioners Office?
8. Is there any Consultants listed on your website that were removed as an Executive in disgrace?"

6. NCIC responded on 18 November 2019 stating, in summary, in response to each part of the request:

1. Any restrictions to practice put in place by the General Medical Council would be displayed on the Trust's website.
2. As above.
3. 17 complaints.
4. No.
5. The Trust's arrangements for the Fit and Proper Persons test for Directors are contained in the policy which is available on the Trust website.
6. Details are contained within the most recent accounts available on the website.
7. No.
8. No consultants listed on the Trust website have been removed as an Executive Director in disgrace.

7. In its response to the appellant's request for an internal review NCIC partially upheld the request for a review in relation to part 5 and, in summary, stated in relation to each part of the request,:

1. The GMC are responsible for regulation of doctors. The set standards and investigate complaints. If any restriction is in place these will be displayed on the Trust website. The information is regarded as reasonably accessible by other means.
2. The Medical Director has been approached again and has confirmed that no consultants have any fraud by abuse of position allegations against them.
3. 17 complaints were carried over for completion by the new organisation.
4. None of those 17 relate to child safeguarding. Any previous safeguarding complaints have been concluded and passed on to the PHSO.
5. There are no applications held on the register with the Trust.
6. Yes.
7. No outstanding complaints against any member of the governance team with the Information Commissioners' Office that have been brought to the Trust's attention.
8. As in the previous response.

8. The appellant complained to the Commissioner on 16 November 2019.

Decision Notice

Not held

9. The Commissioner decided that on the balance of probabilities NCIC did not hold any information within the scope of the request. In particular:

Part 3

10. The Commissioner accepted NCIC's explanation that its complaints process had been exhausted in relation to the appellant's list of 81 complaints and the appellant had referred his complaint to the PHSO. These complaints had therefore been removed from its active complaints list.

Part 4

11. The Commissioner accepted that the complaints the appellant had submitted had been closed by the transfer date. She accepted that it did not hold any further information.

Part 5

12. The complainant may have submitted a referral to the Care Quality Commission, but the Commissioner accepted that NCIC held no such applications on its own register.

Part 7

13. The Commissioner accepted that there were no outstanding complaints of this nature.

Part 8

14. The Commissioner accepted NCIC's assertion that no consultants on the website had been removed from the post of executive director.

S 21 - accessible by other means

15. The information held by NCIC which is relevant to parts 1, 2 and 6 of the request is published on NCIC's website and is exempt under s 21(1).

S 17 - refusing a request

16. In relation to parts 1, 2 and 6 NCIC did not clearly state that it was relying on s 21(1) and did not explain why it applied to part 6. The response was in breach of s 17(1) FOIA.

Grounds of Appeal

17. The Grounds of Appeal are, in summary, that the Commissioner was wrong to conclude that the information was not held. The appellant argues in particular, that the trust holds further information because:

1. Complaints by the appellant had not been closed on 1 October 2019. They were not signposted to the PHSO until February 2020.
2. The corporate governance register shows that the consultant ceased to be an executive director.
3. NCIC and the Commissioner were aware that allegations of lying to the Commissioner had been escalated to the PHSO.

4. There are outstanding complaints by the appellant of misconduct in public office and fraud by abuse of position against a consultant listed on the website. These were inherited by NCIC.

The Commissioner's response

18. In summary the Commissioner contends that the Decision Notice was correct. The Commissioner sets out her position in relation to each part of the request.

The appellant's response

19. The appellant sets out the background to his request, of which we have taken account where relevant. He lists the supporting evidence provided to the tribunal. He summarises the complaints he has made to NCIC and its predecessor between 2017 and 2020.
20. He argues that his complaints were not closed at the date of transfer to NCIC and therefore should have been included in part 3 and in other parts. He states that his complaints became active again in June 2019, when he requested an external/independent investigation and that NCIC continued to liaise with the PHSO and the appellant until February 2020.
21. He then sets out his arguments that NCIC held further information as follows.

Part 3 - outstanding complaints inherited from Cumbria partnership

22. The complaints by the appellant had not been closed and therefore should have been included.

Part 5 - fit and proper person

23. The appellant served a fit and proper person referral on NCIC in July 2019. The appellant made a referral to the Care Quality Commission in July - December 2019. NCIC knew about this referral.

Part 4 - child safeguarding complaints inherited from Cumbria partnership

24. The child safeguarding complaints were not closed and should have been included. The complaints had been refused since September 2017. By December 2019 NCIC had refused an independent/external investigation for 6 months, in which they tried to close all of the complaints down. The complaint to the PHSO in February 2020 relates to a complaint of child safeguarding in June 2019.

Part 7 - outstanding complaints of lying to the Commissioner

25. The appellant states that there is an outstanding complaint with the PHSO. NCIC have been dealing with the PHSO in relation to this complaint since

January 2020. The appellant has made complaints to NCIC about a member of their governance team lying to the ICO.

Part 8 – removal as executive director

26. The consultant is question ceased to be an executive director. The appellant sets out the background information on the basis of which he asserts that it is not hard to come to the conclusion as to why he was removed in disgrace.

Part 1 and 2 – outstanding allegations of fraud by abuse of position of trust and misconduct in public office

27. NCIC refused to investigate these complaints by the appellant and refused to allow an independent investigation. They inherited these complaints on 1 October 2019.

Legal framework

28. The question of whether or not a public authority holds the information is a factual matter on the balance of probabilities to be assessed at the date of the request.
29. The tribunal’s remit is governed by s.58 FOIA. This requires the tribunal to consider whether the decision made by the Commissioner is in accordance with the law or, where the Commissioner’s decision involved exercising discretion, whether she should have exercised it differently. The Tribunal may receive evidence that was not before the Commissioner and may make different findings of fact from the Commissioner.

Issues

30. The issue we have to determine is whether, on the balance of probabilities, NCIC held any further information within the scope of the request.
31. In relation to parts 1 and 2 of the request it is clear from the grounds of appeal that the appellant asserts that NCIC hold further information in relation to these parts. He is not making any challenge to the refusal to provide information which is available on the website.

Evidence

32. We have read and were referred to an open bundle of documents.
33. We do not have copies of all relevant correspondence during the relevant period. Nor do we have any witness statements from NCIC. We decided that it was in accordance with the overriding objective, taking into account proportionality and avoiding delay to proceed on the basis of the information before us.

34. The appellant made a number of complaints which were treated as formal complaints by the Trust in 2017 and 2018. These included child safeguarding complaints, which were submitted, for example, on 24 September 2017 and 6 January 2018.
35. The appellant is not satisfied with the way the complaints were handled either in terms of process or outcome, but is clear that from the Trust's point of view they had concluded their internal processes and signposted the appellant to the PHSO. The Trust informed the appellant on a number of occasions that it was not prepared to take the matter any further.
36. For example, an email from the Trust to the PHSO dated 2 February 2018 states:
"I can confirm that the Trust has responded to the complaints received from Mr Blaylock and feels that it has exhausted its investigations into the issues raised. In line with the NHS Complaints procedure we have advised Mr. Blaylock that should he wish to pursue this further, it should be undertaken via the PHSO. We have also advised that we will not be responding to any further communication or process any further complaints.

As we agreed, I have attached copies of the Trust's four (4) responses to Mr Blaylock for your records.

During our call you confirmed that whilst you had received e-mail correspondence and telephone calls from Mr Blaylock there was no open complaint/investigation with the PHSO. You also confirmed that at this stage, there was no further action required by the Trust to expedite any such investigation by the PHSO and that should the complaint be in relation to his care under the MH Act, then this would have to be referred to the CQC as it was outside of the jurisdiction of the PHSO.

Next steps -- you agreed to contact Mr Blaylock next week in order to explain the process required to be followed in order for any investigation to be opened together with the fact the Trust was not with-holding or blocking the process."

37. An email from PHSO to the Trust dated 27 February 2018 shows that at that stage the PHSO did not have an active complaint from the appellant. It states:
"Should we receive a complaint from Mr. Blaylock we will either:
- Signpost him accordingly to the correct organisation (possibly either ICO or CQC)
Or
- Consider his case for further assessment should it be within our jurisdiction
...

I will keep you updated should the need arise”

38. At this stage in February 2018 it is clear that the Trust considered the matter to be closed from their point of view.
39. The appellant made a complaint of child safeguarding to the Trust on 4 October 2018. On 18 March 2019 the Trust wrote to the appellant with the outcome. The complaint was not upheld and the appellant was signposted to the PHSO.
40. On 22 March 2019 Cumbria County Council wrote to the appellant with an outcome in response to 6 complaints about child safeguarding concerns raised on 25 January 2019. The appellant was signposted to the PHSO if he was dissatisfied with the outcome.
41. In On 29 May 2019 the appellant wrote to the Trust stating that the PHSO had told him that he had not complained to the correct organisation and that he needed to complain to Cumbria Partnership Foundation NHS Trust before the PHSO could look at the case.
42. The Trust spoke to the PHSO on 6 June 2019. The Trust explained to the PHSO that they had received further correspondence from him and are ‘now going to answer this’. The Trust explained that they are aiming to respond to him within the next 35 working days and this will be their final response.
43. The appellant told the PHSO on 22 July 2019 that he had provided the Trust with the final list of complaints on 9 June 2019. There is also a letter in the bundle dated 22 July 2019 which is headed ‘Final 81 Complaints Cumbria Partnership’. We find that these two documents include any remaining complaints that the claimant had against the Trust.
44. On 25 July 2019 the Trust provided ‘a detailed email response’ to the appellant’s recent correspondence. We do not have a copy of this email, but some of the content is set out in other correspondence. In it the Trust requested that the appellant confirm whether or not he wished for the Trust to proceed with an internal but independent investigation. It ‘could not have been more explicit’ that the Trust would not be commissioning an external investigation into his complaint.
45. On 25 July 2019 the appellant emailed the Trust confirming that he would provide his decision on the Trust’s offer of an internal investigation by 31 July 2019.
46. On 26 July 2019 the appellant emailed the Trust requesting the Trust’s justification for not commissioning an external investigation.

47. On 30 July 2019 the appellant emailed the Trust confirming that he would provide his decision on the Trust's offer of an internal investigation by 11 August 2019.
48. On the 5 August 2019 the appellant emailed the Trust advising that his confirmation would follow on the week commencing 12 August if he was able to do so. On 10 August 2019 he emailed the Trust advising that he would hopefully provide his confirmation by 18 August 2019.
49. On 30 August 2019 the appellant emailed the Trust advising that he was placing the Trust's offer of an internal investigation on hold pending advice from People First. The appellant also advised that he intended to litigate at the end of the 6 year limitation period, and the Trust had another 3 years of legal disputes to "look forward to".
50. On 25 September 2019 the appellant emailed the Trust advising that he had not yet made a decision on the Trust's offer of an internal investigation.
51. On 30 September 2019 the appellant emailed the Trust advising that he had "decided to go with the external investigation option".
52. As far as the Trust were concerned, we find that it was clear by 30 September 2019 that the appellant had given a final decision to refuse the offer of an internal independent investigation. There were no further steps for the Trust to take.
53. We are not aware of any further correspondence until after the merger (1 October 2019) and the request (19 October 2019). The correspondence which follows is said by the appellant to cast light on whether his complaints were still outstanding at the date of the request or merger.
54. By letter dated 14 December 2019 from Professor Stephen Eames CBE Chief Executive of NCIC to the PHSO. The Trust wrote to the PHSO to ask for advice on what would be the appropriate next steps for the Trust regarding the appellant's 'outstanding complaint'. This letter was written because the Trust felt it had 'reached an impasse'.
55. It appears that the PHSO did not receive this letter from the Chief Executive. The first file note from the PHSO from this period is on 19 January 2020 in which the PHSO asks the Trust whether or not local resolution has been concluded. The response from the Trust states '... the attached letter was sent to the Parliamentary & Health Service Ombudsman and to date we have not had a response'. We assume that this is a reference to the letter of 14 December 2019.
56. On 31 January 2020 the PHSO wrote to the appellant to advise him that before the PHSO can take any action the independent investigation that the Trust has

offered will have to be carried out, and that the PHSO would not be taking any further action until this has been done.

57. The appellant then raised concerns that the Trust had misled the PHSO by claiming to have offered an 'independent' investigation, when they had not offered an external investigation.
58. By letter dated 5 February 2020 NCIC's legal services officer sets out the chronology of correspondence since June 2019. She makes reference to the appellant's 'outstanding complaint' to the Trust. She denies the assertion that the Trust had lied, and confirms that the appellant had been offered an independent internal investigation. The legal services officer states, 'I would be grateful if you could finally confirm by 14 February 2020 whether or not you wish for the Trust to proceed with an investigation into your complaint on the above terms. If you do not consent to the Trust investigating your complaint, your complaint file will be closed in accordance with the Trust's policy and you will be signposted to the PHSO'.
59. A PHSO file note dated 11 February 2020 records the following conversation between the PHSO and the Trust:

"I advised her that if Mr. Blaylock has declined the independent investigation and the Trust feel they have done all they can at this stage, then they should write to him confirming his case is closed and direct him to our services."

60. On 21 February 2020 NCIC wrote to the appellant confirming that he had refused the offer of an independent investigation and that the next step would be for him to request the PHSO to review the complaint.

Discussion and conclusions

61. The appellant's appeal is based on a simple assertion: that NCIC's response must be inaccurate because it has not included any complaints made by him. NCIC's response, in essence, is that his complaints did not fall within the scope of the response because they were not 'outstanding' at the date of the request or at the date of the merger.
62. The scope of a request has to be determined objectively, read in the light of any relevant background facts.

Were the appellants complaints or allegations 'outstanding' at the date of the transfer or at the date of request?

63. The Trust's position is that the information they held indicated that, on the transfer date, they inherited 17 complaints at the date of transfer. The appellant's

complaints were considered to be closed, because the appellant had referred his complaints to the PHSO.

64. We have considered the evidence provided by the appellant set out above. The appellant had referred the complaints to the PHSO, but they told him that he first had to go back to the Trust and ask for an independent investigation. At this stage the appellant compiled a document setting out his complete list of his complaints.
65. By email dated 25 July 2019 the Trust offered him an independent internal investigation and made it explicit that they would not be carrying out an external investigation. After taking some time to reach a final conclusion, the appellant confirmed by email dated 30 September 2019 that he would 'go with the external investigation option'.
66. The Trust had made clear that they would not be commissioning an external investigation and that an internal independent investigation was the only option. The appellant had refused this. The appellant states that he and the Trust were arguing about the investigation process, but by 30 September 2019 the argument was not continuing. It had been concluded. It was reasonable for the Trust to take the view that no further steps could be taken by the Trust and therefore his complaints and allegations were not 'outstanding'. On this basis, despite that fact that a final outcome letter had not been issued, we accept that it was reasonable for the Trust to have considered the complaints to be closed and concluded that the complaints were not 'outstanding' both at the date of the merger and at the date of the request.
67. After the merger, and two months after the date of the request, on 14 December NCIC's Chief Executive asks the PHSO for advice on the next steps for the Trust regarding the appellant's 'outstanding complaint'. It is unclear whether this is a reference to the appellant's outstanding complaint about NCIC to the PHSO, or a reference to the appellant's substantive complaint to NCIC. The letter states that it has been written because the Trust felt it had 'reached an impasse'. We do not know whether there had been any further correspondence between the date of the request and this letter and therefore it is unclear to us what, if anything, triggered this letter or the circumstances in which this letter was written.
68. We accept that this letter suggests that NCIC did not consider the appellant's complaints to be finally closed two months later in December 2019. Because we do not know what triggered the Chief Executive's letter of 14 December, nor the circumstances in which it was written, we do not accept that it alters our conclusion on the issue of whether or not the Trust considered those complaints to be outstanding two months earlier, in the light of the appellant's refusal of the internal investigation.

69. Further, the subsequent correspondence dated 5 February 2020 and 21 February 2020, seeking final confirmation that the appellant does not wish the Trust to proceed with an internal investigation without which the complaint file 'would be closed', has to be looked at in the context of the discussions and correspondence with the PHSO taking place in January and February 2020. It is clear that the advice from the PHSO was that certain things had to happen before it could investigate the case. Those things were that either internal investigations had to be carried out or NCIC had to write to the appellant confirming that the matter was closed and signposting him to the PHSO. This does not alter the fact that the Trust, in October 2019, had reasonably taken the view that no further steps could be taken by the Trust and therefore his complaints and allegations were not treated as 'outstanding'.
70. On this basis, we find that, at the time of the merger and at the time of the request, none of the appellant's formal complaints or formal allegations were 'outstanding' and therefore did not fall within the scope of the request.
71. Looked at objectively, we find that it was reasonable to understand the request for information on 'outstanding complaints' or 'outstanding allegations' to be limited in scope to complaints which were treated by the Trust as formal complaints and allegations under its complaints procedure, rather than encompassing the use of those terms in any correspondence from anyone to the Trust.

Parts 1 and 2 – Is there any outstanding Misconduct in Public Office complaints/Fraud by Abuse of Position of Trust allegations against any Consultants that you have listed on your new website?

72. NCIC submit that the conduct of consultants falls within the remit of the GMC. They have therefore concluded that the relevant information held by NCIC would be any finding of restrictions to practice put in place by the General Medical Council.
73. We find that it was objectively reasonable for NCIC to interpret the request in this way. 'Misconduct in public office' is a criminal offence, and it was reasonable to interpret the request for 'outstanding Misconduct in Public Office complaints' or 'outstanding Fraud by Abuse of Position of Trust allegations' as a request for information held about formal complaints dealt with by the GMC about the conduct of consultants.
74. We accept that this information is accessible on the Trust's website and is exempt under s 21(1).
75. To the extent that the appellant submitted any formal complaints to NCIC or the Trust about misconduct in public office and fraud by abuse of position of trust,

these were not outstanding at the relevant date for the reasons set out above and are not within the scope of the request.

76. We note that the appellant states that he made a complaint of fraud by abuse of position of trust to Action Fraud in March 2018. There is no evidence before us that NCIC held any information in relation to this complaint.

77. We find that the pre-action protocol letter served on 28 September 2019 for misfeasance in public office at p D209 does not fall within the scope of this part of the request. It is not a 'complaint'.

78. On the basis of the above we find, on the balance of probabilities, that NCIC held no further information within the scope of parts 1 and 2 of the request.

Parts 3 and 4 - How many outstanding complaints were inherited by your trust from Cumbria Partnership? Is there any outstanding Child Safeguarding complaints inherited from Cumbria Partnership?

79. On the basis of the reasoning set out above we find, on the balance of probabilities, that NCIC held no further information within the scope of parts 3 and 4 of the request.

Part 5 - Is there any fit and proper persons tests applications against any Executive Directors?

80. In relation to whether or not NCIC held any further information on fit and proper persons applications against an executive director, we note that the appellant states that he made a 'fit and proper persons referral' to the Care Quality Commissioner (CQC) by letter dated 13 July 2019. The letter sets out the appellant's concerns and ask them to look into the fitness to practice of 6 individuals, including an executive director. We accept that the appellant sent the Trust a copy of the letter in July 2019 and therefore it was held by NCIC at the date of the request.

81. We do not know the precise details of the process followed by the CQC, but there is clearly an initial filter before concerns are raised with the relevant authority. In this case the letter was discussed with NCIC in December 2019. The CQC concluded on 30 December 2019 that the information supplied did not indicate a level of doubt about the fitness of any director that would require the provider to take action. It was therefore not forwarded to the director's current registered provider for review. We accept therefore that there were no applications held on NCIC's register at the date of the request.

82. In our view it is objectively reasonable to interpret a request to NCIC for 'fit and proper persons tests applications' as referring to something more than simply a matter that had been raised by an individual with the CQC and copied by that

individual to NCIC. It was objectively reasonable to interpret it as a request for matters that had, as a minimum, reached the stage of being formally passed by CQC to NCIC for review. In our view an initial letter raising concerns to the CQC before the filter is applied is therefore outside the scope of the request.

83. To the extent that the appellant relies on any formal complaints made to NCIC or the Trust alleging that Executive Directors were not 'fit and proper persons', we find that these would not fall within in the scope of the request, which refers to 'applications' and, in any event, were not outstanding at the relevant date for the reasons set out above.

84. On the basis of the reasoning set out above we find, on the balance of probabilities, that NCIC held no further information within the scope of part 5 of the request.

Part 6 - Does your trust still have to pay the £20 million a year PFI project?

85. We accept that this information is accessible on the Trust's website and is exempt under s 21(1).

Part 7 - Is there any outstanding allegations/complaints in regards to any members of your Governance team, in regards to lying to the Information Commissioners Office?

86. It appears that the appellant made a complaint about this to the Commissioner, but there is no evidence that NCIC held any information on any complaint being dealt with by the Commissioner about a member of the governance team lying which was outstanding at the date of the request.

87. The appellants states that he had a 'reference number' to the PHSO (C2103521) for an investigation about this individual lying to the ICO, but there is no evidence that NCIC held any information on this at the date of the request.

88. NCIC has interpreted the request as a request for information held on formal complaints rather than a question about whether or not, in any correspondence to the NCIC or its predecessors, it has been stated that an officer of the Trust has lied to the ICO. We find that this is a reasonable objective interpretation of the request.

89. The appellant relies on various letters which contain allegations of a particular officer lying to the ICO. Where these do not amount to formal complaints to NCIC or its predecessors they do not fall within the scope of the request. To the extent that formal complaints were made about this to the Trust, we find that these were not outstanding at the date of the request for the reasons set out above.

90. On the basis of the reasoning set out above we find, on the balance of probabilities, that NCIC held no further information within the scope of part 7 of the request.

Part 8 - Is there any Consultants listed on your website that were removed as an Executive in disgrace?

91. The particular consultant named by the appellant ceased to be an executive director on 17 February 2019. The fact that this appears on the NCIC register of interests does not, contrary to the appellant's submission, suggest to the Tribunal that he was 'removed in disgrace' or that he was removed. It simply confirms that he ceased to be a director on that date.

92. The appellant sets out the background information on the basis of which he asserts that it is 'not hard to come to the conclusion as to why he was removed in disgrace'. NCIC asserts that he was not removed, nor was he removed in disgrace. There is no evidence before the tribunal that shows the reason for the consultant ceasing to be an executive director, despite the appellant's assertion that 'everybody knows' that he was removed because he abused his position of trust in the dispute with the appellant.

93. The fact that it followed the circumstances set out by the appellant in time, is not evidence that it was caused by them. In the absence of any evidence as to why the consultant was removed we accept the NCIC's assertion that no consultants have been removed or removed in disgrace. Accordingly on the balance of probabilities we accept that they hold no further information under part 8.

Conclusion

94. For the reasons set out above, the appeal is dismissed.

Signed Sophie Buckley

Judge of the First-tier Tribunal

Date: 21 December 2020

Date Promulgated: 23 December 2020