

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 12 December 2023

Public Authority: NHS Greater Manchester Integrated Care Board

Address: 3 Piccadilly Place
Manchester
M1 3BN

Decision (including any steps ordered)

1. The complainant requested information from NHS Greater Manchester Integrated Care Board ('the Care Board'). By the date of this notice the Care Board had not issued a substantive response to this request.
2. The Commissioner's decision is that the Care Board 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 Care Board to take the following step to ensure compliance with the legislation.
 - The Care Board must provide a substantive response to the request in accordance with its obligations under FOIA.¹
4. The Care Board 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

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format;

[Information Commissioner's Office - Advisory note to public authorities | ICO](#)

5. On 18 September 2023, the complainant sent an email addressed to both the Care Board and NHS England requesting information in the following terms:

"I would like to know how many complaints from individuals NHSE has dealt with in each of the last five years?

Also how many of these, in each year, have ended up being investigated by the PHSO [Parliamentary and Health Service Ombudsman]?

I would also like to know how many of those individual complaints to the PHSO were upheld against NHSE?"

6. The Care Board requested further clarification regarding whether the complainant wanted information relating to Greater Manchester and whether the complainant wanted information about a specific time period.

7. The complainant provided clarification in the following terms:

"As regards my FOI, the answer to your question is both NHSE & NHS GM. Though I fail to see that there will be anything there for NHS GM, unless they have retained all the previous complaint records database."

Scope of the case

8. The complainant made the above request to both NHS England and the Care Board. Both organisations were addressed in the request for information and NHS England has since issued its response. This decision relates only to the Care Board.
9. The Care Board has explained to both the Commissioner and the complainant that there was a transfer of service from NHS England to itself. This transfer has meant that the Care Board might hold some information within the scope of the request from 1 July 2023 onwards.

Reasons for decision

10. 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."

11. 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".
12. On 20 November 2023, the Commissioner wrote to the Care Board, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
13. Despite this intervention, and despite it having already informed the complainant that it may hold information, the Care Board has failed to comply with its duties under section 1(1) of FOIA.
14. From the evidence provided to the Commissioner in this case, it is clear that the Care Board did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Care Board 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.
15. For the avoidance of doubt, when responding the Care Board is required to consider both the information that it holds, and information that is held on its behalf, which falls within the scope of the request as set out above.

Right of appeal

16. 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

17. 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.
18. 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

Carolyn Howes
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