



**University Hospitals
of North Midlands**
NHS Trust

Ref: FOIA Reference 2019/20-280

Royal Stoke University Hospital
Quality, Safety and Compliance Department
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 4th September 2019

Email foi@uhn.nhs.uk

Dear

I am writing in response to your email dated 9th August 2019 sent to the complaints team requesting information under the Freedom of Information Act (2000) regarding complaints and FOI.

Please note that under section 12 of the FOI Act we were aggregating your two requests;

The section 12 exemption states:

The authority can combine related requests received within a period of 60 consecutive days from:

- The same person or
- People who appear to be acting in concert or in pursuance of a campaign.

On 9th August 2019 the Complaints team contacted you via email with the following:

I acknowledge receipt of your email received on 7th August 2019, regarding your request Under the Freedom of Information Act (FOI). We can forward your concerns to our FOI department on your behalf, or you can email them directly: FOI@uhn.nhs.uk
Please let me know if you wish us to forward your concerns on.

On the same day you replied via email to the Complaints team the following:

"We have had this issue before. You never learn. The FOI act is quite clear. You cannot require me to make my requests to a particular department or email address. It is your responsibility to pass them on to whoever handles them in your organisation. So I'm adding another two FOI requests:

- *What training have your staff had on handling and dealing with requests under the Freedom of Information Act?*
- *Does the training specifically include explaining that staff cannot require those making a request under the Act to send the request to a specific department or email address?*

And as usual you are selective about which bits of my messages you respond to. I was also complaining that you had ignored my message of 12 July and you have still not addressed this."



As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

*Please note that the following responses are from the PALS and ED team, where this original complaint was directed to and not from the “complaints” team.

Q1 How many pieces of correspondence from patients did you not reply to each month from the start of 2018?

A1 Information not held as the PALS team have never knowingly not replied to correspondence from patients' where a response or reply is required.

Q2 What changes did you introduce into your A&E department following my original complaint about the dangers to patients?

A2 No changes were made as a result of the PALS concern raised. However, there have been recent changes made to the Emergency Department (ED) Reception Desk whereby a nurse streamer is seated there 24-hours a day, 7 days a week, who are able to quickly assess and/or signpost any patients presenting with an injury or illness.

Q3 Who was the most senior hospital manager who saw my original complaint? And what action did they take?

A3 The original complaint was forwarded to the ED as a PALS concern, not a formal complaint. It is the usual practice for less complex PALS concerns to be dealt with by the PA to the Emergency Medicine Directorate, who will seek advice from members of the Management, senior nursing or clinical teams, which appears to have been the case here.

Q4 What training have your staff had on handling and dealing with requests under the Freedom of Information Act?

A4 All staff receives training on the FOI Act and Trust process for the completion of FOI requests at induction to the Trust.

Q5 Does the training specifically include explaining that staff cannot require those making a request under the Act to send the request to a specific department or email address?

A5 Yes, section 2.4 of the FOI Act: Code of Practice states, “There is no requirement for a request for recorded information specifically to mention the Act in order to be a valid FOI request. Where an applicant asks a public authority to disclose recorded information but does not specifically mention the Act, and the request complies with section 8 (see paragraph 1.14), the public authority should consider the request under the Act in any case and **let the applicant know that this is how the request is being handled**. Where a person seeks to make a request orally they should be advised to put their application in writing in accordance with section 8(1)(a) of the Act”.

Please note that UHNM complied with this statement (section 2.4 of the FOI Act Code of Practice) when we informed you that your request sent to the Complaints team was the incorrect department to handle your FOI request and that we would be forwarding your request to the FOI email address.

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

Where the Trust owns the copyright in information provided, you may re-use the information in line with the conditions set out in the Open Government Licence v3 which is available at <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>. Where information was created by third parties, you should contact them directly for permission to re-use the information.

An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

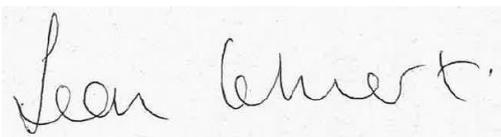
Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 676474.

Yours,



Jean Lehnert
Information Governance Manager



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