

Freedom of Information Act 2000 (Section 51) Information notice

Date: 16 May 2023

Public Authority: Department of Health and Social Care

Address: 39 Victoria Street

London SW1H 0EU

Section 51

Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

- 51. (1) If the Commissioner -
 - (a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as "an information notice") requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

Application under section 50

1. The Commissioner has received an application under section 50, reference IC-209353-W2C3, for a decision whether a request for information made by the complainant to DHSC on 13 July 2022, has been dealt with in accordance with the requirements of Part I of FOIA.



Nature of complaint

- 2. The complainant wrote to DHSC on 13 July 2022 and requested the following information:
 - ". How many health and social care personnel were recruited from the following countries in 2018, 2019, 2020, 2021 and 2022
 - Afghanistan
 - Angola
 - Bangladesh
 - Benin
 - Burkina Faso
 - Burundi
 - Cameroon
 - Central African Republic
 - Chad
 - Congo
 - Congo, Democratic Republic of
 - Côte d'Ivoire
 - Djibouti
 - Equatorial Guinea
 - Eritrea
 - Ethiopia
 - Gabon
 - Gambia, The
 - Ghana
 - Guinea
 - Guinea-Bissau



- Haiti
- Kiribati
- Lesotho
- Liberia
- Madagascar
- Malawi
- Mali
- Mauritania
- Micronesia, Federated States of
- Mozambique
- Nepal
- Niger
- Nigeria
- Pakistan
- Papua New Guinea
- Senegal
- Sierra Leone
- Solomon Islands
- Somalia
- South Sudan
- Sudan
- Tanzania, United Republic of
- Togo
- Uganda
- Vanuatu
- Yemen, Republic of



Please provide a number of personnel for each of the countries and separately for the years asked. Please also tell us what kind of personnel were recruited (ie. doctors, nurses etc etc).

- 2. Please provide reports containing data on health and social care international recruitment activity collected by DHSC and reported to the Cross Whitehall International Recruitment Steering Group.
- 3. When was the Cross Whitehall International Recruitment Steering Group set up?
- 4. How many times did it meet in 2018, 2019, 2020, 2021 and 2022?
- 5. Please provide minutes of meetings of the Cross Whitehall International Recruitment Steering Group from 2018, 2019, 2020, 2021 and 2022.
- 6. Did the Cross Whitehall International Recruitment Steering Group expressed any concerns about the number of personnel recruited from any of the countries listed in Question 1. If so please provide details of the concerns and what actions were taken to address those."
- 3. DHSC responded on 10 August 2022. For questions 1, 2 and 6, it confirmed that it does not hold the requested information. In respect of questions 3 and 4, it provided the requested information. Regarding question 5, it refused to disclose the information citing section 35(1)(a) of FOIA.
- 4. The complainant requested an internal review on 21 October 2022.
- 5. DHSC carried out an internal review and notified the complainant of its findings on 2 November 2022. It upheld its application of section 35(1)(a) of FOIA.
- 6. The complainant referred the matter to the Commissioner on 8 January 2022. The complaint focuses on question 5 of the request and DHSC's application of section 35(1)(a).
- 7. The Commissioner wrote to DHSC on 11 April 2023 to request further information. A deadline was set for 25 April 2023.
- 8. DHSC issued a revised response to the complainant on 27 April 2023. It disclosed some additional information and asked the Commissioner to check with the complainant to see if this satisfied their request.
- 9. The Commissioner contacted the complainant on 2 May 2023. They confirmed that they remained dissatisfied and this information was relayed to DHSC. DHSC was asked to respond to the Commissioner's



- earlier email and provide a copy of the remaining withheld information and further submissions on the application of section 35(1)(a) of FOIA.
- 10. DHSC contacted the Commissioner on 2 May 2023 and asked for an extension to 18 May 2023.
- 11. This was refused but the Commissioner granted an extension to 10 May 2023.
- 12. DHSC contacted the Commissioner on 3 May 2023 and said that it would be able to respond by 12 May 2023 if it was allowed this additional time.
- 13. The Commissioner agreed to the final deadline of 12 May 2023 on 4 May 2023.
- 14. DHSC emailed the Commissioner on 12 May 2023 to say that it had been unable to respond and required additional time.
- 15. On 15 May 2023 the Commissioner wrote to DHSC and confirmed that no additional time could be permitted and he would now have to proceed to an Information Notice.

Information required

- 16. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that DHSC shall, within 30 calendar days of the date of this notice, furnish the Commissioner with the following information:
 - A copy of the remaining withheld information.
 - Submissions detailing how section 35(1)(a) of FOIA applies to the remaining withheld information. The submissions must explain what government policy the remaining withheld information relates to and how it relates to the formulation and development of this policy.
 - Explain how the public interest test was considered detailing the arguments it considered for and against disclosure and how it reached the view that the public interest lay in maintaining the exemption.



Failure to comply

17. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.



Right of appeal

18. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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

19. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

Signed

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