Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 October 2021

Public Authority: North Bristol NHS Foundation Trust
Address: Southmead Hospital
Southmead Road
Westbury-on-Trym
Bristol
BS10 5NB

Decision (including any steps ordered)

1. The complainant requested information from North Bristol NHS Foundation Trust relating to the physical assault of staff. By the date of this notice, the Trust had not provided a substantive response to the request.

2. The Commissioner's decision is that the Trust has failed to respond to the request within 20 working days and has therefore breached section 10 of the FOIA.

3. The Commissioner requires the Trust to take the following steps to ensure compliance with the legislation.

    - The Trust must issue a substantive response to the request in accordance with its obligations under the FOIA.

4. The Trust 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 21 June 2021, the complainant wrote to the Trust and requested information in the following terms:

"Under the Freedom of Information Act, please could you provide me with the following information (most likely as reported through the Security Incident Reporting System (SIRS)):

- *The total number of physical assaults on staff recorded in 2018/19, 2019/20, and 2020/21 (financial years from April to March)*
- *The total number of physical assaults on staff recorded that involved medical factors in 2018/19, 2019/20, and 2020/21*
- *The total number of times physical injury to staff was caused in 2018/19, 2019/20, and 2020/21*
- *The total number of times restraint was used following a physical assault on staff in 2018/19, 2019/20, and 2020/21*
- *The total number of times was seclusion used following a physical assault on staff in 2018/19, 2019/20, and 2020/21*
- *Total number of criminal sanctions applied in relation to physical assaults on staff in 2018/19, 2019/20, and 2020/21*
- *Total number of civil and administrative sanctions applied in relation to physical assaults on staff in 2018/19, 2019/20, and 2020/21*
- *The total number of times intended police action in relation to physical assaults on staff was recorded as charge in 2018/19, 2019/20, and 2020/21*
- *The total number of times intended police action in relation to physical assaults on staff was recorded as verbal warning in 2018/19, 2019/20, and 2020/21*
- *The total number of times intended police action in relation to physical assaults on staff was recorded as no action in 2018/19, 2019/20, and 2020/21*
- *The total number of times it was recorded that the victim did not want police to pursue the matter in relation to*

physical assaults on staff in 2018/19, 2019/20, and 2020/21

- *Total number of staff reported by the trust at March 31, 2019, March 31, 2020 and at March 31, 2021.*

Please provide this information as a spreadsheet or CSV file."

6. The Trust wrote to the complainant on 23 June 2021 to acknowledge the request.

7. On 3 August 2021, as the complainant had not received a response, she wrote to the Trust to ask for an update on the status of her request.

8. By the date of this notice, the Trust had not provided the complainant with a substantive response to her request.

Scope of the case

9. The complainant contacted the Commissioner on 2 September 2021 to complain about the Trust's failure to respond to her request.

10. The Commissioner contacted the Trust on 23 September 2021 reminding it of its responsibilities and asking it to provide a substantive response to the complainant within 10 working days.

11. The Commissioner also contacted the complainant on 23 September 2021 to explain that the Trust had been given 10 working days from that date within which to provide a response to their request.

12. The complainant has provided evidence that she has received an acknowledgement from the Trust but, by the date of this notice, had not received a substantive response to her information request.

13. The scope of this notice and the following analysis is to consider whether the Trust has complied with section 10 of the FOIA.

Reasons for decision

14. Section 1 of the 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.

15. Section 10 of the FOIA states that responses to requests made under the Act must be provided, "*promptly and in any event not later than the twentieth working day following the date of receipt.*"

16. The Trust did not provide a substantive response to the request within 20 working days of receipt. Therefore, the Commissioner's decision is that the Trust has breached section 10 of the FOIA.

Right of appeal

17. 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

18. 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.

19. 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 .....

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