

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 September 2017

Public Authority: NHS England
Address: 4N22 Quarry House
Quarry Hill
Leeds
LS2 7UE

Decision (including any steps ordered)

1. The complainant has requested information relating to the NHS England publication entitled "Next Steps on the NHS Five Year Forward View" published on 31 March 2017. NHS England has failed to respond to this request.
2. The Commissioner considers that NHS England breached section 10(1) FOIA in the handling of this request.
3. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - NHS England must provide the complainant with a response to this request in accordance with its obligations under FOIA.
4. The public authority 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 19 May 2017 the complainant made a request to NHS England, this is attached to this Notice.
6. NHS England has not responded to this request.

Scope of the case

7. The complainant contacted the Commissioner on 4 August 2017 to complain about the way his request for information had been handled.
8. The Commissioner has considered whether NHS England dealt with this request in accordance with its obligations under section 10(1) FOIA.

Reasons for decision

9. Section 10(1) provides that:

"Subject to subsections (2) and (3), a public authority must comply with section 1(1) promptly and in any event not later than the twentieth working day following the date of receipt."

10. Section 1(1) provides 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. The request was made on 19 May 2017 and a response has not yet been provided. The Commissioner therefore finds that NHS England breached section 10(1) in failing to respond within 20 working days.

Right of appeal

12. 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: 0300 1234504

Fax: 0870 739 5836

Email: GRC@hmcts.gsi.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. 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.
14. 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

Gemma Garvey
Senior Case Officer

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Annex A

FOIA request made on 19 May 2017:

I refer to the NHS England publication entitled "Next Steps on the NHS Five Year Forward View" published on 31 March 2017 and available on the NHS England website at:

<https://www.england.nhs.uk/publication/next-steps-on-the-nhs-five-year-forward-view/>

("the Report")

Page 18 of the Report states that NHS England has achieved the following: "560 new schemes completed and over 200 in progress to modernise GP surgery buildings, IT and equipment". Page 20 of the Report further states that "we have been investing steadily in upgrading primary care facilities, benefitting both patients and staff. Over 800 further infrastructure projects are identified for investment by 2019".

Pursuant to the Freedom of Information Act 2000, I would be grateful if you could provide answers to the following questions:

1. Of the 560 completed schemes referred to on page 18 of the Report, please confirm the number of schemes which involved the modernisation of:
 - a) GP surgery buildings;
 - b) IT; and
 - c) equipment.

We refer to the terms, "modernise", "IT" and "equipment" as those are the terms referred to in the Report. However, it is not entirely clear to us whether "modernise" encompasses both the upgrading and/or extension of an existing facility or the construction of a new building or whether "IT" consists of both hardware and software and whether "equipment" covers non-IT (such as medical equipment). Can you please clarify the meaning and scope of these terms when providing your response.

2. Of the 560 completed schemes referred to on page 18 of the Report, please confirm the total financial cost incurred in relation to the modernisation of each of:

- a) GP surgery buildings;
- b) IT; and
- c) equipment.

Please note we do not wish to know the total cost incurred in relation to each scheme. We wish to know the total breakdown of cost as between each category i.e. GP surgery buildings, IT and equipment.

3. Please specify the name and location of each GP surgery building which has been the subject of a completed modernisation scheme referred to in the Report.

4. With regards to the capital cost of the GP surgery buildings involved in the 560 completed schemes, please confirm the total amount of funding provided by each of public funding and private finance.

5. Please confirm:

- a) the name of each private entity involved in each completed GP surgery building modernisation scheme; and
- b) the amount of funding provided by each private entity in relation to each completed GP surgery building modernisation scheme.

6. Of the 200 ongoing schemes referred to on page 18 of the Report, please confirm how many of those schemes relate to the modernisation of:

- a) GP surgery buildings;
- b) IT; and
- c) equipment.

7. Of the 200 ongoing schemes referred to on page 18 of the Report, please confirm the total projected financial cost in relation to the modernisation of each of:

- a) GP surgery buildings;
- b) IT; and
- c) equipment.

Please note we do not wish to know the total projected cost for each scheme. We wish to know the total projected breakdown of cost as between each category i.e. GP surgery buildings, IT and equipment.

8. Please specify the name and location of each GP surgery building which is subject to an ongoing modernisation scheme referred to on page 18 of the Report.

9. With regards to the capital cost of the GP surgery buildings involved in the 200 ongoing schemes, please confirm the total amount of funding provided by each of public funding and private finance.

10. Please confirm:

- a) the name of each private entity involved in each ongoing GP surgery building modernisation scheme; and
- b) the amount of funding provided by each private entity in relation to each ongoing GP surgery building modernisation scheme.

11. Page 20 of the Report states that "Over 800 further infrastructure projects are identified for investment by 2019". How many of those infrastructure projects will relate to the modernisation of GP surgery buildings.