

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 15 May 2023

Public Authority: Dr Yaqub Hussain, Dr Mohammed Javed Khan, Dr Khalid Naeem, Dr Zubair Dalal, Dr Mazhar Khurshid, Dr Anwar Bham and Dr Feryal Siddique

Address: Mount Pleasant Medical Centre
69 Purlwell Lane
Batley
West Yorkshire
WF17 7PF

Decision (including any steps ordered)

1. The complainant requested information about the role of the reception manager at Mount Pleasant Medical Centre ("the Medical Centre"). By the date of this notice, the Medical Centre had not issued a substantive response to this request.
2. The Commissioner's decision is that the Medical Centre 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 Medical Centre to take the following step to ensure compliance with the legislation.
 - The Medical Centre must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Medical Centre 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

5. On 15 January 2023, the complainant wrote to the Medical Centre and requested information in the following terms:

"1) How many Practice Managers have there been since 2016 ?

2) How many times as the Reception manager applied for the post of Practice manager since 2016 ?

3) The Practice should be investing in its staff, therefore, what assistance is being provided to the Reception Manager for career progression ?

4) Does the reception manager set up and continually assess and evaluate systems, recommending changes and improvements to the practice manager as appropriate ?

5) Does the Reception manager develop and maintain Reception Hand Book (How to Guide) ?

6) Does the Reception Manager ensure communication systems are running smoothly, doctors and reception staff are kept fully informed of changes in procedures?

7) Does the Reception Manager ensure that Pigeon holes are marked when a doctor is on leave so that any correspondence is not left while the GP is off ?

8) Does the Reception Manager order stationery as required to include prescription paper and GP10 pads, ensuring that these are logged upon delivery and GP10 pads logged out to a GP ?

9) Does the Reception Manager ensure the Registration procedure is kept up-to-date and understood by reception staff and that it is carried out effectively and efficiently ?

10) Does the Reception Manager take overall responsibility for ensuring that home visit requests are allocated to a doctor after the agreed cut off period ?

11) Does the Reception Manager oversee delegation of general housekeeping duties ?

12) Does the Reception Manager oversee and delegate daily tasks e.g. chasing missing test results and notes, unusual queries, following through patient queries, registration difficulties ?

13) Does the Reception Manager provide hands on support to all reception staff ?

14) Does the Reception Manager assist in promoting and maintaining their own and others' health, safety and security as defined in the Practice Health & Safety Policy ?

15) Does the Reception Manager support the equality, diversity and rights of patients, carers and colleagues ?

16) Does the Reception Manager participate in any training programme implemented by the Practice as part of this employment?"

6. To date, a substantive response has not been issued.

Reasons for decision

7. 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."

8. 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".

9. On 21 April 2023 the Commissioner wrote to the Medical Centre reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.

10. Despite this intervention the Medical Centre has failed to respond to the complainant.

11. From the evidence provided to the Commissioner in this case, it is clear that the Medical Centre did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Medical Centre 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.

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: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.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

Michael Lea
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
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