

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 7 August 2023

Public Authority: Greater Manchester Mental Health NHS
Foundation Trust

Address: Trust Headquarters
Bury New Road
Prestwich
M25 3BL

Decision (including any steps ordered)

1. The complainant requested information about dealings with the Good Governance Institute. By the date of this notice Greater Manchester Mental Health NHS Foundation Trust ("the Trust") had not issued a substantive response to this request.
2. The Commissioner's decision is that the Trust 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 Trust to take the following step to ensure compliance with the legislation.
 - The Trust must provide a substantive response to the request in accordance with its obligations under FOIA.
4. The Trust 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 31 May 2023, the complainant wrote to the Trust and requested information in the following terms:

"Can I please request the following information under the Freedom of Information Act.

1) The total amount that the trust has spent on the Good Governance Institute's services since 2015.

2) A breakdown of the specific work that the Good Governance Institute has completed for the trust (e.g. well-led reviews).

3) The basis on which the trust chose the Good Governance Institute as an external facilitator for such reviews, should this be applicable."

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 18 July 2023 the Commissioner wrote to the Trust, 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 Trust has failed to respond to the complainant.

11. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in

accordance with FOIA. The Commissioner finds that the Trust 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

Amie Murray
Team Manager
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Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF