

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 28 May 2024

**Public Authority:** Greater Manchester Mental Health NHS Foundation Trust

**Address:** Trust Headquarters  
Bury New Road  
Prestwich  
M25 3BL

#### **Decision (including any steps ordered)**

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1. The complainant requested information from Greater Manchester Mental Health NHS Foundation Trust (the public authority). By the date of this notice the public authority had not issued a substantive response to this request.
2. The Commissioner's decision is that the Greater Manchester Mental Health NHS Foundation 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 public authority to take the following step to ensure compliance with the legislation.
  - The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.<sup>1</sup>
4. The public authority must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the

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<sup>1</sup> The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

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

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5. On 8 March 2024, the complainant wrote to the public authority and requested information in the following terms:

"The minutes of the GMMH Board of Directors Part 1 meeting on 11/1/24 contain the Chair's Highlight Report of the Quality Assurance Committee (QAC) held on 14/12/23.

Page three of the QAC Chair's report states:

*"Q2 Service User and Carer Engagement Report*

*...Committee was also appraised of the structure that is being developed to strengthen the service user engagement within GMMH."*

Under the Freedom of Information Act, I would like to request the following information:

- Any written information and internally held documents which were used to support this briefing to the QAC.
- Any additional internally held documents (including draft briefing papers and draft proposals) from 1/4/23 until 29/2/24 which describe the structure of and attempts to strengthen the service user engagement within GMMH.
- Any internally held documents (including draft briefing papers and proposals) from 1/4/23 until 29/2/24 which describe the structure of and attempts to develop a representative Service User and/or Carer Council.
  - Please indicate what input to these documents, including consultation, has been given by service users or carers to the production of these documents.
  - Please indicate what service user and carer input, including consultation, has contributed to the development of the Terms of Reference any proposed Council.

- Please indicate if any service users or carers have already been selected to be on a proposed Council, and if so, if they have been informed of that.”

## Reasons for decision

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6. 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.”

7. 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”.

8. On 7 May 2024 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant’s request within 10 working days.

9. Despite this intervention the public authority has failed to respond to the complainant.

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

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11. 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](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

12. 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.
13. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Roger Cawthorne**  
**Acting Team Manager – FOI Complaints**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**