

## **Freedom of Information Act 2000 (Section 51)**

### **Information notice**

**Date:** 20 December 2023

**Public Authority:** North Middlesex University Hospital NHS Trust  
**Address:** Sterling Way  
London  
N18 1QX

### **Section 51**

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Under section 51 of the Freedom of Information Act 2000 (FOIA), which is set out below, the Information Commissioner (the Commissioner) has the power to serve a notice on a public authority requiring it to furnish him with any information he requires to enforce the requirements of FOIA.

51. – (1) If the Commissioner –

(a) has received an application under section 50, ...

he may serve the authority with a notice (in FOIA referred to as “an information notice”) requiring it, within such time as is specified in the notice, to furnish the Commissioner, in such form as may be so specified, with such information relating to the application, to compliance with Part I or to conformity with the code of practice as is so specified.

### **Application under section 50**

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1. The Commissioner has received an application under section 50, reference IC-259297-P0P9, for a decision whether a request for information made by the complainant to North Middlesex University Hospital NHS Trust (the Trust) on 14 April 2023, has been dealt with in accordance with the requirements of Part I of FOIA.

## Nature of complaint

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2. The complainant submitted the following request to the Trust on 14 April 2023:

“I am submitting a Freedom of Information request relating to Multi Disciplinary Team Working within the ASU (Acute Stroke Unit) and Supervisor details for an OTA.

  - 1) Require a breakdown of who would be included in this team and if this is based on what condition the patient is suffering from.
  - 2) How they collaborate together when dealing with patients, how are records updated, do they have discussions each day about patients and if so where would these discussions be recorded and how could a copy of these records be obtained relating to a deceased family member if the records department do not have a copy.
  - 3) Who do junior members of staff report to within the team e.g who would an OTA/PTA (Occupational Therapist Assistant/Physio Therapist Assistant) report to.
  - 4) Who on the team would be ultimately responsible for ensuring the discharge criteria for a patient had been met before allowing the discharge to proceed and would a junior member of staff e.g. OTA, PTA or junior staff nurse have to check with their supervisor before allowing a patient to be discharged.
  - 5) Request for who would have been the Occupational Therapist supervisor on 18th & 19th January 2021 in charge of [redacted] who was an OTA. This information is needed in order to be able to raise a concern with the HCPC so either a name or registration number of this person is required. If this cannot be provided via a freedom of information request, can you then please advise where this information can be requested from.”
3. The Trust responded on 24 July 2023 and provided some information in response to each of the 5 parts of the request.
4. The complainant contacted the Trust on 24 July 2023 and asked it to conduct an internal review, in particular they challenged the Trust’s response to parts 2 and 4 of the request. The Commissioner understands that the Trust did not provide a response to the internal review request.
5. The complainant contacted the Commissioner on 20 September 2023 in order to complain about the Trust’s handling of their request. Their

grounds for complaint related to the outstanding internal review, and their dissatisfaction with the responses that the Trust had provided to parts 2 and 4 of the request.

6. The Commissioner wrote to the Trust on 3 October 2023 advising that he had accepted the complaint for investigation without the internal review, as it had been over 40 working days since the complainant had requested it.
7. The Trust responded on 17 November 2023 and stated that it had responded to the complainant on 24 July 2023, therefore it considered the matter to be closed.
8. The Commissioner wrote to the Trust again on 20 November 2023, advising that he considered the matter to be open and ongoing, and asked it to reconsider its responses to parts 2 and 4 of the request, and to provide him with its full and final position by answering all of the questions set out in his letter. The Commissioner asked the Trust to respond within 10 working days, ie by 4 December 2023.
9. The Commissioner contacted the Trust again on 8 December 2023 reminding it that its response to his letter was overdue.
10. By the date of this notice, the Trust has neither acknowledged nor responded to the Commissioner's correspondence of either 20 November 2023 or 8 December 2023.

### **Information required**

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11. In view of the matters described above the Commissioner hereby gives notice that in the exercise of his powers under section 51 of FOIA he requires that the Trust shall, within 30 calendar days of the date of this notice, furnish the Commissioner with a copy of the following information:
  - A full substantive response to his letter of 20 November 2023

### **Failure to comply**

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12. Failure to comply with the steps described above may result in the Commissioner making written certification of this fact to the High Court (or the Court of Session in Scotland) pursuant to section 54 of FOIA, and may be dealt with as a contempt of court.

## Right of appeal

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13. There is a right of appeal against this information notice to the First-tier Tribunal (Information Rights). Information about the appeals process can 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)

14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this information notice is sent. If Notice of Appeal is served late the Tribunal will not accept it unless it is of the opinion that it is just and right to do so by reason of special circumstances.

**Signed .....**

**Michael Lea**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**