

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 17 September 2020

Public Authority: Gloucestershire Hospital NHS Foundation Trust
(the Trust)

Address: Cheltenham General Hospital
Sandford Road
Cheltenham
GL53 7AN

Decision (including any steps ordered)

1. The complainant has requested information relating to which ward a particular consultant transferred from before working on another specified ward. The Trust initially refused to confirm or deny whether the requested information was held under section 40(5) FOIA. Subsequently, during the Commissioner's investigation it confirmed that it did not hold the requested information under section 1(1)(a) FOIA.
2. The Commissioner considers that on the balance of probabilities, there is no recorded information held by the Trust under section 1(1)(a) FOIA falling within the scope of the request.
3. The Commissioner requires no steps to be taken.

Request and response

4. On 2 April 2019 the complainant requested information of the following description:

"from which ward [named doctor] transferred from to Woodmancote Ward."
5. On 8 May 2019 the Trust responded. It refused to confirm or deny whether the requested information was held under section 40(5) FOIA.

6. The complainant requested an internal review on 11 May 2019. The Trust sent the outcome of its internal review on 23 July 2019. It refused to disclose the requested information under section 40(2) FOIA.

Scope of the case

7. The complainant contacted the Commissioner to complain about the way his request for information had been handled.
8. During the course of the Commissioner's investigation the Trust amended its position. On 17 October 2019 it wrote to the complainant to confirm that the requested information was not held.
9. The Commissioner has considered whether any recorded information is held by the Trust under section 1(1)(a) FOIA falling within the scope of the request.

Reasons for decision

10. Section 1(1)(a) of FOIA states that, "Any person making a request for information to a public authority is entitled – to be informed in writing by the public authority whether it holds information of the description specified in the request". Section 1(1)(b) of FOIA states that, "If that is the case, to have that information communicated to him".
11. The Trust first searched the named doctor's personnel file to determine whether the requested information was recorded there. No recorded information was located relating to a transfer to Woodmancote Ward.
12. The Trust explained that it asked the named doctor if they were aware of the previous ward she had worked on and whilst the named doctor could recall this information from memory, the Trust does not consider this to be recorded information held for the purposes of FOIA.
13. In terms of whether recorded information is held regarding which ward a consultant is attached to, the Trust explained that although consultants can have 'base' wards (ie wards which they regard as their 'base'), these can change frequently for many reasons. It is possible for consultants to make personal arrangements with other consultant colleagues to exchange base wards due to operational pressures, decisions and professional preferences. Additionally, the COTE (care of the elderly) wards themselves can change geographical location within the Trust,

medical staff can look after COTE patients located on non-COTE wards, and will also routinely cover leave and absences of consultant colleagues on other wards. Service reconfigurations also require changes in staffing and changes of the location in which those colleagues are working. Consultants do not therefore have an allocated ward so there is no formal recorded transfer system between wards.

14. The Complainant does not accept that the Trust does not record ward transfer information. He telephoned two wards within the Trust and asked staff questions regarding consultant allocation to wards. He asked for the name of head ward consultants on the wards and was provided with a name. He provided the Commissioner with a transcript of the calls as evidence that the requested information was held by the Trust.
15. The Commissioner provided the transcript to the Trust and asked whether it remained of the position that the requested information was not held.
16. The Trust argued that the 'transcript' does not represent recorded information held by the Trust. Notwithstanding this, the Trust has considered this document and confirmed that the contents does not change the Trust's position that the role of 'Head Ward Doctor' or 'main ward consultants' do not exist and it does not hold information regarding consultant ward allocation. Instead it argued that the transcript sets out information allegedly obtained from unnamed staff members, who at the time were undoubtedly very busy working on COVID wards in the middle of a global pandemic. In the circumstances, the Trust considers that the calls were entirely inappropriate and unreasonable.
17. The Trust has taken the opportunity to obtain further information regarding the issue of 'Head Ward Doctor' and discussed this matter with the Medical Director at the Trust who confirmed that 'Head Ward doctors' do not exist.
18. As consultants are not formally attached to wards, the Trust does not hold information regarding the ward the named doctor transferred from to Woodmancote Ward.
19. Based upon the Trust's submissions, it has confirmed that COTE wards are not dedicated to one ward consultant, whether a 'Head Ward' doctor or a nominated 'main ward consultant'. Whilst the Commissioner acknowledges the complainant's position that there is a named dedicated Ward Consultant based upon his previous contact with the Trust, the Trust's position has been made clear to the Commissioner as the asset owners and following further enquiries conducted during the Commissioner's investigation. The request was for what ward the named

doctor transferred from to Woodmancote Ward, whilst the named doctor can recall a ward worked on prior to Woodmancote, this maybe the ward regarded as the named doctors base ward rather than a formal allocation and in any event is not recorded information held by the Trust. Despite the conflicting position of the Trust and the complainant, the Commissioner can only conclude on the balance of probabilities, that recorded information is not held under section 1(1)(a) FOIA.

Right of appeal

20. 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@justice.gov.uk

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

21. 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.
22. 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