

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 8 June 2023

Public Authority: NHS England
Address: Quarry House
Quarry Hill
Leeds
LS2 7UE

Decision (including any steps ordered)

1. The complainant requested information about vascular services at NHS hospitals. By the date of this notice, NHS England (“the public authority”) had not issued a substantive response to this request.
2. The Commissioner’s decision is that the public authority 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.
4. The public authority 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 25 March 2023, the complainant wrote to the public authority and requested information in the following terms:

"Regarding the Specialised vascular services (adults) 170004/S document available at the following location:

<https://www.england.nhs.uk/wp-content/uploads/2017/06/specialised-vascular-services-service-specification-adults.pdf>

On page Six of this document under the heading of "Vascular Networks" the first sentence reads:

"All Trusts that provide a vascular service must belong to a vascular provider network."

My questions/request all evolve around the above sentence and NHS Trust Hospitals within England only.

1. Can an NHS Trust Hospital that works with a Main Arterial Centre (Hub) that would be classed as a Spoke (non-arterial centre) within what normally would be classed as a hub and spoke model offer non-private vascular services to the general UK public without being in a "vascular provider network" as the service specification seems to stipulate?

2. If it is possible for a non-arterial centre to offer vascular services without being in a "vascular provider network", does this then preclude the Trust from being subject to parts of the aforementioned document/specifications that would normally be applicable to the non-arterial centres?

3. Is there another vascular service specification document that you can provide me with that is applicable to non-arterial centres (that offer vascular services) but who are not part of a "vascular provider network"?

4. Can you please provide a list of all the NHS Trust Hospitals (non-arterial centres) within the Midlands region that offer vascular services that are not part of a vascular provider network.

5. If it is not allowed for a non-arterial centre to offer vascular services without being in a "vascular provider network" (or without any applicable approvals), can you then provide me with any applicable document(s) that explains what actions would be applicable to the NHS Trust Hospital that breaches this rule and/or applicable to this scenario.
 6. Please can you provide me with the list of any NHS Trust Hospitals (non-arterial centres) in the Midlands region that NHS England has given special approval to, in order for them to offer vascular services without the need of being in a "vascular provider network".
6. The above request was sent by email to the public authority at the address shown on its website. The public authority acknowledged the request by providing a reference number but, 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 22 May 2023, 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.
10. Despite this intervention, the public authority has failed to respond to the complainant.

11. 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

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
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF