

FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

Requirement for Review/Complaints Procedure

Introduction

Public bodies subject to the Freedom of Information (Scotland) Act 2002 are required to set up specific procedures to allow an individual¹ who is dissatisfied in any way with a decision taken by the organisation on the provision of information to require internal review of decisions taken.

This note sets out the procedure followed by NHS Greater Glasgow and Clyde where someone is dissatisfied.

Under the Freedom of Information (Scotland) Act 2002, this procedure is known as a "requirement for review". A requirement for review can arise in a number of circumstances including (but not limited to):-

- (a) where we indicate that we do not hold information, but the individual believes we do; or
- (b) where the individual feels that we have not provided the advice and assistance we should have done; or
- (c) where we have refused to provide information; or
- (d) where we have failed to reply to a request for information; or
- (e) where the individual feels the charge for providing information is higher than it should be.

If the applicant is dissatisfied in anyway he can require us to review the way the request was handled or the decision reached.

Timescale

A requirement for review should be submitted in writing (or other permanent form) within 40 working days of either:-

- the day the individual actually received a response from the authority; or
- the end of the period within which the authority should have replied to a request.

We have the discretion to consider requests for review received beyond this timescale.

¹ **Reference to an individual is to any person or organisation that makes a request for information.**

Submission of Requirement for Review

Where a response is made to an individual requesting information the response must state the name, designation and contact address and e-mail address of the individual within the organisation to whom any request for review is to be submitted. If no person is named then the request for review may be submitted to:-

John C Hamilton
Head of Board Administration
NHS Greater Glasgow & Clyde
J B Russell House
Gartnavel Royal Hospital
1055 Great Western Road
GLASGOW
G12 0XH

Tel: 0141 201 4608
Fax: 0141 201 4601
E-mail: xxx@xxx.xxxx.nhs.uk

A brief statement explaining why the individual feels aggrieved at the decision taken by the organisation should accompany any request for review.

Review Procedure

The review procedure is to be accessible, prompt, fair and impartial. It may result in a different decision to that originally taken being made and will be binding on the organisation.

Requests for review have to be processed swiftly within a maximum timescale of 20 working days.

1. The **recipient** of a requirement for review request will:-
 - (a) acknowledge its receipt within 2 working days and confirm that a reply will be sent within 20 working days;
 - (b) on the same day as acknowledging receipt, notify the person who made the original decision that a requirement for review has been received, supply to that individual a copy of any statement in support received from the aggrieved applicant and invite that individual to comment on the decision reached within 3 working days.
2. The **recipient** shall send within 5 working days of his/her acknowledgement:-
 - (a) the request, together with
 - (b) any response received by the individual who made the original decision to a designated **Non-executive Member of the Board**.
3. The **Non-executive** shall be asked to review the documentation received and (in consultation with such persons as he feels appropriate who were not involved in the original decision) consider the request for review and reach a decision on that request within 5 working days of his receipt of that request.

4. The **Non-executive** shall notify the **recipient** of his/her decision and the reason for that decision in writing within those 5 working days. Assistance in framing the response will be provided, if required, by the FOI contacts set out in paragraph 13 of the Publication Scheme.
5. The **recipient** of the request shall then ensure that:-
 - (a) the decision is conveyed in writing to the applicant within 3 working days;
 - (b) if the applicant has been unfairly treated, an apology is offered on behalf of the organisation;
 - (c) any remedial action (e.g. provision of information requested where appropriate) is sent to the applicant without delay so as to be received within the 20-day timescale for reviewing the request;
 - (d) the applicant is advised of his right to raise the matter further with the Scottish Information Commissioner if he remains dissatisfied with the decision of the organisation. In advising of this right, the applicant should be given details of the contact address and e-mail address of the Commissioner at:-

Kevin Dunion OBE
Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
ST ANDREWS
Fife KY16 9DS

Tel: 01334 464610
E-Mail: enquiries@itspublicknowledge.info

- (e) procedures are reviewed in consultation with the person with overall responsibility for Freedom of Information within the Board or Division concerned so that the organisation learns from the decisions reached on review.

Assistance to Applicants

Under the spirit of the Freedom of Information (Scotland) Act 2002 the recipient of a request for review should provide assistance, if required, to any applicant who seeks it. He/she should also ensure that the needs of persons with a disability within the terms of the Disability Discrimination Act 1995 are not unfairly disadvantaged as a consequence of the procedure described above and shall make appropriate adjustments to the procedure where appropriate under the terms of this Act.