



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London
SW1H 0EU

www.gov.uk/dhsc

Mathew5
request-428231-7a1ae473@whatdotheyknow.com

12 March 2018

Annex A: DHSC response to initial request dated 6 November 2017
Annex B: Request for internal review dated 12 February 2018

Dear Mathew

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1101300

You originally wrote to the Department of Health and Social Care (DHSC) on 10 October 2017 requesting information relating to 'racism within the NHS'. We responded to you on 6 November 2017 (Ref FOI 1101300) explaining that under section 8(1) of the FOIA we were not obliged to process your request because you had not provided your full name. A copy of our response, including the full text of your request is at Annex A.

You subsequently emailed DHSC on 12 February 2018 requesting an Internal Review into the handling of your original request. A copy of your email is at Annex B.

The purpose of an Internal Review is to assess how your FOI request was handled in the first instance and to determine whether the original decision given to you was correct. This is an independent review as I was not involved in the original decision.

I have taken the opportunity to reconsider your request and its previous handling. I have decided to uphold DHSC's position in not processing your request under section 8(1) as you had not provided your full name.

As previously explained, to enable us to process your request you will need to provide us with your full name, normally your first name or title and your surname.

Conclusion

After careful consideration I have concluded that the response you received as part of your FOI request was compliant with the requirements of the FOIA.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Department. The ICO can be contacted at:

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

<https://ico.org.uk/concerns>

Yours sincerely

James Shewbridge
Casework Manager
FreedomOfInformation@dh.gsi.gov.uk

Annex A

Dear Matthew

Freedom of Information Request Reference FOI-1101300

Thank you for your request dated X October in which you asked the Department of Health (DH):

*"Dear Department of Health,
Thanks for your response.*

I presented a couple of queries. Your response of September addresses both collectively adding, thatmy queries do not fall under the provision of the Act.... You go on to explain what should happen:the Department of Health expects that all people seeking care should receive the highest standard of treatment and without prejudice.... and also that, complaints should be made to the NHS organisation concerned. Thank you.

My first query read: Has the government compiled a set of guidelines to assist ethnic minorities subject to racism within the health services?

Further to your response, I wish to add the following: it is very often the case the problem is widespread; that's to say, not necessarily something resolvable locally. Ultimately the complainant is expected to exhaust local complaints procedures before escalating the matter outside local jurisdiction. At this time of course, the complainant may have already prejudiced themselves. That the Department recognises such things, would it kindly identify title/s of any policy (or other) document/s? That it holds no provision, would you kindly confirm.

My second query reads: Does the government condone the practice of 'herding patients' between health practices according to colour or social standing?

After reading again my query again, I reword it so: Does the government recognise the practice of 'herding patients' between health practices according to colour or, social standing? That the Department recognises such things, would it kindly identify the title/s of any policy document? Otherwise, would you kindly confirm.

With respect, my FOI query is not one about identifying prescribed routes of complaint or the complaints process. This is an FOI query and under section 16 of the Act you are '....obliged to provide advice and assistance....' "

Please note, under section 8(1) of FOIA, a request for information must comply with three requirements. It must:

- (a) be in writing,
- (b) state the name of the applicant and an address for correspondence, and
- (c) describes the information requested.

After initial consideration, this request appears to comply with requirements (a) and (c) but it does not comply with requirement (b) because you have not provided your full name. As your request is not valid under FOIA, I am not obliged to process your request. I would like to take this opportunity to recommend that any future FOI submissions adhere to Section 8 of the FOIA.

To enable us to meet your request, please resubmit your application including your real name. This should normally include your first name or a title (e.g. Miss or Dr) as well as your surname.

We will consider your resubmitted request upon receipt as long as it meets the requirements stated above. You will then receive a response from us within the statutory timescale of 20 working days.

Please be aware that we cannot guarantee at this stage that a clarified request will fall within the FOIA cost limit, or that other exemptions will not apply.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the address at the top of this letter, or the email address at the end of this letter.

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner (ICO) who may decide to investigate your concerns. Generally, the ICO cannot make a decision unless you have already appealed our original response, and received our internal review response. The ICO will not usually investigate concerns where there has been an undue delay in bringing it to their attention. You should raise your concerns with them within three months of your last meaningful contact with us.

The ICO can be contacted at:

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

<https://ico.org.uk/concerns/>

Yours sincerely,
Edward Franklyn
Freedom of Information Officer
FreedomOfInformation@dh.gsi.gov.uk

Annex B

-----Original Message-----

From: mathew5 [<mailto:request-428231-7a1ae473@whatdotheyknow.com>]

Sent: 12 February 2018 13:23

To: FreedomofInformation

Subject: Internal review of Freedom of Information request - racism within the NHS

Dear Department of Health and Social Care,

Please pass this on to the person who conducts Freedom of Information reviews. I am writing to request an internal review of Department of Health and Social Care's handling of my FOI request 'racism within the NHS'.

Having not secured response it's unclear whether or not you received my query or prefer not to handle it. Given that it's been recorded 'delivered', I'm guessing the latter be true so, being the case, would you but kindly confirm you wish not to deal with it. Heres the query:

.....mathew5 13 December 2017

Delivered

Dear Department of Health,

Thanks for your message.

Given the nature of my query, I'm not so keen to supply personal details on this occasion: doing so may prejudice me. I'm guessing you understand this nonetheless demand personal information. For my information, do you recognise my reservation in supplying you such detail? This is an FOI query and under section 16 of the Act you are '....obliged to provide advice and assistance....'

Yours faithfully,

mathew5