

## NHS GREATER GLASGOW & CLYDE

### Requirement for Review by Mr William Smith of a Request for Information under the Freedom of Information (Scotland) Act 2002 (FOISA)

Date of request for information	6 November 2017
Date of response to request for information	5 December 2017
Datix Reference number of Request	13299
Datix Reference number of Review	13419
Date of request for review	6 December 2017
Review outcome due date	9 January 2018
<b>Subject matter of review:</b> Review of the response of NHS Greater Glasgow and Clyde to Mr Smith's request for information regarding liaison psychiatry service redesign	

#### 1. Mr Smith's Request for Information

- 1.1 A request for information was made by Mr Smith in an email sent on 6 November 2017 to the email address of the FOI team of NHS Greater Glasgow and Clyde (NHSGGC) at [foi@ggc.scot.nhs.uk](mailto:foi@ggc.scot.nhs.uk)
- 1.2 The subject matter of the request related to mental health services. The request was therefore forwarded to Mrs Margaret-Ann MacLachlan, Litigation and Risk Manager for Glasgow City Health and Social Care Partnership (HSCP), being the person nominated to deal with requests under FOISA for these services.
- 1.3 Receipt of Mr Smith's request was acknowledged by email on 8 November 2017
- 1.4 Mr Smith's request was worded as follows:

*I write to make a freedom of information request regards service redesign of the Liaison Psychiatry provision within Glasgow.*

*Point 4 of the NHS GGC document <http://www.nhsggc.org.uk/media/235271/ce...> states, 4. Workforce planning is a statutory requirement and was established in NHSScotland (NHSS) in 2005 with the issuing of HDL (2005)52 "National Workforce Planning Framework 2005 Guidance".*

*Therefore I wish the minutes of meetings that the Board considered the redesign of the Liaison Psychiatry service within Glasgow.*

*Notes, papers & emails on the rational for the redesign of the Liaison Psychiatry service within Glasgow by either the Board or the management of Liaison Psychiatry.*

*Minutes, dates and times of meetings discussing redesign of the Liaison Psychiatry service within Glasgow.*

*A copy of any questionnaire or email asking the service users or clinical staff in other departments their views to a change in the Liaison Psychiatry service provided?*

*The replies received (redacted to protect identities)*

*I also wish copies of all posts advertised within the last 12 months for vacancies within the Liaison Psychiatry service within Glasgow. Including permanent and temporary posts.*

*If those posts were advertised openly or internally?*

*Did they comply with the Boards Recruitment Process Guidance for Hiring Managers?*

*Were the posts filled at the current Band required to work in Liaison Psychiatry?*

*If not why as service redesign has not been agreed or completed or has it?*

*Were any bank staff appointed to work within Liaison Psychiatry?*

*What grade were they taken on at i.e. 5, 6 or 7?*

*Did this comply with the NHSGCC policy on use of bank workers being hired at the appropriate band?*

*Regards the Liaison Psychiatry service redesign. Is there a reduction in the service to the public by;*

*1. Using less Advanced specialists*

*2. Using lower grade staff to make diagnosis.*

*Lastly I realise that my FOI is complex but wish you to note that I wish the Board executive to request the information that they do not have at hand rather than putting the whole FOI in the hands of the Liaison Psychiatry department.*

## **2. Response to Mr Smith's Request for Information**

2.1 A response was issued to Mr Smith by email on 5 December 2017, which included a number of attached documents: These were:

Attachment 1, containing:

- Agenda: NHSGCC Unscheduled Care for MH Steering Group (26 January 2017);
- Action Note: Unscheduled Care for MH Steering Group (26 January 2017);
- Action Note: Unscheduled Care for MH Steering Group (15 March 2017);
- Agenda: Unscheduled Care for MH Steering Group (29 May 2017);
- Action Note: Unscheduled Care for MH Steering Group (29 May 2017);
- Agenda: Unscheduled Care for MH Steering Group (6 September 2017);
- Action Note: Unscheduled Care for MH Steering Group (6 September 2017);
- Agenda: Unscheduled Care for MH Steering Group (1 November 2017);

Attachment 2, containing:

- Briefing Note: Glasgow Adult Mental Health Liaison Service – Extension of service to cover evening and weekends to Emergency Departments (30 June 2015);

Attachment 3, containing:

- Minute of Meeting: Emergency Department Unscheduled Care Liaison (1 August 2017);

Attachment 4, containing:

- Paper: Glasgow Mental Health Liaison Service – Improving Service Access;

Attachment 5, containing:

- Terms of Reference: Glasgow City HSCP Review of NHSGCC Unscheduled Care for Mental Health – Steering Group;

Attachment 6, containing:

- Report: Review of NHSGCC Unscheduled Care for Mental Health – Crisis, OOH and Liaison Sub Group – Liaison Short Life Working Group - 21 02 2017;
- Minutes of a meeting: Unscheduled Care Review Sub Group for Liaison, OOH and Emergency Medicine 05 09 2017;

Attachment 7, containing:

- Excel spreadsheet: List of Psychiatry liaison vacancies;

Attachment 8, containing:

- Service Redesign further information;

Attachment 9, containing:

- Requirement for Review procedure note;

Attachment 10, containing:

- Requirement for Review request form.

2.2 The response advised Mr Smith of his right to request a review under FOISA, and provided him with a note of the Board's procedure for considering reviews (Attachments 9 & 10). The letter also advised Mr Smith that if he wished to request a review he should write to Mr John Hamilton, Head of Administration, at the address details provided.

### 3. Request for Review

3.1 On 6 December 2017, Mr Smith wrote to the email address of NHSGGC ([foi@ggc.scot.nhs.uk](mailto:foi@ggc.scot.nhs.uk)) to request a review of the response provided by the Litigation and Risk Manager.

3.2 Mr Smith's request for review was set out in the following terms:

*Please pass this on to the person who conducts Freedom of Information reviews.*

*I am writing to request an internal review of Greater Glasgow NHS Board's handling of my FOI request 'Service redesign'.*

*Having viewed the information that has been sent you have failed to answer many parts of my requests for information. Therefore please furnish me with the following points that have been ignored.*

*1. I requested minutes of Board meetings about the service redesign?*

*2. Evidence of service user involvement?*

*3. A copy of any questionnaire or email asking the service users or clinical staff in other departments their views to a change in the Liaison Psychiatry service provided?*

*4. I also wish copies of all posts advertised within the last 12 months for vacancies within the Liaison Psychiatry service within Glasgow. Including permanent and temporary posts.*

*5. Were the posts filled at the current Band required to work in Liaison Psychiatry?*

*If not why as service redesign has not been agreed or completed or has it?*

*6. Were any bank staff appointed to work within Liaison Psychiatry?*

*What grade were they taken on at i.e. 5, 6 or 7?*

*Did this comply with the NHSGCC policy on use of bank workers being hired at the appropriate band?*

*7. Regards the Liaison Psychiatry service redesign. Is there a reduction in the service to the public by; 1. Using less Advanced specialists 2. Using lower grade staff to make diagnosis.*

3.3 Receipt of Mr Smith's request for review was acknowledged in an email dated 8 December 2017, by Mrs Alison Flynn Freedom of Information Manager, on behalf of Mr John Hamilton, Head of Administration for NHSGGC.

### 4. Procedure for Review and Relevant Information

4.1 The purpose of a request for review under the Freedom of Information (Scotland) Act 2002 (the Act) is to enable the relevant Scottish public authority to review its decision made on a request for information under FOISA.

4.2 In reviewing the decision on the request, I am required to follow Section 21 of the Act and the FOI Complaints Procedure adopted by the Health Board at its meeting on 20 July 2004. That procedure allows for a Non-Executive Member to consider the relevant information.

4.3 I have consulted with a Freedom of Information Adviser not directly involved in formulating the original response to Mr Smith, who has drawn my attention to the requirements of the Act and advised me on procedure. The conclusion I reach may be to:-

- (a) confirm a decision complained of, with or without such modifications, as I consider appropriate;
- (b) substitute for any decision a different decision; or
- (c) reach a decision, where the complaint is that no decision has been reached.

4.4 I set out my findings below. For the sake of clarity, it may be appropriate for the terms of this note to be forwarded in its entirety to Mr Smith under cover of an appropriate letter from NHSGGC which should set out his rights to pursue matters with the Scottish Information Commissioner if he remains dissatisfied with the outcome of this Review. By my calculations, a response to the Review should have been sent to Mr Smith within 20 working days from the day following its receipt. Allowing for Scottish bank/public holidays recognised by the Scottish Information Commissioner over the Christmas and New Year period, I calculate that Mr Smith is due to receive a response no later than 9 January 2018.

## 5. Review Investigation

5.1 The response provided to Mr Smith was in the form of an email. The response re-stated the items of information requested by Mr Smith and advised him that *“Your enquiry is being treated under our procedures for responding to requests for information under the Freedom of Information (Scotland) Act 2002 and our response is attached.”*

5.2 Although a number of documents were attached, the response did not identify what these attachments were, or specify which parts of Mr Smith’s request they were intended to answer. It is perhaps understandable then, that Mr Smith felt that he had not received all the information that he requested.

5.3 In addition, a significant amount of information was redacted from a number of documents. Although the redacted information appears to be names of individuals, no explanation has been offered as to why this information has been withheld, and no exemption under FOISA has been relied on in order to do so.

5.4 I have reviewed the information provided to Mr Smith against the questions set out in his Review submission, in order to try and address his specific concerns.

### 5.5 Review Question 1 – Minutes of Board meetings about the [Liaison Psychiatry] service redesign

Many issues are discussed at Board level, mainly those that will have a widespread effect on the delivery of healthcare within NHSGGC or the organisation as a whole. These are generally issues that require Board approval. While the importance of the Liaison Psychiatry service should not be underestimated, this particular issue was not discussed at meetings of the NHSGGC Board. This should have been clearly explained to Mr Smith together with formal notification under Section 17 of FOISA that the information relating to this part of his request was not held by NHSGGC.

### 5.6 Review Question 2 – Evidence of service user involvement AND Review Question 3 - A copy of any questionnaire or email asking the service users or clinical staff in other departments their views to a change in the Liaison Psychiatry service provided?

Within the information provided to Mr Smith, there is no indication that any of it specifically relates to information that shows evidence of service user involvement. There is reference to an original scoping exercise in which staff may have been involved but enquiries with the service have not produced any additional information. It is not clear whether this is because recorded information does not exist, or because incomplete searches have been carried out. Further information, or confirmation that this does not exist, is awaited and the outcome of this will be notified to Mr Smith as soon as possible.

- 5.7 Review Question 4 – Copies of all posts advertised within the last 12 months for vacancies within the Liaison Psychiatry service within Glasgow. Including permanent and temporary posts.  
Further enquiries have been made with the Recruitment service of NHSGGC. At the time of Mr Smith's original request, a report was generated by the Recruitment which identified a total of 22 posts relating to Psychiatry. Mr Smith was originally provided with a spreadsheet which provided details of three posts. One of the posts has since been identified as not being within the GLPS. Therefore there are only two posts advertised within the last 12 months that relate to Liaison Psychiatry. Copies of the application packs for both these posts have been obtained and will now be made available to Mr Smith. The posts were publicly advertised on the NHSGGC website and the NHS Scotland recruitment website.
- 5.8 Review Question 5 - Were the posts filled at the current Band required to work in Liaison Psychiatry? If not why as service redesign has not been agreed or completed or has it?  
Vacant posts are filled consistent with grades and bands across the board area. The two vacant posts identified were advertised at Band 6 as shown within the application packs.
- 5.9 Review Question 6 - Were any bank staff appointed to work within Liaison Psychiatry? What grade were they taken on at i.e. 5, 6 or 7? Did this comply with the NHSGCC policy on use of bank workers being hired at the appropriate band?  
From my review of the email correspondence relating to Mr Smith's FOI request, it would appear that bank staff deployed would be consistent with banding across NHSGGC liaison services.
- 5.10 Review Question 7 – Is there a reduction in the service to the public by; 1. Using less Advanced specialists 2. Using lower grade staff to make diagnosis.  
From my review of the email correspondence relating to Mr Smith's FOI request, there is no recorded information specific to a reduction in the service by either of the means suggested by Mr Smith. However I am advised that redesign of the Liaison Psychiatry service is incomplete, as it is part of an NHSGGC-wide review of unscheduled and out of hours care.

## 6. **Conclusion**

- 6.1 It would appear that NHSGGC's response to Mr Smith of 5 December 2017 unfortunately did not provide a suitable explanation of the information that was included with the response. A number of attachments were provided to Mr Smith, but the response did not list the information provided or identify which part of Mr Smith's request the information was intended to answer.
- 6.2 The response also did not meet the technical requirements of FOISA, as it failed to identify the information which was not held, and did not provide appropriate notification of this under the relevant section of the Act.
- 6.3 Information in the form of names of individuals present at meetings was also withheld, but no appropriate explanation or reference to a specific exemption of FOISA was provided to account for this.

## 7. **Recommendations**

- 7.1 Mr Smith should be offered an apology that he was not provided with a response of sufficient clarity or explanation.
- 7.2 Mr Smith should be provided with an amended response together with all the relevant information provided with the original response and, where appropriate, additional

information. The amended response should contain a clear indication as to the information being provided, and where information has not been provided, a clear explanation as to why.

- 7.3 Mr Smith should be provided with an apology for the delay in providing the outcome to this review.
- 7.4 Mr Smith should be advised of his right of further appeal to the Scottish Information Commissioner for a decision, should he continue to be dissatisfied with the response of NHSGGC.

**Non-Executive Board Member**  
**15 January 2018**