

Freedom of Information - Complaints Process

Version: 3
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1. Introduction

This Procedure (the Procedure) is written to comply with the Lord Chancellor's Code of Practice on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000 (FOIA). This advises that all public authorities must have a FOIA complaints procedure in place by January 2005.

January 2005 is the date that the Trust's duties in respect of its Publication Scheme and the public's General Right of Access under FOIA come into effect. From this date, this Procedure will be followed if a person perceives that the Trust;

- is not complying with its Publication Scheme, or
- has not properly dealt with a General Right of Access request for information, or
- that the person is otherwise dissatisfied with the outcome of the Trust's consideration of their request.

The Procedure will also be implemented if the charges or fees set by the Trust are disputed (subject to the Trust's decision on fees).

Complaints relating to the Trust handling of the Environmental Information Regulations will adopt the same procedure.

The Procedure will be initiated and followed when dealing with both informal and formal complaints. Where the issue is such that it cannot be resolved informally between the complainant and the Trust, an internal review of the complaint will be undertaken. If still dissatisfied, the complainant may refer the complaint to the Information Commissioner.

The Trust aims to complete internal reviews within 20 working days.

2. Complaints Procedure

The Trust will ensure that all issues raised by the complainant are fully and fairly investigated.

The Trust will ensure that the complainant is given every opportunity to fully set out all aspects of his/her complaint and will advise/assist with the preparation of the complaint if required.

2.1 Informal complaints

Informal complaints are usually verbal. The Trust will make every effort to resolve such complaints within 3 working days.

If informal discussions fail to resolve a complaint, the formal Complaints Procedure will be instigated as outlined below.

2.2 Formal complaints

A formal complaint must be made in writing. Every effort will be made by the Trust to assist a complainant who may have difficulties in setting out their complaint.

2.2.1 Complaints on withholding or disclosing information

The complaint should be addressed to:

The Director of Corporate and Legal Affairs
University Hospitals of Leicester NHS Trust
Level 3 Balmoral Building
Leicester Royal Infirmary
Infirmary Square
LE1 5WW
e-mail: Becky.cassidy@uhl-tr.nhs.uk

2.2.2 Complaints on the Trust's service or the Publication Scheme

If the complaint concerns

- the way in which the Trust handles a request under the Freedom of Information Act or the Environmental Information Regulations;
- the Trust's operation of the Publication Scheme;
- Fees which the Trust may charge.

The complaint should be addressed to:-

Assistant Director (Head of Legal Services)
Belgrave House
Leicester General Hospital
Gwendolen Road
LE5 4PW
Email: Steve.murray@uhl-tr.nhs.uk

2.2.3 Receiving a complaint

On receiving a written complaint the Trust will acknowledge receipt of the complaint in writing or, if necessary, contact the complainant to clarify the exact nature of the complaint. Where this occurs the Trust will clarify the nature of the complaint in the acknowledgement to the complainant to:

- ensure there is no misunderstanding;
- ensure the Trust thoroughly investigates the correct issues.

The acknowledgement letter will provide the expected response timescale.

2.3 Internal Review

Complaints on withholding or disclosing information/Complaints on the Trust's service or the Publication Scheme

The Assistant Director (Head of Legal Services) will investigate the complaint and prepare a response to the complainant.

Documentation of the review process, the reasoning behind the decisions and all correspondence will be recorded in the relevant FOI file for the request.

2.4 Responding to the Complainant

The Trust aims to respond to complaints within 20 working days of the receipt of the complaint. As stated in (2.2.3) the complainant will be informed of the expected response date in the acknowledgement letter.

Should the review period exceed the 20 working days response time, a letter will be sent to the complainant giving reasons for the delay. Such reasons could be for example, the complex nature of the investigation; difficulties in collating material relevant to the investigation etc. The complainant will be advised that the review will be concluded as soon as possible.

When the formal response is sent it will;

- be in everyday language
- detail the process followed in investigating the complaint;
- give a full explanation to the complainant;
- set out the action being taken to resolve the complaint;
- offer an apology if appropriate
- include the right of the complainant to contact the information commissioner if the complaint is not resolved to the satisfaction of the complainant.

Should the complainant be dissatisfied with the response, a meeting will be offered to the complainant if this is considered appropriate, constructive and beneficial in resolving the complaint.

2.5 Referring complaints to the Information Commissioner

If the Trust does not resolve the complaint to the satisfaction of the complainant, the complainant does have the right to apply to the Information Commissioner to determine if the Trust has handled the request for information in accordance with the Freedom of Information Act. The Information Commissioner is unlikely to consider a complaint unless the Trusts Complaint Procedure has been exhausted.

The Information Commissioner's address is

FOI Compliance Team (complaints)
Wycliffe House
Water Lane

Wilmslow, Cheshire SK9 5AF Tel: 0303 123 1113, website: www.ico.org.uk

2.6 Vexatious Complaints

The Trust recognises that dealing with habitual and/or vexatious complainants is a strain on time and resources. Trust staff should respond with patience and sympathy to the needs of all complainants but there are times when there is nothing further which can reasonably be done to assist in rectifying a real or perceived problem.

Where such complainants are recognised, the Assistant Director (Head of Legal Services) should be informed and will address the matter in a considered and appropriate manner, including assessing whether the complainant may have issues which contain some genuine substance which should be addressed.