

Decision Notice 132/2021

Staff Grievances – failure to respond

Applicant: The Applicant

Public authority: Greater Glasgow and Clyde Health Board

Case Ref: 202100953



Scottish Information
Commissioner

Summary

Greater Glasgow and Clyde Health Board (NHS Greater Glasgow and Clyde) was asked for various information concerning staff grievances and resolution. This decision finds that NHS Greater Glasgow and Clyde failed to respond to the Applicant's request for review within the timescale allowed by the Freedom of Information (Scotland) Act 2002 (FOISA).

Background

1. The Applicant made an information request to NHS Greater Glasgow and Clyde on 11 May 2021
2. NHS Greater Glasgow and Clyde responded to the information request on 10 June 2021.
3. On 21 June 2021, the Applicant wrote to NHS Greater Glasgow and Clyde, requiring a review of its decision.
4. The Applicant did not receive a response to her requirement for review.
5. The Applicant wrote to the Commissioner on 4 August 2021, stating that she was dissatisfied with NHS Greater Glasgow and Clyde's failure to respond to her requirement for review and applying to the Commissioner for a decision in terms of section 47(1) of FOISA.
6. On 12 August 2021, NHS Greater Glasgow and Clyde was notified in writing that an application had been received from the Applicant and was invited to comment on the application.
7. The Commissioner received submissions from NHS Greater Glasgow and Clyde. These submissions are considered below.

Commissioner's analysis and findings

8. NHS Greater Glasgow and Clyde acknowledged that it had failed to respond to the Applicant's requirement for review within the timescale allowed. It explained the administrative delays which had resulted in the review being carried out late.
9. Section 21(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the requirement to comply with a requirement for review. This is subject to qualifications which are not relevant in this case.
10. It is a matter of fact that NHS Greater Glasgow and Clyde did not provide a response to the Applicant's requirement for review within 20 working days, so the Commissioner finds that it failed to comply with section 21(1) of FOISA.
11. As NHS Greater Glasgow and Clyde responded to the Applicant's requirement for review on 27 August 2021, the Commissioner does not require it to take any further action in relation to the Applicant's application.
12. The Commissioner notes that NHS Greater Glasgow and Clyde has apologised to the Applicant for its failure to comply with the review timescale and for not keeping the Applicant updated concerning delays in completing the review.

Decision

The Commissioner finds that Greater Glasgow and Clyde Health Board (NHS Greater Glasgow and Clyde) failed to comply with Part 1 of the Freedom of Information (Scotland) Act 2020 (FOISA) in dealing with the information request made by the Applicant. In particular, NHS Greater Glasgow and Clyde failed to respond to the Applicant's requirement for review within the timescale laid down by section 21(1) of FOISA.

The Commissioner does not require NHS Greater Glasgow and Clyde to take any action in respect of this failure, in response to the Applicant's application, given that a response has now been issued.

Appeal

Should either the Applicant or Greater Glasgow and Clyde Health Board (NHS Greater Glasgow and Clyde) wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Euan McCulloch
Deputy Head of Enforcement

1 September 2021

Scottish Information Commissioner

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