



Our Ref: ATISN 10437

6 September 2016

Dear ,

Complaint in respect of Request for Information – reference ATISN 10437 – 52 Week Waiting Time for Adult Cochlear Implant.

I am writing further to your email of 25 July, in which you expressed dissatisfaction with the response provided to you, in relation to the above FOI request. In this email you stated:-

You have responded to one of my requests but I feel sure you have the information to another request at the Welsh Assembly in respect of the decision to make adults wait for 52 weeks for a cochlear implant when in England they follow the NICE guidelines of 18 weeks (Q 5). Someone in Welsh Government must have made this decision. Could you tell me who that might be?

I have conducted an internal review of your case.

The Freedom of Information Act covers all recorded information held by a public authority at the time a request was received. Having reviewed our original response, I am satisfied that the Welsh Government does not hold any information of the type described in your request.

Section 16 of the Freedom of Information Act sets out the duty of a public authority to provide advice and assistance, so far as it would be reasonable to expect the authority to do so. In cases where a public authority is not able to comply with a request (or to comply with it in full) because it does not hold the information requested, part three of the Secretary of State for Constitutional Affairs' Code of Practice on the discharge of public authorities' functions under Part 1 of the Freedom of Information Act 2000 (issued under section 45 of



the Act), states that if a public authority does not hold the information requested but has reason to believe that some or all of it is held by *another* public authority, the authority should consider what would be the most helpful way of assisting the applicant with his or her request. The Code states that, in most cases, this is likely to involve:

- contacting the applicant and informing him or her that the information requested may be held by another public authority;
- suggesting that the applicant re-applies to the authority which the original authority believes may hold the information; and
- providing him or her with contact details for that authority”.

In our response to you of 13 June, we provided contact details for such authorities. Therefore I am satisfied that in providing you with the information we do hold, and providing contact details for the public body who might hold the information that we do not, the Welsh Government acted in accordance with our obligations to provide assistance. To that end, I do not uphold your complaint.

While I am satisfied that your information request was handled correctly, I understand that your interest in understanding the reasons around current waiting times for cochlear implants in Wales remains. I would therefore like to offer you the opportunity to meet with Welsh Government officials and the Welsh Health Specialised Services Committee (WHSSC) to discuss and share understanding. Please let us know if you would like to take up this offer, and my colleagues will arrange it.

If you remain dissatisfied with this response you also have the right to complain to the Information Commissioner at:

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

Tel: 01625 545 745
Fax: 01625 524 510
Email: casework@ico.gsi.gov.uk

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales
1 Ffordd yr Hen Gae
Pencoed
Bridgend
CF35 5LJ

Telephone: 0845 6010987 (local rate)
Email: ask@ombudsman-wales.org.uk

Yours sincerely



Tracey Breheny
Deputy Director Substance Misuse Policy, Government & Corporate Business