



ATISN 18623

4 August 2023

Dear ,

Complaint in respect of ATISN 18623 – Diagnostic Scans

I am responding to your email which was received on 12 July 2023 in which you asked us to review the response issued to your request for information under the Freedom of Information Act 2000 (FOIA). This letter is to inform you of the outcome. Originally, my colleague Mr Nick Wood was asked to conduct the review, but Mr Wood is currently away from the Office on annual leave. Rather than delay the review until Mr Wood returns, I have conducted it myself.

In your original request dated 19 June 2023, you asked for the following:

- 1. How many people are currently on the waiting list for diagnostic scans?*
- 2. What is the current waiting time for scans for each health board?*
- 3. Are the current rules preventing GPs from referring their patients for scans (my GP has thus informed me) being considered for change?*
- 4. Is the government considering or currently using private health care providers to alleviate the backlog?*
- 5. Where and when are surgeries held by the Minister for Health and your own surgeries also?*

Your original request for information under the FOIA was received on 19 June 2023, in which you said that you had not had a response from the Minister for Health and Social Services to several questions that you had asked.

I have reviewed our response (dated 28 June 2023), and I am satisfied that it was entirely appropriate. In fact, I consider that our response went over and above what we were actually required, by law, to provide. You have asked – “Do you expect everyone who asks for this and other data to navigate the various web sites and accurately find the information?” The short answer to your question is ‘yes’ – in fact, that is why we publish the

information on our website. Section 21 of the FOIA specifically removes (“exempts”) information which an applicant can access via another route from the general right of access under section 1. This means (in effect) that you are not entitled to receive the information in a (separate) written response. Notwithstanding the exemption of section 21, our response provided a link in which the information you requested is publicly available.

In connection with your third question, you have complained that our response was vague and does not answer the question. In my view, we did our best to answer your question. The problem appears to be that your question was based on a misunderstanding. There are **no** current national rules which prevent your GP from requesting scans, so we could not say when such (non-existent) rules may be considered for change. Strictly speaking, given that we were responding to a request for information under the FOIA, we could have simply responded that the Welsh Government does not hold the information you had requested. Instead, we went further, and our response explains **how** the process of requesting access to diagnostic scans is managed.

The answer to your fourth question is not simply a yes or no. The Welsh Government does not directly commission health care services for the people of Wales. This is the specific responsibility of each individual health board. Each health board is given a degree of autonomy, within a budget set by the Welsh Government, to manage the provision of health care for the people within their region. How each health board achieves this will vary depending on the different needs and clinical priorities of the people it serves. As previously mentioned, the Welsh Government mandates health boards to provide services to meet the specific needs of their population. Our response included a link to the national plan “*Diagnostic Recovery Transformation Plan for Wales*” which encourages health boards to use all available resources to ensure that diagnosis is achieved as quickly as possible. In particular, there is nothing in the plan that prevents health boards from using private health care providers (eg. to alleviate backlogs).

Regarding your fifth question, it is true that Ministers, in their role as Government Ministers, do **not** hold surgeries. However, they do hold surgeries for their constituents in their capacity as constituency Members of the Senedd (MS).

In summary, I have reviewed our response to your FOI request in accordance with the procedure stated in my colleague Nick Wood’s previous letter to you (dated 13 July 2023). In my view this was a reasonable response, and therefore I do not uphold your complaint.

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

[FOI and EIR complaints | ICO](#)

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