

Questions for Warrington and Halton NHS Trust

The Tender process

It has been reported that a large number of charges have been issued due motorists keying in registration numbers incorrectly. No doubt a number were also issued because motorists did not pay the correct amount on leaving. Parking systems already exist to minimise these problems. As ANPR knows which vehicles have entered, it can reject registrations it does not know about. As ANPR knows what time a vehicle entered it can also let the motorist know exactly how much they owe on departure.

Such systems work extremely well. A freedom of information request on Bristol Eye Hospital revealed that no parking charges whatsoever were issued in a 3 month period at their car park.

<https://www.whatdotheyknow.com/request/201405/response/500563/attach/2/FOI%20Response%2014%200125.pdf>

** Did any of the tender responses for the contract propose this or a similar type of technology? If so, why was it not chosen?*

** Is it possible to now switch over to this type of technology? If not, why not?*

Government guidelines explicitly warn against awarding contracts let on any basis that incentives additional charges

<https://www.gov.uk/government/publications/nhs-patient-visitor-and-staff-car-parking-principles/nhs-patient-visitor-and-staff-car-parking-principles>

** There are 18 NHS patient, visitor and staff car parking principles. Has the Trust audited against these and if so what are the results. As an example, here is an audit from University Hospital Southampton NHS Foundation Trust*

** Did the trust consult with other hospitals who have previously awarded contracts on basis that incentive charges, especially ones which have had to sack the parking contractor because of the huge number of complaints and problems (eg ParkingEye at Northumbria NHS, ParkingEye at Yeovil). If not, why not?*

** If the Government bans such models completely in NHS car parks, how long are the Trust stuck with the contract?*

** Is the Trust aware of Somerfield v ParkingEye case? Has the Trust assessed the cost of early termination of the contact. According to the FOI it would be the annual rate of £1.27mn for the length of the contract. Contract law does not provide relief for a "bad bargain" or incompetent negation in company to company contracts.*

Patient Confidentiality

This is the NHS's guidance to patient confidentiality. Personal data is confidential and if a patient parks on hospital property and are timed and photographed by the Trust's agent this is not personally identifiable information which falls under their duty of care and requires explicit permission for its release.

<http://www.england.nhs.uk/wp-content/uploads/2013/06/conf-policy-1.pdf>

** Was this duty of care taken into consideration.*

** Was the Trust's Caldicott Guardian consulted on this and what were the comments and when were they made?*

Since this system also involves people (Registered Keeper) who may not have been present at the parking event, what procedures have been put in place to protect personal information (date and time of patient visit) to a third party. This is particulates issue whether this information is sent to a company such as a car lease organisation such Motability. This appears to be another breach of the ICO regulations.

** Was the Trust's Caldicott Guardian consulted on this? What were the comments and when were they made?*

** Has the Trust consulted the Information Commissioners office about the breach of patient confidentiality*

** Has the Trust consulted the Information Commissioners office about the breach of other's confidentiality e.g those on the Highway.*

Equality Act

From this article on the Trusts website

http://www.whh.nhs.uk/news_item.asp?fldID=309

** What provision have been made within the current system for the disabled (not just BB holders) Here is an example of the issue where inflexibility in the system can cause other issues. Was this covered either in the Tender or current operational procedures. How many BB holders / disabled have been charged for overstaying when they ought to have been allowed more time.*

<http://www.disabilitynow.org.uk/article/norwich-blue-badge-victory>

** Where on the signage at the disabled bays does it tell disabled people they are legally allowed extra parking time for their money?*

** Where on the signage does it tell people what to do, to get one cancelled by the NHS Trust (not appeals)?*

22/07/2015

- * How is the management of disabled bays handled as an ANPR system cannot do this*
- * If a future disability discrimination case is raised who will be paying for this. Will it be the Trust or the contractor?*
- * What 'impact assessment' or review by their disability awareness team, did the NHS Trust carry out under the Equality Act before allowing the scheme?*
- * If the third party starts suing patients and even staff what will the NHS Trust do about it? There are plenty of examples of this happening e.g. A & E doctors in Bradford. Doctors in Cardiff. Visiting GP's in Scotland.*

The British Parking Association and signage at the Trust

This document appears to represent signage at the Trust's car parks. Why is this level of signage not present at all the car parks.

http://www.whh.nhs.uk/_store/documents/carparkingleaflet.pdf

- * The Trust says "we believe the signage on our sites is fully compliant and has been authorised the British Parking Association standards." The BPA is not a regulator only a Trade Association. However they do have an audit team that checks signs for clarity of terms and visibility within a site. When did this audit take place and where are the results of this audit?*
- * Why was the failure to erect signs in car park (detailed by Cllr Thompson) not picked up? What time-scale has the BPA put on the rectification of failures picked up by the audit.*

Refunds

What are the Trusts plans to rectify the situation, apart from putting the onus on the wronged to prove it to an organisation that has been incentivised to refuse/deny such failures.

- * How many tickets were issued to drivers using the areas where no signs were present?*
- * How many tickets were issued to drivers who did not even on hospital land at all?*
- * What plans if any do the Trust have to refund the unlawfully enforced fines on public highway? As the Trust has everyone's addresses either via the DVLA link or through any payment made, does the Trust intend to contact patients, visitors and staff who may have been caught by this failure?*
- * Who will bear the cost?*