

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 18 January 2024

Public Authority: East of England Ambulance Service NHS Trust
Address: Whiting Way
Melbourn
Cambridgeshire
SG8 6EN

Complainant: Doug Paulley
Address: doug.paulley@kingqueen.org.uk

Decision (including any steps ordered)

1. The complainant requested information from East of England Ambulance Service NHS Trust (the public authority). By the date of this notice the public authority had not issued a full response to this request.
2. The Commissioner's decision is that the public authority has breached section 10(1) of FOIA in that it failed to provide a full response to the request within the statutory time frame of 20 working days.
3. The Commissioner requires the public authority to take the following step to ensure compliance with the legislation.
 - The public authority must provide a substantive response to part 9 of the request in accordance with its obligations under FOIA.¹
4. The public authority must take this step within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court

¹ The Commissioner expects the public authority to take appropriate precautions to protect any personal data when disclosing information in a spreadsheet or similar format; [Information Commissioner's Office - Advisory note to public authorities | ICO](#)

pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

Request and response

5. On 8 November 2023, the complainant wrote to the public authority and requested information in the following terms:

“Concerning your patient transport service ambulances that have ramped access with Bushey Hall Winchmaster winches to afford wheelchair access, please provide the following information.

- 1) The gradient of the ramp/slope when the vehicle is on a level surface.
- 2) The height of the upstands on either side of the ramp designed to prevent wheelchair users from going off the sides of the ramp.
- 3) The instructions on how to operate the winch with occupied electric wheelchairs.
- 4) Your procedure for staff to load and unload electric wheelchairs and their occupants.
- 5) Your instructions on how staff are to manage the steering of electric wheelchair users in the circumstances (e.g. wet ramps, sloping ground or a camber) where an electric wheelchair may slide to one side of the ramp during entry or egress.
- 6) Your risk assessment for the boarding and alighting occupied electric wheelchairs using this winch and ramp mechanism.
- 7) Correspondence and documentation between you and the vehicle and winch suppliers demonstrating your enquiries and consideration of the practicalities and risks of loading and unloading electric wheelchairs
- 8) Details of vehicle certification, its winch and ramps for use to load and unload occupied electric wheelchairs.
- 9) Details of your user testing of the ambulances and winches with occupied electric wheelchairs and ambulance staff, the feedback from both wheelchair users and staff and what changes were made as a result.”

Reasons for decision

6. Section 1(1) of FOIA states that:

“Any person making a request for information to a public authority is entitled –

(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and

(b) if that is the case, to have that information communicated to him."

7. Section 10(1) of FOIA states that a public authority must respond to a request promptly and "not later than the twentieth working day following the date of receipt".
8. On 20 December 2023 the Commissioner wrote to the public authority, reminding it of its responsibilities and asking it to provide a substantive response to the complainant's request within 10 working days.
9. On 8 January 2024, the public authority responded to parts 1-8 of the request and advised the complainant it was still collating the information for part 9. At the date of this decision, the public authority had still not responded to part 9.
10. The complainant has confirmed to the Commissioner that they are satisfied with the response provided in respect of parts 1-8, but still want to receive a response to part 9.
11. From the evidence provided to the Commissioner in this case, it is clear that the public authority did not deal with the request for information in accordance with FOIA. The Commissioner finds that the public authority has breached section 10(1) by failing to respond to the request within 20 working days and it is now required to respond to part 9 of the request in accordance with FOIA.

Right of appeal

12. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)
GRC & GRP Tribunals,
PO Box 9300,
LEICESTER,
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: grc@justice.gov.uk

Website: www.justice.gov.uk/tribunals/general-regulatory-chamber

13. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
14. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

Signed

Roger Cawthorne
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF