

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 10 December 2018

**Public Authority:** North West Ambulance Service NHS Trust  
**Address:** Ladybridge Hall  
Chorley New Road  
Bolton BL1 5DD

### **Decision (including any steps ordered)**

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1. The complainant has requested information from North West Ambulance Service NHS Trust ('NWAS') on particular payments, NWAS's policy on gifts and particular dates and times. NWAS said it did not hold some information, confirmed that it had made one payment and confirmed that it had previously provided the complainant with its policy on gifts.
2. The Commissioner's decision is as follows:
  - NWAS does not hold any further information that falls within the scope of request 1 and has complied with section 1(1) of the FOIA.
3. The Commissioner does not require NWAS to take any steps to ensure compliance with the legislation.

### **Request and response**

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4. On 8 October 2017 the complainant wrote to NWAS and requested information in the following terms:
  1. *Information concerning any monies paid to [Named Individual] by Conduit Global or the Trust in respect of the hearing you referenced.*

2. *The Trust's policy on gifts.*
3. *Whether any financial payment was made to Conduit Global in respect of the transfer of employees from Conduit Global to NWAS after April 2015.*
4. *The dates and times [Named Individual] made searches of her email to search for email correspondence between you and [Named Individual] between 08/04/2015 and 03/02/2017."*
5. NWAS provided a response on 18 April 2018. It said it could not provide any information in relation to Conduit Global as this is an external company. It said it had previously confirmed that the only payment it had made to the named individual was in relation to travel expenses to attend a particular hearing, and that these expenses were in line with NHS Agenda for Change Terms and Conditions. NWAS confirmed it had previously provided the complainant with its policy on gifts and that no payment was made to Conduit Global. Finally, NWAS said that no record is available of the searches an individual makes of the email system.
6. NWAS provided a review on 18 May 2018. It indicated that it had released to the complainant all the information it holds that is relevant to their FOIA requests.

## **Scope of the case**

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7. The complainant contacted the Commissioner on 6 April 2018 to complain about the way their request for information under the FOIA had been handled.
8. In subsequent correspondence to the Commissioner the complainant confirmed that they are satisfied with NWAS' response to requests 2, 3 and 4 and that the focus of their complaint is NWAS's response to request 1.
9. The Commissioner's investigation has focussed on whether NWAS has complied with section 1(1) with regard to request 1.

## Reasons for decision

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### **Section 1 – right of access to recorded information held by public authorities**

10. Under section 1(1) of the FOIA anyone who requests information from a public authority is entitled a) to be told if the authority holds the information and b) to have the information communicated to him or her if it is held and is not exempt information.
11. Request 1 is for information on any monies paid to a named individual by Conduit Global or NWAS in respect of a particular hearing. As at paragraph 5, NWAS has previously confirmed to the complainant that the only payment it had made to this individual was in relation to travel expenses to attend a hearing. Its position is that it does not hold any information on any monies Conduit Global may have paid to the individual concerned.
12. In its submission to the Commissioner NWAS simply said that it had looked into the matter covered by request 1 and could confirm that it holds no further relevant information in relation to payments it or Conduit Global made to the named individual.
13. This was not sufficient detail to enable the Commissioner to make a decision and she went back to NWAS and required it to provide a more thorough explanation.
14. NWAS then explained that Conduit Global operated the NHS Direct service in the North West until October 2013. When NHS Direct became disengaged from providing NHS '111' services across England, NHS England and NWAS's lead commissioners agreed that NWAS should be asked to step in as a 'stability provider' to take over the existing service from NHS Direct on an interim basis. This was designed to create time for review and re-procurement of the service going forward. Conduit Global had clinical advisors trained in NHS systems and some of these individuals supported the delivery of the 'stability contract' in an agency capacity. The complainant was one of those individuals.
15. NWAS says that Conduit Global dismissed the complainant in 2014; that the complainant appealed the decision and that an employment tribunal resulted (the 'hearing' referred to in the request). By the time of the employment tribunal, NWAS had been awarded the NHS 111 contract (October 2015) and, in accordance with TUPE, transferred the staff who had been previously supporting the delivery of the stability contract. This included the individual named in the complainant's request.

16. NWAS has confirmed to the Commissioner that it holds no information in relation to the employment tribunal as this was held by Conduit Global and Conduit Global is a separate, external provider. NWAS says that the only relationship NWAS has with regard to the matter behind the complainant's request is that by the time the employment tribunal took place and the individual named in the request was asked to attend to give evidence, their employment had been transferred to NWAS.
17. NWAS has told the Commissioner that any information Conduit Global may hold that preceded that time is not available to it and the complainant would have to approach Conduit Global about that matter (albeit that Conduit Global is a private company and not subject to the FOIA).
18. Having considered the circumstances of this case the Commissioner has decided that, on the balance of probabilities, NWAS has released to the complainant all the information it holds that is relevant to request 1, namely information on travel expenses that it paid to a particular individual. The Commissioner accepts that NWAS does not hold information that relates to Conduit Global as this is a separate, private company that manages its own information. Nor does the Commissioner consider that Conduit Global would hold relevant information 'on behalf of' NWAS (in which case NWAS could be said to hold the information itself for the purposes of the FOIA). Conduit Global employed the complainant and was a party in the employment tribunal in which the complainant was involved. The Commissioner is satisfied that NWAS has complied with its obligation under section 1(1) of the FOIA and has communicated to the complainant all the information it holds that is relevant to request 1.

## Right of appeal

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19. 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: 0300 1234504  
Fax: 0870 739 5836  
Email: [GRC@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)  
Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

20. 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.
21. 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

**Pamela Clements**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**