

Freedom of Information Act 2000 (FOIA)

Decision Notice

Date: 9 August 2019

Public Authority: Northern Ireland Ambulance Service HSC Trust
Address: Knockbracken Healthcare Park
Saintfield Road
Belfast
BT8 8SG

Decision (including any steps ordered)

1. The complainant has requested information relating to ambulance provision and staff absences. The Northern Ireland Ambulance Service Health and Social Care Trust (NIAS) has failed to respond to the request; therefore the Commissioner's decision is that NIAS has failed to comply with section 10(1) of the FOIA.
 2. The Commissioner requires the public authority to take the following steps to ensure compliance with the legislation.
 - Respond to the complainant's request: Firstly, confirm or deny that the requested information is held (or, if the public authority decides to refuse to confirm or deny that any of the requested information is held, then a refusal notice should be issued that complies with the requirements of section 17 of the FOIA).
 - Secondly, and subject to the above, if the information is held the public authority must either disclose the requested information or, if it wishes to withhold any information, issue a refusal notice in relation to the information it wishes to withhold and disclose the remainder.
 3. The public authority must take these steps 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 pursuant to section 54 of the FOIA and may be dealt with as a contempt of court.
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Request and response

4. The complainant submitted his original request to NIAS on 23 January 2019. The request, reproduced below as it was submitted, comprised ten questions relating to accident and emergency (A&E) ambulance provision and staff absence.

"1. The number of paramedic, rrvs and emts who were absent due to sickness and/or special leave over the period December 2017 - January 2018. Please breakdown by stations and grade. Please also provide names of station also.

2. The number of A&E ambulances that were dropped over the same period, due to staffing levels, due to same leave.

3. Please include in a separate table for absenteeism over the xmas and new year period for sickness levels and dropped ambulances, by date eg 25th December, 26th December, 1st January etc.

4. Can you please advise, without personal data, if the same personnel who were absent over this period of time, were also absent over the same period last year, or indeed over the past 5 years.

5. Please provide as a % absenteeism over the said period for the past 5 years.

6. Has NIAS taken any steps or disciplines on staff who are absent over this period each year. How many staff have been disciplined or received written warnings re sickness absenteeism.

7. What is NIAS discipline procedures in regard to No 5.

8. What is the cost of absenteeism over the above period of time, December 2017-January 2018, (to the taxpayer).

9. Please advise if rrvs are double crewed, and what grades are they.

10. Are rrvs used by emts to respond to A&E calls."

5. NIAS responded on 19 February 2019. It refused questions 1-8, citing the cost limit at section 12 of the FOIA, and answered questions 9-10.

6. The complainant requested an internal review on 21 February 2019 but also stated that he was willing to revise some aspects of his request. He clarified on 22 February 2019 that he was in fact submitting a fresh request (again, reproduced as it was submitted):

"Q1 only covers 2 months, and information should be readily available from Station Officers, with undue effort.

Q2 same applies, not a lot of effort or time should be incurred for 2 months, as the records should be readily available from Station Officers, or Supervisors

Q3 Only asks for information for 3 days, I would imagine that your HR department should have a record of this which should be easily enough accessed and collated

Q4 Should not be very time consuming, as I am sure this information again should be readily available from HR, should you feel that 5 years is too long, then 3 will do

Q5 Same as Q4, you may change to 3 years if you really feel there is too much work involved

Q6 I feel is straight forward, and again should be readily available from your HR department

Q7 I would imagine is a policy that should already be in place and would only need quoting what exactly is the discipline involved

Q8 Again this is only over a 3 day period, and should be readily available from your HR department - to the taxpayer, ie means, how much sick pay has been paid out over these 3 days to absentees, which comes out of the public purse.

Q9 It has been noticed on a few occasions that RRVs have contained 2 people, a driver and a passenger, not a patient, I don't believe

Q10 Question has not been answered directly - 'It is normal protocol....' the question was are or have RRVs been used and still being used by EMTs to respond to any A&E calls? Please answer the question posed and on how many occasions, even just over the past year will suffice."

7. The complainant asked that, if NIAS wished to rely on section 12 again, it provide him with details of its cost estimate.
8. NIAS confirmed on 22 February 2019 that it would treat this as a fresh request.
9. The complainant contacted NIAS on 28 March 2019 and 6 May 2019 since he had not received a response to his fresh request of 22 February.

Scope of the case

10. The complainant contacted the Commissioner on 28 May 2019 and 7 July 2019 to complain that he had not received a response to his request. The complainant confirmed that he had not received any response to his chasers of 28 March and 6 May.
11. The Commissioner wrote to NIAS on 19 July 2019 to request that it respond to the complainant's request. However the complainant did not receive any further response from NIAS.

12. Nor did the Commissioner receive any response to or acknowledgment of her correspondence. The Commissioner contacted NIAS via two email addresses, and has no reason to believe that her correspondence has not been received.

Reasons for decision

Section 1: general right of access

Section 10(1): time for compliance

13. Section 1(1)(a) of the FOIA requires a public authority to inform the complainant in writing whether or not recorded information is held that is relevant to the request. Section 1(1)(b) requires that if the requested information is held by the public authority it must be disclosed to the complainant unless a valid refusal notice has been issued.
14. Section 10(1) requires that the public authority comply with section 1 promptly, and in any event no later than 20 working days after the date of receipt of the request.
15. Despite the Commissioner's intervention, NIAS has failed to respond to the complainant's request. NIAS has failed to confirm or deny that it holds the requested information, and has neither disclosed the requested information nor provided a valid refusal notice.
16. The Commissioner therefore finds NIAS has failed to comply with section 10(1) of the FOIA.

Right of appeal

17. 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 123 4504
Fax: 0870 739 5836

Email: grc@justice.gov.uk

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

18. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Tribunal website.
19. 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
Sarah O’Cathain
Senior Case Officer

Information Commissioner’s Office
Wycliffe House
Water Lane
Wilmslow
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