

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 10 June 2021

Public Authority: South East Coast Ambulance Service NHS Foundation Trust

Address: Nexus House
Gatwick Road
Crawley
RH10 9BG

Complainant:

Address:

Decision (including any steps ordered)

1. The complainant has requested the 2017/2018 risk assessment, decommissioning report and safety information relating to a specific vehicle.
2. South East Coast Ambulance Service NHS Foundation Trust (The Trust) confirmed that it does not hold any further information that fell within the scope of this request other than that which has already been disclosed.
3. The Commissioner is satisfied that, on the balance of probabilities, the Trust does not hold any further information that has not been disclosed that falls within the scope of this request for information.
4. The Commissioner does not require the Trust to take any further steps as she is satisfied that this request has been dealt with in line with section 1(1) (General right of access to information held by public authorities) of the FOIA.

Request and response

5. On 22 February 2020, the complainant wrote to the Trust and requested information in the following terms:

"I would like to make a request under the freedom of information act the risk assessment document that was performed on the WAS style Ambulances by [redacted] and [redacted] in 2017/2018 and any further documents made regarding the WAS ambulance."

6. On 17 April 2021 the Trust disclosed to the complainant a risk assessment relating to the WAS ambulance for the year 2006. For background, the WAS ambulance is a specific manufacturer of ambulances. Though the Trust acknowledged that this was not the 2017/2018 risk assessment that the complainant requested, it confirmed that it held no further information that fell within the scope of the complainant's request.

7. Therefore on 6 July 2020 the complainant wrote to the Trust and requested information in the following terms:

"... I would like to request again, this Risk Assessment report as requested in previous emails and the decommissioning report of the vehicle.

Obviously there would have been a report made in order to decommission this Ambulance and under the FOI I would like to see it and/any other valid documents surrounding its safety."

8. On 21 July 2020 the Trust requested clarifying information relating to this request; specifically the registration of any vehicles which fell within the scope of the complainant's request, as well as details of any vehicle faults and the location from which these vehicles operated. The complainant provided one registration number and the remainder of the requested information.
9. Therefore the Commissioner considers the scope of this request differs to the request referred to within paragraph 5, extending to one specific vehicle (the vehicle) rather than a style of ambulance.
10. The complainant has made multiple requests for similar information and therefore the Trust chose to handle the request referred to within paragraph 7 as a request for an internal review into the Trust's handling of the request referred to within paragraph 5.
11. Following this internal review the Trust wrote to the complainant on 7 October 2020. It disclosed an extract from a spreadsheet containing decommissioning details of the vehicle. This extract confirmed that the vehicle was disposed of on 6 December 2018 and was done so via auction. The Trust confirmed that the risk assessment for 2017/2018 could not be located and that decommissioning reports are not completed for its vehicles. The Trust confirmed that it held no further information that fell within the scope of this request.

Scope of the case

12. The complainant contacted the Commissioner on 9 October 2020 to complain about the way their request for information had been handled. The complainant notes that they were informed as part of an external investigation that a risk assessment for the vehicle for 2017/2018 would be conducted.
13. The Commissioner considers the scope of her investigation to be to determine whether, on the balance of probabilities, the Trust is correct when it says it does not hold any further information that would fall within the scope of this request.

Reasons for decision

14. Section 1 of the 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."

15. In this case, the complainant disputes the Trust's position that it does not hold the 2017/2018 risk assessment, decommissioning report or any further information which has not been disclosed, in relation to the safety of the vehicle.
16. In cases where a dispute arises over the recorded information held by a public authority at the time of a request, the Commissioner, following the outcome of a number of First-tier Tribunal decisions, applies the civil standard of the balance of probabilities. This means that the Commissioner will determine whether it is likely, or unlikely, that the public authority held information relevant to the complainant's request.
17. In order to reach her determination, the Commissioner asked the Trust to provide detailed explanations as to why the requested information was not held. She also asked the Trust to explain the searches it had undertaken to locate any information that would fall within the scope of this request and to explain why these searches would have been likely to locate all of the information in scope.

The 2017/2018 risk assessment

18. The complainant has confirmed to the Trust that the vehicle operated out of the Sussex area. At this stage, the Trust felt it was important to provide the Commissioner with background information relating to the vehicle and its procurement.
19. The Trust has explained that the vehicle was procured and commissioned by the former Legacy Sussex Ambulance Service which, along with the former Kent and Surrey ambulance services, merged to form the South East Coast Ambulance Service NHS Foundation Trust in 2006. The Trust has explained to the Commissioner that because of this organisational restructuring, coupled with the passage of time, there are no former Sussex Fleet staff within the Trust to refer this matter to and therefore there is a lack of clarity regarding the former Legacy Sussex Ambulance Service's processes. This means that the Trust is not in a position to confirm whether the 2017/2018 risk assessment ever existed or is no longer held.
20. The Trust however was able to confirm to the Commissioner that, given the age of the vehicle, if this information was held it would have been recorded in manual hard copy.
21. The Trust further explained that it is legally bound to retain vehicle maintenance history records for a period of 15 months. The Trust also confirmed that it retains 24 months' worth of any paper maintenance records relating to a service vehicle whilst it is in use by the Trust. Once a vehicle is disposed of, all electronic information is kept and archived on the Fleet Management system (FMS).
22. The Trust has confirmed that, since the risk assessment in question would have been recorded in hard copy, no searches of the FMS were performed in response to the complainant's request for information.
23. The Trust has explained to the Commissioner that it has conducted a thorough search of available archive information at its vehicle maintenance centre and no risk assessments for the vehicle could be found. The Trust confirmed that in this vehicle maintenance centre it holds paper vehicle maintenance "jobcards" for vehicles that have been disposed of. The Trust confirmed that these records are awaiting shredding.
24. In line with the retention periods outlined in paragraph 21, even if the Trust is in a position to confirm the existence of the risk assessment, the retention period for this information would have since elapsed and it would have been destroyed. The same applies for the remaining manual records referred to within paragraph 23, should any of these jobcards relate to the vehicle.

25. The Commissioner is satisfied that, on the balance of probabilities, the Trust does not hold the 2017/2018 risk assessment for the vehicle in question.

The decommissioning report

26. The Trust has confirmed to the Commissioner that there is no statutory duty for the Trust to carry out a decommissioning report of a vehicle prior to its disposal.
27. To expand on this, the Trust has provided an explanation as to what happens when a service vehicle is disposed of:
- a) The vehicle is returned to the lease company
 - b) The vehicle is sold at an authorised blue light auction
 - c) The vehicle is taken to a vehicle recycling centre for scrap
28. The Trust has explained to the Commissioner that there is no requirement for a decommissioning report to be completed for service vehicles; either it is replaced by a new service vehicle or it is disposed of via one of the methods listed above. If a vehicle remains in a 'road-safe' condition, it will remain operational on the front line until a replacement vehicle is made available.
29. The disclosed information referred to within paragraph 11 shows that the vehicle was disposed of via auction on 6 December 2018 and, in line with the Trust's explanation within its correspondence to the complainant of 7 October 2020, no decommissioning report for the vehicle was created.
30. The Commissioner is satisfied that, on the balance of probabilities, the Trust does not hold the decommissioning report for the vehicle.

Safety information

31. The Commissioner must now consider whether the Trust holds any further information that has not yet been disclosed that would fall within the final part of the complainant's request, *"any other valid documents surrounding its (the vehicle) safety."*
32. The Trust has explained to the Commissioner that the vehicle was disposed of in 2018, and in line with its retention period of service vehicle information referred to within paragraph 21, it is unlikely that any further safety information relating to the vehicle is retained by the Trust.

33. The Commissioner is satisfied that, on the balance of probabilities, the Trust does not hold any further safety information for the vehicle in question.

The Commissioner's view

34. The Commissioner is satisfied that, on the balance of probabilities, the Trust has disclosed all of the information that it holds that falls within the scope of the complainant's request and she is satisfied that the Trust does not hold any further information which falls within the scope of the complainant's request.

Other matters

35. As part of the Trust's submission to the Commissioner it explained that work was being undertaken to improve records management in relation to decommissioned vehicles. The Commissioner is satisfied that this work will assist the Trust in complying with any similar requests for information that may be made in the future.

Right of appeal

36. 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@justice.gov.uk

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

37. 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.
38. 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