

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 13 March 2023

Public Authority: West Midlands Ambulance Service University
NHS Foundation Trust (the Trust)

Address: Trust Headquarters
Millenium Point Waterfront Business Park
Waterfront Way
Brierley Hill
West Midlands
DY5 1LX

Decision (including any steps ordered)

1. The complainant made a request for information relating to private ambulance transfers used by the Trust. The Trust provided a copy of a response it had given in reply to a separate FOI request it had received relating to private transfers. The complainant asked for an internal review as the Trust had not provided any of the information they had requested. The Trust confirmed that it did not hold the requested information under section 1(1)(a) FOIA.
2. The Commissioner considers, on the balance of probabilities the Trust was correct to confirm it does not hold the requested information under section 1(1)(a) FOIA.
3. The Commissioner requires no steps to be taken.

Request and response

4. The complainant made the following information request to the Trust on 14 February 2023:

"I Request to know how much was spent by the West Midlands Ambulance Service University NHS Foundation Trust on the use of Private Ambulance services between 1st January 2022 - 1st January 2023.

I request to know how many private providers are currently being used by The West Midlands Ambulance Service University NHS Foundation Trust,"

5. On 21 February 2023, the Trust responded. The Trust provided a copy of a response it had given in response to a separate FOI request it had received relating to private transfers.
6. On the same date the complainant requested an internal review as the Trust had not provided any of the information they had requested.
7. On the same date the Trust provided the internal review. It confirmed that the Trust does not have any costs for private ambulance providers. It explained that any private ambulances are funded directly by the Clinical Commissioning Group / Integrated Care Board / Hospital; therefore, there is zero cost to the Trust. The Trust said it does not utilise private ambulance providers.

Scope

8. The complainant contacted the Commissioner as he considers the Trust should hold the requested information as other ambulance Trusts have provided this information.
9. The Commissioner has considered whether the Trust holds the requested information under section 1(1)(a).

Reasons for decision

10. Section 1(1) FOIA provides 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,"
11. The Trust has confirmed that the answer to parts 1 and 2 of the request is zero. It has said that any private ambulances are funded directly by Clinical Commissioning Group / Integrated Care Board / Hospital and so the Trust does not hold this information.
12. Whilst the complainant clearly considers that this information should be held by the Trust because other ambulance Trust's hold and have disclosed this information, the Commissioner can only determine, on the

balance of probabilities, whether the Trust in this case holds the requested information.

13. The Trust has clearly confirmed that the answer to both parts of the request is zero and that it does not utilise private ambulance providers.
14. The Commissioner can see from the Trust's response to the separate FOI request which it provided to the complainant that it used to fund private transfers (as that request went back over a 13-year period). However, it no longer funds these transfers and is not currently using any private providers. It therefore does not hold information for the time period in this request which is 1 January 2022-1 January 2023.
15. The Commissioner notes that the Trust has said that other separate public authorities would fund any private transfers directly so the complainant may wish to submit the request to these bodies.
16. Given the Trust's clear confirmation that the answer is zero and for this reason it does not hold the requested information, the Commissioner is satisfied that it complied with section 1(1)(a) 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 1234504

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 Information 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.....

Gemma Garvey
Senior Case Officer
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF