

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 24 April 2023

Public Authority: London Ambulance Service NHS Trust
Address: 220 Waterloo Road
London SE1 8SD

Decision (including any steps ordered)

1. The Commissioner's decision is that, on the balance of probabilities, the Trust does not hold the requested information about applications to work at the World Cup and has complied with section 1(1)(a) of FOIA. It is not necessary for the Trust to take any corrective steps.

Request and response

2. The complainant made the following information request to the Trust on 13 October 2022:
 - "... 1) How many colleagues (former or current) have had their applications to allow them to work at the Qatar World Cup this year 2022 granted so far
 - 2) how many applications are pending
 - 3) what proportion of the successful applicants versus unsuccessful applicants have any disabilities(e.g., listed on their job application forms or subsequently disclosed to the LAS) and, if there are any successful applicants please let me know what their disabilities are (without reference to names)
 - 4) Total number of live (active) or past tribunal claims against the London Ambulance Service NHS Trust what proportion of the successful

applicants versus unsuccessful applicants have any live (active) or past tribunal claims against the London Ambulance Service NHS Trust

5) What proportion of the successful applicants versus unsuccessful applicants had previously taken any form of special leave from their employment with London Ambulance Service NHS Trust

6) Total number of live (active) or past tribunal claims against the London Ambulance Service NHS Trust"

3. On 14 October 2022 the complainant confirmed the date range for questions 4, 5 and 6 as being from 2019, 2018 and 2017 respectively.
4. In its response to the request the Trust advised that it does not hold the information requested in parts 1 – 5. Regarding part 6, the Trust advised that it does not hold information for the date range requested. This was because the Trust only started recording information in its Employee Relations Tracker database from Oct 19. The Trust disclosed the information it holds for the period Oct 19 to Oct 22.
5. The complainant requested an internal review on 28 November 2022. They submitted a new request about the information the Trust had disclosed. Of relevance to their original request, the complainant queried the Trust's position that it does not hold information within scope of parts 1 – 5 and queried the search it had carried out for relevant information. The Trust did not provide a review and did not provide one following the Commissioner's intervention.

Reasons for decision

6. This reasoning covers whether, on the balance of probabilities, the Trust holds information within scope of parts 1 – 5 of the complainant's request of 13 October 2022. The Commissioner will also consider the matter of the internal review under 'Other Matters'.
7. Under section 1(1) of FOIA a public authority must (a) confirm whether or not it holds information an applicant has requested and (b) communicate the information if it is held and is not exempt information.
8. In its response to the request, the Trust advised that, "We do not hold information in the way that it is requested. Please note by way of advice and assistance that the information your requested is not routinely held in a central location by the Trust."
9. In its submission to the Commissioner, the Trust has confirmed that [regarding parts 1 - 5 of the request] it consulted its 'People and

Culture' subject matter experts. These subject matter experts searched their employee records and electronic staff record database/global rostering systems, and carried out local intelligence searches with appropriate people, sector wide.

10. The subject matter experts confirmed that the Trust does not deal with this matter [ie attendance for work at the World Cup] centrally as attending the World Cup "was not part of Trust Duties". The Trust dealt with any requests [for leave during the period of the World Cup] under its leave policies and authorised these "on a sector wide basis."
11. The complainant's request is for information about staff applications to **work** at the World Cup in Qatar and is based on the premise that Trust had a duty to provide staff to work at the World Cup. However, the Trust has confirmed that it had no such duty. Its staff could apply for leave to attend the World Cup in a personal capacity and those applications for leave would be considered in line with its relevant policy.
12. But since the Trust had no duty for its staff to work at the World Cup, it follows that it cannot hold information about any applications from staff to attend the World Cup in a professional capacity – either successful, unsuccessful, or pending applications. The Commissioner's decision is therefore that, on the balance of probabilities, the Trust does not hold the information requested in parts 1 – 5 of the request, and its response to those parts complied with section 1(1)(a) of FOIA.

Other matters

13. Providing an internal review is not a requirement of FOIA but is a matter of good practice and can prevent a complaint escalating to the Commissioner.
14. The Commissioner reminds the Trust that a public authority should provide an internal review within 20 working days of the request for one and, in the most complex case only, within 40 working days. For monitoring purposes, the Commissioner has recorded that the Trust did not provide an internal review in this case.

Right of appeal

15. 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](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

16. 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.
17. 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

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