

Freedom of Information Act 2000 (FOIA)

Decision notice

Date: 21 August 2023

Public Authority: North East Ambulance Service NHS Foundation Trust

Address: Ambulance Headquarters
Bernicia House
The Waterfront
Goldcrest Way
Newburn Riverside
Newcastle upon Tyne
NE15 8NY

Decision (including any steps ordered)

1. The complainant requested information from North East Ambulance Service NHS Foundation Trust ("the Trust") about "Audit One Report".
2. The Commissioner's decision is that the Trust breached section 10(1) and section 17(1) of FOIA by failing to provide a valid response to the request within the statutory time frame of 20 working days. No steps are required.

Request and response

3. On 18 June 2023, the complainant made the following request for information:

"Were six cases audited and six cases investigated end to end, making a total of 12 cases?

Or are these the same six cases in question, which were audited and then investigated end to end, meaning six in total?

How many cases in total were referred by whistleblowers at the North East Ambulance Service to Audit One as part of their audits in March and June 2020?

Does the Audit One interim report, contain any evidence of illegality by the North East Ambulance Service NHS Foundation Trust or its staff?

Does the Jennifer Stanley Investigation report, contain any evidence of illegality by the North East Ambulance Service NHS Foundation Trust or its staff?

Does the Jennifer Stanley Investigation report, contain any evidence of bullying/harassment of staff including that of whistleblowers?

Who decided upon the terms of reference for the Jennifer Stanley investigation?

Were the findings of the Jennifer Stanley investigation shared and/or discussed with the Audit One reviewer or vice versa. And if so, what information was shared?

Why did the trust commission two separate investigations (Audit One & Jennifer Stanley), and not one overarching investigation. As it appears to have considered some of the same matters?

Who took the decision to commission two separate investigations?

Why did Jennifer Stanley interview witnesses and collate statements and evidential exhibits to support her investigation terms of reference, when the Audit One review did none of the above?

Why did the North East Ambulance Service NHS Foundation Trust, not share the Jennifer Stanley investigation report and its findings with the CQC?"

4. The Trust responded to the request for information on 21 July 2023. It disclosed some information, advised it doesn't hold other information and withheld some information under section 41 of FOIA, which concerns information provided in confidence. At internal review the Trust also relied on section 40(2) to withhold personal data.

Reasons for decision

5. Section 1(1) of 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.”

6. Section 10(1) of FOIA states that a public authority must respond to a request promptly and “not later than the twentieth working day following the date of receipt”.
7. Under section 17(1) a public authority that is relying on an exemption to withhold information must issue the applicant with a refusal notice within the same timescale i.e. promptly and within 20 working days following the date of receipt of the request.
8. From the evidence provided to the Commissioner in this case, it is clear that the Trust did not deal with the request for information in accordance with FOIA. The Commissioner finds that the Trust has breached section 10(1) by failing to comply with section 1(1) and failing to issue a refusal notice within 20 working days.

Right of appeal

9. 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

10. 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.
11. 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

Michael Lea
Team Manager
Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF