

PATIENTS' FORUM

FOR THE LONDON AMBULANCE SERVICE

Richard Cotton
Case Officer
Information Commissioner's Office
Wycliffe House, Water Lane,
Wilmslow, Cheshire,
SK9 5AF.

December 16th 2019

Reference: IC-27808-T7T2

Dear Mr Cotton, I am writing to make a formal complaint about the London Ambulance Service, 220 Waterloo Road, SE1 in relation to their responses to FOI Act requests. I believe they have breached their duties under the FOI Act.

I have raised this issue with the LAS on many occasions, but they have failed to respond to some of my requests within 20 working days, or given any reasonable explanation for having failed to do so. I present examples below:

A) Submitted to the LAS Mon, 7 Oct 2019 – NO ANSWER RECEIVED

Please supply the following documents under the requirements of the FOI Act 2000:

- 1) All documents, reports and briefings produced by the LAS relating to the proposed adoption of the Co-Production Charter, presented to the LAS by the Patients' Forum for the LAS.
- 2) Following publication of the Learning Disability Strategy 2019, please provide the LAS implementation plan to enhance the care of patients with learning disabilities requiring urgent and emergency care.
- 3) A copy of the LAS programme, plan and timeline designed to ensure that all LAS ambulance and car MDTs systems are powered by battery instead of idling ambulance diesel engines.
- 4) LAS guidance provided to front line staff describing the requirement to switch off diesel engines whilst stationary, unless required to charge batteries and other systems.

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- 5) Evidence that all stations have adequate and appropriate electrical landlines to fulfil the requirement to charge batteries without running diesel engines.
- 6) Evidence that all front-line staff will actively use IPADs for communication with Control and to receive CmC data by the end of 2019.
- 7) In relation to the problem of poor air quality in London, exacerbated by traffic jams and ambulance diesel engines fumes, evidence that the LAS has carried out an assessment of the consequential impact on the health of LAS front line staff, e.g. due to asthma or lung fibrosis.

B) Submitted to the LAS 21 Oct 2019 – RESPONSE RECEIVED NOVEMBER 21(SHOULD HAVE BEEN 15TH NOVEMBER - TWO DOCUMENTS NOT PROVIDED:

Under the FOI can you please provide me with the following documents:

- 1) A copy of the EOC mental health card that guides staff in responding to calls from patients in a mental health crisis. NOT PROVIDED – RESPONSE UNREASONABLE

LAS Response:

Our management of Mental Health patients is our triage system, MPDS (Medical Priority Dispatch System) which is a commercial product and which is copyrighted. We use it under license and are not allowed to copy it.

- 2) A copy of the script used in EOC to ascertain if a person in a mental health crisis may potentially be violent. DOCUMENT NOT PROVIDED – POOR RESPONSE.

I asked for a copy of the “script”, but I was not provided with any document - I was given just a few lines from that script instead of the document:

This is the actual wording I was sent:

“This is a subset of MPDS is able to be answered. There are two questions relating to this: (asked if suspected and the patient is >8 yrs.)”

“Is s/he violent?”

If yes “Does s/he have a weapon”

“This is also asked of first party callers, with appropriate re-phrasing (“Are you feeling violent”)”

“There are also some advice for callers for a patient who is thought to be violent: such as “**If it is safe to do** so, watch her/him continuously”

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I separately asked the LAS Medical Director, Dr Fenella Wrigley the same question who replied rather differently:

With regards to violent patients

MPDS is an international toolkit and in line with the basic principles of MPDS, EMDs are not supposed to doubt the integrity of the caller.

They ask if the patient is violent and the options they are given are:

- Yes
- No
- Possibly
- Very Unlikely
- Unknown
- Not suspected

Of these, only Yes and Possibly cause the suffix to be attached to the determinant.

If the caller is vaguer than that, we encourage the EMD to probe. In addition, when the frontline crews arrive on scene, they make a dynamic risk assessment i.e. they will assess the situation and proceed if it is safe to do so.

As you will appreciate it is often difficult to get clear information when someone is very distressed and we have to balance getting help to the patient as quickly as possible with the safety of our crews. The additional support the crews are getting in mental health assessment help them to make a risk assessment and also, they have mental training and conflict resolution training in the last year as part of Core Skill Refresher.

3) The EOC policy on dealing with calls where the signal goes down and contact is lost with the caller.” - PROVIDED

C) Submitted to the LAS 28th October 2019 – NO REPLY

Handover of patients at Emergency Department - 60 minutes plus.

In relation to LAS non-blue calls for the following months:

Jan 2018

Feb 2018

March 2018

May 2018

June 2018

July 2018

January 2019

please supply details of the number of ambulances that arrived at all London Emergency Departments (A&E) and waited for 60 minutes or more, from ambulance wheel-stop to handover of patients to the Emergency Departments.

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D) Letter to Garrett Emmerson – Chief Executive of the LAS –

Because of the problems we have experienced with the dysfunctional LAS FOI system, I wrote to the Chief Executive of the LAS, Garrett Emmerson (see below and attached) **who has failed to reply**. I attempted to refer this matter to the LAS complaints department who claimed the matter was not within their jurisdiction.

I am aware that the acknowledgement process is subject to guidance and advice about good practice and is not a statutory requirement. I am also aware that Philippa Harding has written to you explaining the difficulties being experienced by the LAS, but the system continues to be dysfunctional and an unreliable source of information, in relation to the standard required by the FOI Act:

Garrett Emmerson
Chief Executive
London Ambulance Service

October 14th 2019

Dear Garrett,

FORMAL COMPLAINT REGARDING LAS COMPLIANCE WITH ICO GOOD PRACTICE GUIDANCE

I am writing to make a formal complaint about the management of FOI Act requests by the LAS.

The ICO Good practice suggests the following, but LAS compliance with the guidance is very poor, e.g. requests are not acknowledged.

“Authorities may wish to consider the following good practice advice to help them handle requests promptly and efficiently;

- It may be helpful to provide and publicise a separate email address for FOI requests, although there will still be a duty to deal with requests received anywhere within the authority.
- To cover periods of absence, it would be advisable for staff to use the automated out of office facility for emails and to provide alternative contact details.
- Where an alternative contact has been provided in an ‘out of office message’, that contact should advise the original recipient of the action taken in respect of the request.
- It would be good practice to acknowledge receipt of requests and to refer to the 20 working day time limit, so that applicants know their request is being dealt with.

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In my experience of submitting FOI Act requests to NHS bodies across the country, including ambulance services, acknowledgements are usually provided within 2 working days.

I have sent FOI Act requests to your automated and email systems, but these have produced no reply or acknowledgement. My first request was submitted on October 8th 2019.

I have also requested a copy of the LAS FOI Act policy and received no reply.

I have raised this issue with Philippa Harding (Head of Governance) and Lisa Taylor. Lisa responded very quickly and contacted the FOI team, but I have still received no acknowledgement or response from the FOI Act team. I understand the FOI Act service is run by the LAS legal department with professional external guidance.

Could you please urgently investigate your compliance with the FOI Act 2000 and ICO good practice guidance?

I attach the ICO Time limits guidance regarding compliance with the Freedom of Information Act (Section 10) to assist your investigation.

Yours sincerely

Malcolm Alexander, Chair, Patients' Forum for the LAS

I would be very grateful for a full investigation of this complaint, which hopefully will assist the LAS to develop an effective and legally compliant system to respond to questions submitted under the FOI Act.

Yours Sincerely



Malcolm Alexander,
Chair,
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Letter to Garrett Emmerson also attached.