



Trust Headquarters  
Nexus House  
4 Gatwick Road  
Crawley  
West Sussex  
RH10 9BG

Internal Ref: 250726  
Email:

Tel: 0300 123 0999  
[www.secamb.nhs.uk](http://www.secamb.nhs.uk)

Dear

The trust acknowledges receipt of your Freedom of Information Act 2000 (FOIA) request, referenced above. Please ensure you quote this number in any future correspondence.

### **FOI Request**

You asked us:

**English NHS Ambulance Trusts and NHS England (plus AACE and University of Sheffield) participated in the Ambulance Response Program Review in 2017.**

**On page 125 it made the below statement:**

**AACE commissioned comprehensive legal advice through CAPSTICKS.**

**FOI Request: Please supply that legal advice.**

#### **Page 125 ARP Review 2017**

**The use of blue lights and sirens when responding to incidents This action stemmed from questions raised by staff about whether it was appropriate to respond to Category 3 and 4 incidents on blue lights and sirens given that they were not described as emergencies under the original ARP descriptions. NHS England requested that AACE sought to reach a consistent position with trusts to ensure common practice. On initial investigation it became clear that this is a question of law rather than a matter of policy. AACE commissioned comprehensive legal advice through CAPSTICKS. The advice is detailed and the issues are in places complex, but in very broad terms the key points include**

### **Formal Response**

Documents providing advice by legal advisors to their clients are subject to legal professional privilege, and are considered exempt from disclosure under the FOIA.



This exemption is detailed under section 42 of the FOIA. This section concerns exemption from the individual right to receive information from a public authority, where its disclosure could contravene confidentiality of legally privileged information.

Section 42(2) further confirms that the duty upon the Trust to confirm or deny whether any information is held does not arise.

In the case that AACE had commissioned legal advice from Capsticks LLC, any request to disclose that information should be directed to AACE.

### Next steps

Please note you will be able to source a lot of information which is made available on our website.

Should you be dissatisfied with our response then in the first instance please contact Richard Banks, Head of Corporate Governance, via the following email address: [FOI@secamb.nhs.uk](mailto:FOI@secamb.nhs.uk)

You can ask us to review our original response. If you would like us to carry out an internal review, please let us know within 40 working days of you receiving our original response. This review will be conducted by an individual who was not directly involved in reviewing the original response, ordinarily, the Trust Data Protection Officer.

We will endeavour to complete this request within 20 working days.

Should you remain dissatisfied then you can contact the [Information Commissioner's Office](#) (ICO). Complaints to the ICO should be made within six weeks of receiving the outcome of an internal review. The easiest way to lodge a complaint is through their website: [www.ico.org.uk/foicomplaints](http://www.ico.org.uk/foicomplaints).

Alternatively, the ICO's postal address is:  
Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF.

Yours sincerely,

**Freedom of Information Coordinator  
South East Coast Ambulance Service NHS Foundation Trust**



Saving Lives,  
Serving Our Communities

Chair: Michael Whitehouse CEO: Simon Weldon