

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 24 July 2018

**Public Authority:** Devon and Somerset Fire and Rescue Service

**Address:** Headquarters  
The Knowle  
Clyst St George  
Exeter  
EX3 0NW

### **Decision (including any steps ordered)**

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1. The complainant has requested information relating to a specific statement made by Devon and Somerset Fire and Rescue Service ("the Service") as part of a public consultation. The Service disclosed information. The complainant contested that further information was held.
2. The Commissioner's decision is that the Service has disclosed all held information.
3. The Commissioner does not require the Service to take any steps.

## Request and response

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4. On 2 December 2017, the complainant wrote to the Service and requested information in the following terms:

*In your draft IRMP for 2018-22 you state that, 'over 70% of incidents we attend could be fully dealt with by a crew of two'. I will be grateful if you would send me a copy of the evidence that this statement is based on, including any research papers and risk assessments.*

5. The Service responded on 4 January 2018. It disclosed held information.
6. On 7 January 2018, the complainant requested an internal interview. This was on the basis that further information was held.
7. Following an internal review the Service wrote to the complainant on 5 February 2018. It maintained that its initial response was correct.

## Scope of the case

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8. The complainant contacted the Commissioner on 21 February 2018 to complain about the way his request for information had been handled, and specifically that further information was held.
9. The Commissioner considers the scope of the case to be the determination of whether all held information has been disclosed.

## Reasons for decision

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### Section 1(1) – General right of access to information

10. Section 1(1) of the FOIA states that any person making a request for information to a public authority is entitled to be informed in writing by the public authority whether it holds information relevant to the request, and if so, to have that information communicated to them. This is subject to any exclusions or exemptions that may apply.
11. Where there is a dispute between the information located by a public authority, and the information a complainant believes should be held, the Commissioner follows the lead of a number of First-tier Tribunal (Information Rights) decisions in applying the civil standard of the balance of probabilities.

12. In the circumstances of this case the Commissioner will determine whether, on the balance of probabilities, the Council holds further recorded information that falls within the parameters of the request.

### Context

13. The Service is required to produce an Integrated Risk Management Plan which outlines the different risks to the community and how the Service plans to address them. A version of this plan has been published for public consultation in order to initiate debate about how the Service operates with a reduced budget.
14. The request relates to a particular statement in the plan which suggests that over 70% of incidents could be dealt with by a crew of two officers.

### The Service's position

15. The Service has informed the Commissioner that the statement is based on incident data that has been recorded over the previous three years.
16. Each incident is ascribed with codes that record various details about the incident, including whether the incident could have been dealt with by a crew of two officers. This data is held in a spreadsheet, and has been used to calculate the percentage of incidents (both in total and broken down by incident type) that could have been responded to by two officers. This information has been disclosed to the complainant.
17. The Service has questioned the officer who undertook the calculation to identify whether any additional documentation was created. That officer has confirmed that no additional analysis was carried out on the data, and that no other documentation (such as research papers or risk assessments) was created. The Service has clarified that, should specific proposals to change crewing levels be pursued in the future, formal records would be created to support this.

### The Commissioner's conclusion

18. The Commissioner understands that the statement made by the Service is based on the simple analysis of data to create percentages. These percentages have been disclosed to the complainant as they were calculated. Whilst the Commissioner notes that the complainant expected there to be further documentation about the Service's analysis of the data, the Service has provided a cogent explanation why no such further documentation was created.
19. In the absence of any contradictory evidence, the Commissioner must therefore conclude that all held information has been disclosed.

## Right of appeal

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20. 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@hmcts.gsi.gov.uk](mailto:GRC@hmcts.gsi.gov.uk)

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

21. 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.
22. 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 .....**

**Andrew White**  
**Group Manager**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**