

**Doc 1**

From: [REDACTED]  
Sent: 31 March 2017 08:56:36  
To: Public Engagement Unit  
Cc: Cabinet Secretary for Health and Sport  
Subject: FW: Deregulation Act 2015  
Attachments: 1 INSURANCE .pdf, 2 INSURANCE.pdf, 3 INSURANCE.pdf, 4 INSURANCE.pdf, 5 INSURANCE.pdf  
PEU  
Please add to MACCS as a OR, for fast track.  
Thanks,

[REDACTED]  
[REDACTED]  
Portfolio Assistant  
Cabinet Secretary for Health and Sport  
Tel: [REDACTED]  
Ext: [REDACTED]

From: Robison S (Shona), MSP [mailto:Shona.Robison.msp@parliament.scot]  
Sent: 30 March 2017 19:27  
To: Cabinet Secretary for Health and Sport  
Subject: Fwd: Deregulation Act 2015  
For urgent attention please  
Sent from my iPhone  
Begin forwarded message:

From: [REDACTED]  
[REDACTED]  
To: "Robison S (Shona), MSP"  
<Shona.Robison.msp@parliament.scot<mailto:Shona.Robison.msp@parliament.scot  
>> [REDACTED]

Subject: Deregulation Act 2015

Hello Shona

I hope you are well.

I am looking for some help and information with regards an encounter we had at a pre planning meeting for a large event taking place in Greenock in June 2017.

We are an Independent Ambulance Company who provides Medical Services to a wide array of clients which includes all the major NHS Hospitals within Scotland.

These services include on very rare occasions to transfer medically ill patrons or clients off site from Event to Hospital with the majority of times under the guidance of our on site A/E Consultant who also works full time with NHS Scotland.

Now today someone from the Risk and Resilience Department within The Scottish Ambulance Service, namely an [REDACTED] has informed us that we have no authority to drive any patient off site under blue light conditions if they are time critical. Our data shows in the past year we have done 4 actual blue light emergency drives. These were carried out with instruction from an A/E Consultant on site, who actually also traveled. They were also carried out with an experienced and qualified member of staff who holds the appropriate blue light qualification.

We have insurance to drive under blue light conditions. I have attached our insurance documents for reference. Our drivers get yearly refreshers in house from qualified

blue light driving instructors.

This is a very grey area as far as I am concerned and the wider impact within Scotland would only increase the workload on the SAS which in its current form seems to be a negative reaction rather than a positive one.

This situation today is born out of a complete lack of understanding of an employee of The Scottish Ambulance Service, namely [REDACTED]. Why would [REDACTED] want to put further strain on an already strained service. It is my understanding [REDACTED] wishes the SAS to be contracted for this event as I can offer no other reason. Now we were contracted through a legal tender which was awarded by procurement through the PCS Portal. The council have done their due diligence and awarded this contract based on what type and level of service we can provide and ultimately cost. We actually serviced the same event last year after having been brought in at the last minute for an unknown reason.

We are a Professional, Experienced and properly ran Ambulance Service. We have many employees and also contract in A/E Consultants and A/E Nurses to augment our larger events.

As part of the tender process we had to submit all equipment and drugs carried by our Service. All our operational procedures and policies. It was an exhaustive in depth process. A process which we also had to do for the SEC, a large contract to supply all Medical Services to the campus (Formerly the SECC). I am acutely aware of other mediocre services within Scotland and extensively in England where there is a wide spread problem of unqualified operators.

We have many high end clients and have serviced full capacity stadium gigs with over 50,000 patrons. We have an excellent reputation with all Councils and Police Scotland.

This today casts a shadow over our Service and ultimately will put pressure on the SAS. We are not looking for any special treatment, we are only asking to be treated fairly and with a degree of recognition to the professional service that we provide. We are happy to be inspected or any form of accreditation that the SAS recommends, but to be honest this is something that I feel will be hard to attain as the Conflict of Interest within the SAS to award us any form of accreditation would ultimately lose them more work within the private sector.

We would be delighted to be inspected by a Governing Body and would welcome their comments.

I really need help with this and I am unhappy that we are being treated this way. We generate a turn over of 1.5M each year and employ many workers and this ultimately will have a negative effect on our core business unless something is actually agreed on.

I did not want to bombard you with tons of information but would welcome your help with this delicate matter.

I understand you are very busy and this possibly will not be important, but to us it is extremely important and we hope to hear from you soon.

Best regards,

[REDACTED]  
--

[REDACTED]  
Manager

[REDACTED]  
Tel [REDACTED] Fax [REDACTED]

Email [REDACTED]

**Doc 2**

Population Health Directorate  
Primary Care Division



Scottish Government  
Riaghaltas n  
gov.scot  
vernment

T: [REDACTED]  
E: [REDACTED]

***By e-mail to:***

[REDACTED]  
Manager  
[REDACTED]  
[REDACTED]

Our ref: 2017/0011841

21 April 2017

Dear [REDACTED]

Thank you for your recent e-mail to Shona Robison MSP, Cabinet Secretary for Health and Sport, about driving under blue lights. I work in the Scottish Government's Primary Care Division, which has performance management responsibility for the Scottish Ambulance Service, and have been asked to reply.

We are currently seeking advice from the Department for Transport as to whether this aspect of road traffic law is reserved or devolved.

Once I have this information, I will provide you with a full and detailed reply.

Yours sincerely,

[REDACTED]  
**Policy Officer**

### Doc 3

-----Original Message-----

From: [REDACTED]  
Sent: 27 April 2017 09:22  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: MACCS: New case 2017/0011841 allocated.

Hi [REDACTED]

I trust this email finds you well.

Based on the information available to us, the vehicles used by the company appear to be "emergency vehicles" for the purposes of the Road Vehicle Lighting Regulations 1989 as they are used to convey sick, injured or disabled persons, but in order for us to provide a firm position on this issue, please find some further clarification points below:

- What is the basis on which the Scottish Ambulance Service believes that the company is not authorised to operate under blue-light conditions? The Scottish Ambulance Service doesn't have a view on this.
- Have the vehicles in question been specially-constructed or adapted for transporting patients, or transporting patients is a core or primary use of those vehicles? Yes, they are all professionally converted and manufactured A/E ambulances and registered with the DVLA as such. The primary core service of these vehicles is the delivery of patients.
- Has the company only fitted blue lights to the vehicles which are used to transport patients, or to their whole fleet of vehicles? They only have blue lights fitted to their ambulances. They also have blue lights fitted to their command and control vehicle and event support vehicle which is used to set up their A/E on site hospital. They are never used on the latter two; they were kept connected in case of a major incident whilst on-site.
- Has the company only operated under blue-light conditions when transporting patients, or when attending emergencies generally? Yes, the company only operates under blue lights when transporting a patient from an event site or from hospital to hospital, all under guidance from their NHS A/E Consultants on site. The company has carried out six of these journeys in the last 12 months. It is fully insured for blue light use and all its staff are properly qualified to drive under emergency conditions and they undertake rigorous refresher training from their Emergency Driving Instructor. All its vehicles are live tracked and are under constant monitoring from its Full Time Fleet Mechanic.
- Is the use of blue lights the only concern of the Scottish Ambulance Service, or are they also concerned about other issues such as the use of speed limit exemptions? N/A

Please advise if further clarification is needed.

Thanks and regards,

[REDACTED] Senior Engineer, International Vehicle Standards  
Division, Department for Transport

1/29/34 [REDACTED]

-----Original Message-----

From: [REDACTED]

Sent: 18 April 2017 09:49

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: MACCS: New case 2017/0011841 allocated.

Hi [REDACTED]

I wondered if you were able to provide any advice for us on this case?

Thanks

[REDACTED]  
[REDACTED]  
Policy Officer  
Transformation Team  
Primary Care Division  
T: [REDACTED]  
E: [REDACTED]  
# @SG\_PrimaryCare  
Scottish Government  
1R, St. Andrew's House  
Regent Road  
Edinburgh, EH1 3DG

-----Original Message-----

From: [REDACTED]

Sent: 05 April 2017 13:52

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: MACCS: New case 2017/0011841 allocated.

Thanks [REDACTED]

[REDACTED] - a response by the end of next week would be much appreciated

Thanks

[REDACTED]

[REDACTED]  
Team Leader – Scottish Ambulance Service and General Ophthalmic Services  
Directorate for Population Health Primary Care Division The Scottish Government  
1ER, St Andrews House Regent Road, EDINBURGH  
EH1 3DG  
Tel [REDACTED]

-----Original Message-----

From: [REDACTED]  
Sent: 05 April 2017 13:44  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: RE: MACCS: New case 2017/0011841 allocated.

Hi [REDACTED]

As discussed I am not sure that this is necessarily a straightforward question. As far as I'm aware this aspect of traffic law is reserved not devolved, so the answer should be in the Road Traffic Regulation Act 1984 and the exemption rules therein. I have cc'd colleagues in the Department for Transport for advice on an appropriate response.

[REDACTED] - as per attached, the issue is around whether a private ambulance provider in Scotland is able to travel under blue light conditions, when not specifically being tasked by an NHS ambulance service. I think this may hinge on the interpretation of 'ambulance purposes' but would not like to advise without your say so on what is correct. Grateful for your advice to our Scottish colleagues cc'd.

Kind regards  
[REDACTED]

[REDACTED]  
Ambulance Policy & Delivery Lead  
Patient Access and Flow Team  
Department of Health, 79 Whitehall, SW1A 2NS  
E: [REDACTED] T: [REDACTED] Follow us on Twitter @DHgovuk

-----Original Message-----

From: [REDACTED]  
Sent: 05 April 2017 12:12  
To: [REDACTED]  
Cc: [REDACTED]  
Subject: FW: MACCS: New case 2017/0011841 allocated.

Hi [REDACTED]

As discussed over the phone, we've received the attached correspondence from a private ambulance company about using blue lights. I'm struggling to know how to handle this one, so any advice you can give would be much appreciated.

Thanks

AG

[REDACTED]

[REDACTED]

Team Leader - Scottish Ambulance Service and General Ophthalmic Services  
Directorate for Population Health Primary Care Division The Scottish Government  
1ER, St Andrews House Regent Road, EDINBURGH  
EH1 3DG  
Tel: [REDACTED]

Doc 4

**From:** [REDACTED]  
**Sent:** 27 April 2017 15:09  
**To:** [REDACTED]  
**Subject:** Re: Reply from the Scottish Government

Hi [REDACTED]

Many thanks for the letter today.

Please see my response below:

**Have the vehicles in question been specially constructed or adapted for transporting patients, or transporting patients is a core or primary use of those vehicles?**

Yes they are all Professionally converted and manufactured A/E Ambulances, registered with the DVLA as such. The primary core of these vehicles is the delivery of patients.

**Has the company only fitted blue lights to the vehicles which are used to transport patients, or to your whole fleet of vehicles?**

We only have blue lights fitted to our Ambulances. We also have blue lights fitted to our Command and Control Vehicle and Event Support vehicle which is used to set up our A/E On site Hospital. They are never used on the latter 2 of course, they were kept connected in case of a Major Incident whilst on site.

**Has the company only operated under blue-light conditions when transporting patients, or when attending emergencies generally?**

Yes we only operate under blue lights when transporting a patient from an event site or from hospital to hospital, all under guidance from our NHS A/E Consultants on site. We have carried out 6 of these journeys in the last 12 months. We are fully insured for blue light use and all our staff are properly qualified to drive under emergency conditions and they undertake rigorous refresher training from our Emergency Driving Instructor. All our vehicles are live tracked and are under constant monitoring from our Full Time Fleet Mechanic.

Please if there is anything else that you wish please do not hesitate to contact me.  
Thanks,

[REDACTED]

[REDACTED]

Manager



[Redacted]

Tel : [Redacted] Fax [Redacted]  
Email : [Redacted]  
Web : [Redacted]

[Redacted]

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On 4/27/2017 2:39 PM, [Redacted] wrote:

Dear [Redacted]

Apologies in that case. Please find attached my interim reply of 21 April.

Since the date of my letter, the Department of Transport has been in touch with me and they require the following information from you in order to formulate a response which meets your needs:

- Have the vehicles in question been specially constructed or adapted for transporting patients, or transporting patients is a core or primary use of those vehicles?
- Has the company only fitted blue lights to the vehicles which are used to transport patients, or to your whole fleet of vehicles?
- Has the company only operated under blue-light conditions when transporting patients, or when attending emergencies generally?

I would be very grateful for your confirmation on those points.

Many thanks

[Redacted]



[Redacted]

Policy Officer  
Transformation Team  
Primary Care Division  
E: [Redacted]

# @SG\_PrimaryCare  
Scottish Government  
1R, St. Andrew's House  
Regent Road  
Edinburgh, EH1 3DG

**From:** [REDACTED]  
**Sent:** 27 April 2017 14:30  
**To:** [REDACTED]  
**Subject:** Re: Reply from the Scottish Government

Hi [REDACTED]

Thanks for the e-mail.

No we never got anything at this end on the 21st.

Thanks,

[REDACTED]

[REDACTED]

[REDACTED]

Tel [REDACTED] | Fax [REDACTED]  
Email [REDACTED]  
Web : [REDACTED]

[REDACTED]

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On 4/27/2017 2:24 PM, [REDACTED]

Dear [REDACTED]

Can I check that you received my interim reply of 21 April? We had some IT issues last week, so I just want to check that my e-mail had been received.

Many thanks,



Policy Officer  
Transformation Team  
Primary Care Division



E  
# @SG\_PrimaryCare  
Scottish Government  
1R, St. Andrew's House  
Regent Road  
Edinburgh, EH1 3DG

**Doc 5**

Tue 2 May 18:15

Hello [REDACTED]

I hope you are well.

I very much appreciate that you have taken it upon yourself to try and find a solution to our potential Blue Light Issue.

I am wondering if this was somehow the opportunity to try and investigate why there is no form of regulation in place for Independent Ambulance Services who operate within Scotland.

I know it was talked about some years ago but nothing seemed to materialise.

As you are aware we are an Independent Ambulance Service. We have grown over the past 4 years and now service most of Scotland's large events. We take pride in the fact that we provide full Medical Care to things like a sell out Robbie Williams concert at Murrayfield to the smaller low key event with only few participants and spectators.

I deal directly with local Council and Police Scotland on a regular occurrence, most of these events always require per-event and post-event meetings. We have steadily built up an excellent reputation among these stakeholders as well as the main players within the Event Industry. I feel now with this Blue Light issue arising it may be the right time to actually monitor and improve existing services through either local initiatives or more formally Scottish wide agreements. Now I am aware that this may not be high on the agenda of the Government and perhaps it may be seen as a problem that they wish would perhaps hopefully disappear altogether.

I see that this problem is becoming more widespread than originally anticipated. There are a lot of issues that need to be addressed and going forward I think that this is the right time.

We as a company are left to our own devices which in itself is worrying. We are left to monitor our staff, vehicles, equipment, policies and procedures. We are left to make up our own mind in how we run our company, with no rules or agreements set down in how to create best practice. Obviously running a business is not always done the same by everyone but I would hope that something that deals directly with Patient Care and Crowd Safety would be something that would have some form of Governing Body to set down a minimum standard of excellence. Surely the Department that regulates The Scottish Ambulance Service could be involved and set something down to form the potential start of monitoring. I would even go one step further and address the issue of Potential Terrorist Attacks which we can see are becoming more regular, random acts and widespread. Would it not make sense to have extra resources to call on should the need arise if the worst were to happen. Resources that we know are capable and properly regulated. Now I am not saying to help directly with a Major Incident but to perhaps help The Scottish Ambulance Service with their core activity should their resources be over ran in dealing with such a scenario. There is not even any form of dialogue about this scenario which I feel is a great shame and of great importance. We have a huge event just round the corner for Scotland, The European Championships Glasgow 2018.

The Scottish Ambulance Service will not have the resources to cover this huge event on their own: <https://www.glasgow2018.com/>

We do thousands of Patient Journeys every year for local hospitals within the NHS. Again we are doing patient journeys for the NHS with no form of regulation which seems almost incomprehensible.

We were told by The Home Office last week that we are the only Service in Scotland who actually holds a controlled drug license. This is something that all companies providing Ambulance and Paramedic cover should have as they should be carrying Morphine/Ketamine and this will come under a controlled drug. Now either existing companies are holding controlled drugs illegally or they are simply lying to Event organisers about they type of service that they are providing.

There was an event at the weekend in Sedgefield, a motocross event in which someone died and another seriously hurt. We have covered these types of events in the past and we know of operators in Scotland who cover them also. Now we are not saying that there was anything wrong with the medical cover or indeed the treatment, it is just to show that serious things can happen a these events. See below for the link to the event held in Durham, England.

<http://www.bbc.co.uk/news/uk-england-tees-39765709>

I have compiled a list of Service Providers currently operating in Scotland as far as we are aware:

ABC AMBULANCE SERVICE

<http://www.abc-ambulance-services.co.uk/>

ABC PARAMEDIC SERVICES AND FIRST AID TRAINING

<http://abcparamedicservices.co.uk/>

AMBULANCE AND MEDICAL SERVICES

<http://www.ambulanceandmedicalservices.co.uk>

HART SERVICES SCOTLAND

<http://www.hartserv.co.uk/>

REDCREST EMERGENCY MEDICAL SERVICES

<https://www.facebook.com/RedcrestEmergencyMedicalServices/>

Concerning the top 2 of the list we actually had to step in at the last minute recently to provide the appropriate cover as they were found to be unsuitable during the pre-planning meetings for the 2 events. Police Scotland actually refused to work with both and asked for us to provide the service.

Redcrest recently covered a fairly large event and I cannot understand why they even get by the planning stages set down via council. In my experience and knowledge they should not be facilitating such an event. Independent Ambulance Services should work really hard, in fact work harder to promote Best Practice and Safe Events. I am not saying that we are better than everyone else, we just operate differently because we may be more aware of how things should operate as we have direct experience of working within The Scottish Ambulance Service. I feel that this experience is the clear difference and if there were regulations to follow and adhere to then maybe all services can improve Scotland wide. This also requires huge investment in the product which we have always done and will continue to do.

I am also aware that Police Scotland and The Scottish Ambulance Service have had issues with some of these companies either driving under blue lights inappropriately or phoning 999 to attend events that they are covering with inappropriate medical cover. It is our business model to cover events and not rely on any SAS intervention, unfortunately some other companies do not operate with this in mind.

I have also been dealing with [REDACTED] on a number of issues, she is happy for me to send her contact details and welcomes being involved and perhaps Councils preparing a Preferred Supplier list with guidance set down by Scottish Government. [REDACTED] actually directly approves these events and issues the letter of comfort to event organisers.

[REDACTED]  
Resilience Unit,

City Chambers,

40 John St.

Glasgow G1 1JU

Tel [REDACTED]

Email [REDACTED]

We are ultimately after one thing which is Patient Care and Safe Events. I think that the number of Ambulance Services are under 10 in Scotland and would be easily managed under some clear informative guidance. This would then be sent to all Councils and they would then be safe in the knowledge that when they issue a letter of comfort for an event they are doing so with clear and concise guidelines and that in turn will facilitate a safe event. Further a field The NHS, which will include all hospitals, should also be aware of the guidance and only use recommended suppliers. How the Government would address this will be the difficult part but certainly not impossible. I worry that it will be a financial reason as to why it cannot be done, I hope not.

Are there enough providers to justify such a thing? Can there not be some form of registration payment to at least take some of the financial cost out of the equation?

I do believe that things are changing in Scotland and we will see an increase in our services over the coming years. I believe that The Scottish Ambulance Service, even with mass investment from The Scottish Government will always struggle with their

core activities, never mind all the extra income generation that they undertake each year by covering events.

I would like to see good Independent Services becoming preferred partners and being able to help in times of unexpected peaks in demand. You will be aware that this already happens on a mass scale in England. How successful it is I can only make a distant judgement on what I see on the news and read in the papers.

I am sorry that I have went on somewhat but I believe we all need some clear definitive help and guidance with the matter of the Provision of Medical Services by Independent Ambulance Services.

On a separate issue I have also made some head way on the interpretation of the Deregulation Bill. My understanding is and I believe the Department of Transports understanding is that all A/E Ambulances designed and fit for purpose of carrying sick and injured persons to a place of treatment, fitted with blue lights and the appropriate qualified person who is insured can transfer patients (Life threatening), after pre alerting the local NHS hospital, under blue light conditions. The Bill actually relates to the use of Rapid Response Vehicles and blue light use as far as I am led to believe.

I look forward to your findings on this matter with a matter of urgency.

I look forward to you reply.

Many thanks,



**Doc 6**

**From:** [REDACTED]  
**Sent:** 03 May 2017 17:40  
**To:** [REDACTED]  
**Subject:** UPDATE

Hello [REDACTED]

I hope you are well and recovering from my long e-mail yesterday, my apologies.

Can I add on something that is literally quite frightening.

This chap has been in touch with DF Concerts with regards covering events with Medical Provision.

DF Concerts are as you will be aware the biggest Concert Promoter in Scotland.

<http://www.safetycriticalmedicalservices.co.uk/contact-us>

The contact page as you can see only has his mobile number on it and if you do further research on Facebook and companies house they all tie up.

<https://www.facebook.com/pg/safetycriticalmedical/about/>

The Director is a 19 year old male water sports instructor.  
This looks like a legitimate website and Facebook account offering what appears to be Top end Medical Cover.

Steven can we do something pro active with regards moving forward as this is becoming a serious problem as far as I am concerned.

Thanks in advance,  
[REDACTED]



## Doc 7

3 May 2017

Hi [REDACTED]

Thanks for your response. Please find responses to each of your points which I have added to your e-mail of 27 April below.

We have also been made aware of concerns relating to private ambulances driving under blue lights while transporting organs. The Scottish Ambulance Service has advised that it has concerns about this being the case as it has received a number of complaints which do not relate to their vehicles, but to vehicles owned by private companies.

It would be very helpful if you were able to set out all of the conditions for any private ambulance company to drive under blue lights as this will help us look at both of these enquiries.

We have been able to source the following references online:

**HORNS, GONGS, SIRENS, BELLS”.**

“Gongs, Sirens, Two-Tone Horns and Bells are prohibited except on Motor vehicles used solely for Ambulance Purposes”. Road Traffic Act 1972, as amended by Road Traffic Act 1974 Motor Vehicles (Construction and Use) Regulations No [1017/78/29] (2) (3)

Definition of an ambulance is as follows:

An “Ambulance” is defined as:

“A Vehicle, which must have a rear compartment, with a fixed permanent means of conveying a person in a recumbent position, together with an attendants seat. The words ‘Ambulance’ must be clearly marked on the front and each side of the vehicle.” Vehicle Construction Acts

Two other definitions of an Ambulance are given under separate later legalisation  
“Ambulance” Means:

“A Vehicle which is constructed or adapted for, and used for no other purpose other than, the carriage of sick, injured or disabled people to or from welfare centres or places where medical or dental treatment is given, and is readily identifiable as a vehicle used for the carriage of such people by being marked “Ambulance” on both sides.” Road Vehicles (Registration and Licensing) Regulations 1997.

An “Ambulance” is:

“A Vehicle specially designed for that purpose, the vehicle should have the facility to secure a recumbent person in a stretcher; or it should be fitted with the necessary ramp or lift and clamps to enable a person or persons to be safely loaded, unloaded and transported in a wheelchair.” H.M. Customs & Excise Ref.: Item 11 of Group 7, Schedule 9 to the VAT Act 1994 Exemptions.

The intent of the later definitions is clearly to bring British Law more in line with European Definitions of "An Ambulance". In all cases it is clear that there are two different class of

"Ambulance":

(1) An Emergency Ambulance that may have both Emergency Blue Beacons and Sirens and:

(2) An Ambulance used for the conveyance of Wheelchairs and walking disabled.

"Ambulance purpose" is also clearly defined, as is the types of Construction and these use of such vehicles. Any other Vehicle other than above is not an "Ambulance" or a vehicle used for "Ambulance Purposes" other vehicles are allowed they are described as "Use of Vehicles in Emergency Response by the NHS"

We could do with a clear definition of an ambulance to help with our responses. I think the latter definitions above are the ones which are current.

Finally:

"BLUE LIGHTS AND BEACONS"

" A Blue light may be carried on Motor

Vehicles used for Ambulance Purposes, and vehicles carrying human tissue for transplant"

Road Traffic Act 1972 Road vehicle Lighting Regulations 1989[S.I 1989/1796] (2)(a) and [116/80]

Are these still the regulations covering this?

It would be extremely helpful if we could have a quick response on this as there are events coming up at which private ambulances will be used and we'd like to have the position clarified in time. Grateful for a response by the end of this week.

Thanks

[REDACTED]  
[REDACTED]  
Policy Officer  
Transformation Team  
Primary Care Division  
T: [REDACTED]  
E: [REDACTED]  
# @SG\_PrimaryCare  
Scottish Government  
1ER, St. Andrew's House  
Regent Road  
Edinburgh, EH1 3DG

-----Original Message-----

From: [REDACTED]

Sent: 27 April 2017 09:22

To: [REDACTED]

Cc: [REDACTED]

Subject: RE: MACCS: New case 2017/0011841 allocated.

Hi [REDACTED]

I trust this email finds you well.

Based on the information available to us, the vehicles used by the company appear to be "emergency vehicles" for the purposes of the Road Vehicle Lighting Regulations 1989 as they are used to convey sick, injured or disabled persons, but in order for us to provide a firm position on this issue, please find some further clarification points below:

- What is the basis on which the Scottish Ambulance Service believes that the company is not authorised to operate under blue-light conditions? The Scottish Ambulance Service doesn't have a view on this.
- Have the vehicles in question been specially-constructed or adapted for transporting patients, or transporting patients is a core or primary use of those vehicles? Yes, they are all professionally converted and manufactured A/E ambulances and registered with the DVLA as such. The primary core service of these vehicles is the delivery of patients.
- Has the company only fitted blue lights to the vehicles which are used to transport patients, or to their whole fleet of vehicles? They only have blue lights fitted to their ambulances. They also have blue lights fitted to their command and control vehicle and event support vehicle which is used to set up their A/E on site hospital. They are never used on the latter two; they were kept connected in case of a major incident whilst on-site.
- Has the company only operated under blue-light conditions when transporting patients, or when attending emergencies generally? Yes, the company only operates under blue lights when transporting a patient from an event site or from hospital to hospital, all under guidance from their NHS A/E Consultants on site. The company has carried out six of these journeys in the last 12 months. It is fully insured for blue light use and all its staff are properly qualified to drive under emergency conditions and they undertake rigorous refresher training from their Emergency Driving Instructor. All its vehicles are live tracked and are under constant monitoring from its Full Time Fleet Mechanic.
- Is the use of blue lights the only concern of the Scottish Ambulance Service, or are they also concerned about other issues such as the use of speed limit exemptions? N/A

Please advise if further clarification is needed.

Thanks and regards,

[REDACTED] Senior Engineer, International Vehicle Standards  
Division, Department for Transport  
1/29-34 [REDACTED]

**Doc 8**

Monday 15 May 2017

Dear [REDACTED]

Thank you for your query.

You have asked for guidance on whether or not the private ambulance company has the authority to transfer patients under blue-light conditions is the issue at hand.

In the Departments view, the company is authorised is operate under blue light conditions while transporting patients, or organs. The vehicles used by the company are "emergency vehicles" as defined in regulation 3 of the Road Vehicle Lighting Regulations (RVLR) 1989. They are used, and in fact have been professionally converted, to convey sick, injured or disabled persons. Whether or not the vehicles are owned, leased or hired by the NHS will only be relevant if they are not being used for "ambulance purposes".

An emergency vehicle is defined in regulation 3 of the RVLR 1989 either as "an ambulance" or a vehicle "used for ambulance purposes". In other words the relevant vehicles must either have been constructed or adapted for the purposes of conveying sick, injured or disabled persons, or are being used for those purposes. The relevant parts of the definition are set out below. Whether or not the vehicles are owned, leased or hired by the NHS will only be relevant if the vehicle is not being used for "ambulance purposes".

(aza) a vehicle used for ambulance purposes or for the purpose of providing a response to an emergency at the request of an NHS ambulance service

(b) an ambulance, being a vehicle (other than an invalid carriage) which is constructed or adapted for the purposes of conveying sick, injured or disabled persons and which is used for such purposes

The department cannot see why the company would not be authorised to operate under blue light conditions while transporting organs, as an "emergency vehicle" for the purposes of the RVLR 1989 also includes:

(j) a vehicle primarily used for the purposes of conveying any human tissue for transplanting or similar purposes

It must be noted that this is the Departments interpretation of what the law requires. However, ultimately the interpretation of the law is a matter for the courts based on individual facts of any particular case. Therefore the Department would advise the enquirer to consult the relevant legislation and, if necessary, seek independent advice.

Regards,

[REDACTED] Senior Engineer, International Vehicle Standards  
Division, Department for Transport  
1/29-34 | [REDACTED]

-----Original Message-----

From [REDACTED]  
Sent: 09 May 2017 14:08  
To [REDACTED]

Cc [REDACTED]

Subject: RE: MACCS: New case 2017/0011841 allocated.  
Importance: High

Hi [REDACTED]

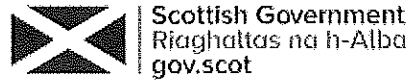
Sorry to chase, but we're being chased for an answer. Are you in a position to provide advice covering the points below?

We are really looking for that as soon as possible please

Thanks

[REDACTED]  
[REDACTED]  
Policy Officer  
Transformation Team  
Primary Care Division  
T: [REDACTED]  
E: [REDACTED]  
# @SG\_PrimaryCare  
Scottish Government  
1ER, St. Andrew's House  
Regent Road  
Edinburgh, EH1 3DG

Population Health Directorate  
Primary Care Division



T  
E

[Redacted]

[Redacted]

16 June 2017

Dear [Redacted]

Thank you for your recent correspondence relating to the ability of private ambulance companies to drive under blue lights and the possibility of Scottish Government looking at the regulation of private ambulance companies.

As we discussed over the phone, given the complex nature of a number of the issues you have raised there has been a requirement for us to liaise with various colleagues both internally within the Scottish Government and externally with our colleagues at the Department of Transport. This has resulted in the delay in responding to your enquiry and please accept my apologies for this.

Firstly, I would like to focus on the issue raised in your original enquiry relating to advice you state you had received from the Scottish Ambulance Service relating to your company, Ambulance Scotland, driving under blue lights when transporting patients. Following consultation with the Department of Transport it is our view that your company is authorised to operate under blue lights whilst transporting patients or organs.

This is due to the fact that, looking at the answers you have provided to the questions we asked you, your companies vehicles are "emergency vehicles" as defined in regulation 3 of the Road Vehicle Lighting Regulations (RVLR) 1989. An emergency vehicle is defined in regulation 3 of the RVLR 1989 either as "an ambulance" or a vehicle "used for ambulance purposes". In other words the relevant vehicles must either have been constructed or adapted for the purposes of conveying sick, injured or disabled persons, or are being used for those purposes. The relevant parts of the definition are set out below:

(aza) a vehicle used for ambulance purposes or for the purpose of providing a response to an emergency at the request of an NHS ambulance service



(b) an ambulance, being a vehicle (other than an invalid carriage) which is constructed or adapted for the purposes of conveying sick, injured or disabled persons and which is used for such purposes

(j) a vehicle primarily used for the purposes of conveying any human tissue for transplanting or similar purposes

It is important to note that this is the Department of Transport's interpretation of what the law requires and based on the information which you have provided. However, ultimately the interpretation of the law is a matter for the courts based on individual facts of any particular case. Therefore we would advise that you may wish to consult the relevant legislation and, if necessary, seek independent advice regarding these issues.

Turning to your concerns regarding the need for regulation of private ambulance companies and the potential impact this could have on the availability of such companies to provide assistance to SAS during any potential major incident. It is quite correct that there is a requirement to ensure that any organisation/company involved in responding to or providing assistance in responding to any potential major incident must be of a sufficient standard to carry out their role safely and effectively. This should also be the case for any company providing support to the public at major events.

At present, as you are aware, Healthcare Improvement Scotland has no regulatory functions in respect of independent ambulance services. However, the Scottish Government is committed to ensuring that all independent healthcare providers are adequately regulated. It is our plan that Independent ambulances will be included in this future programme of work and, when this work is being taken forward, views will be sought from stakeholders and providers. Unfortunately, we are unable to provide any timescales for this work at the present time.

I hope that you find this information helpful and, should you have any further enquiries relating to the regulation of private ambulances I would encourage you to contact [REDACTED] who leads on this work.

Kind Regards

[REDACTED]

[REDACTED]

Policy Manager  
Primary Care Transformation team

Doc 10

**From:** [REDACTED]  
**Sent:** 10 May 2018 15:08  
**To:** [REDACTED]  
**Subject:** FW: ([REDACTED] OFFICIAL]

**OFFICIAL**

[REDACTED]

As per our telephone conversation. Please find attached the agreement between NHS and [REDACTED] and also the response you sent to [REDACTED]. This letter was produced to myself by the head of planning for NHS who claims to be using it to cover lifesavers whilst they are transporting items on their behalf. You will see from the agreement that NHS have highlighted emergency circumstances in which [REDACTED] may use blue lights would the department of transport authorise under these circumstances? Looking for you to confirm that the Scottish Government does not authorise [REDACTED] to operate using blue lights.

Thanks again for assistance in this matter

I will await your response.

[REDACTED]

[REDACTED]

DRPU  
Motherwell Police Office



Doc 11

Hi [REDACTED]

Thanks for sending this over. I have looked over both documents again and would make the following points:

NHS Lanarkshire's agreement with [REDACTED] states that NHSL will not request the use of blue light operations but that [REDACTED] may consider this under certain circumstances. The key word here is consider. The agreement is putting the onus on [REDACTED] to decide if it would be appropriate for them to drive under blue lights.

In my letter to [REDACTED] stated that:

"ultimately the interpretation of the law is a matter for the courts based on individual facts of any particular case. Therefore we would advise that you may wish to consult the relevant legislation and, if necessary, seek independent advice regarding these issues."

As we discussed yesterday, there are a number of criteria which need to be met before somebody can drive under blue lights and these are set out in legislation. These include ensuring drivers are appropriately trained and appropriately insured, ensuring vehicles are of the required standard and are being used for a specific set of circumstances.

Therefore, as part of [REDACTED] consideration of whether it is appropriate to drive under blue lights they should therefore be consulting the relevant legislation, liaising with the Department of Transport where necessary and seeking independent legal advice if required to ensure that they are meeting all of the criteria which would allow them to drive under blue light conditions.

The Scottish Government is in no way responsible for authorising any company to drive under blue light conditions.

Hopefully this clarifies our position on this and if you need any further information please just let me know.

Kind Regards

[REDACTED]

[REDACTED] *Scottish Government | Sponsorship Manager - Scottish Ambulance Service and NHS 24 | Primary Care Transformation Team | Primary Care Division | Directorate for Population Health | Room 1ER | St. Andrews House | Regent Road | Edinburgh | EH1 3DG | Tel: [REDACTED]*



**Doc 12**

**OFFICIAL**

Good afternoon [REDACTED]

Thank you for your email. Please find attached the response letter to the complainer which states that the Scottish Government have confirmed that [REDACTED] may operate with blue lights when appropriate. I take it from your response that is not the case?

I am in the process of arranging a meeting with NHS and life savers for next week

Thanks

[REDACTED]

[REDACTED]  
*Divisional Road Policing Unit  
Motherwell Police Office  
217 Windmillhill Street  
Motherwell  
ML1 1RZ  
Tel [REDACTED]  
ISS [REDACTED]*