



| Agenda Item |
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| 3.1 |

Joint Commissioning Committee

**Emergency Medical Retrieval and Transfer Service (EMRTS)
Judicial Review Update**

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| Dyddiad y Cyfarfod / Date of Meeting | 15/07/2025 |
| Statws Cyhoeddi / Publication Status | Open/ Public |
| | Not Applicable |
| Awdur yr Adroddiad / Report Author | Ross Whitehead, Director of Commissioning for Ambulance Services and 111 |
| Cyflwynydd yr Adroddiad / Report Presenter | Gavin Owen, Deputy Director of Commissioning for Ambulance Services and 111 |
| Noddwr yr Adroddiad / Report Sponsor | Huw George, Chief Commissioner |

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|---|------------|
| Pwrpas yr Adroddiad / Report Purpose | For Noting |
|---|------------|

| Engagement (internal/external) undertaken to date (including receipt/consideration at Committee/Group) | | |
|---|-------------|-----------------|
| Committee / Group / Individuals | Date | Outcome |
| N/A | | Choose an item. |

| Acronyms / Glossary of Terms | |
|-------------------------------------|--|
| EMRTS | Emergency Medical Retrieval and Transfer Service |
| JC | Joint Committee |
| JR | Judicial Review |
| PSED | Public Sector Equality Duty |

1. SITUATION/BACKGROUND

The purpose of this report is to update members on the outcome of the Judicial Review (JR) regarding the decision of the Joint Committee (JC) in April 2024, in relation to the Emergency Medical Retrieval and Transfer Service (EMRTS).

The JR was brought by the claimant Lowri Evans, a resident of Brynchrug, close to the town of Tywyn, which is to be found on the coast of Cardigan Bay in southern Gwynedd.

The hearings were held over 3 days on 22-23 January 2025 and 7 February 2025.

Members will recall that there were four grounds being challenged during the JR process:

- **Ground 1:** Irrationality - The claimant argued that the JC acted irrationally by approving the recommendations without fully understanding the implications of the proposed changes, particularly regarding the costs associated with the new service model
- **Ground 2:** Breach of Tameside Principle - The claimant contended that the JC failed to adhere to the Tameside principles, which require decision-makers to ensure they are properly informed before making significant decisions
- **Ground 4:** Consultation Issues - Concerns were raised regarding the adequacy of the consultation process, particularly the failure to consider representations from the Citizen Voice Body for Health and Social Care (Llais)
- **Ground 5:** Equality Act Breaches - The claimant argued that the JC failed to comply with the Public Sector Equality Duty (PSED) under the Equality Act 2010, specifically regarding the potential adverse impacts on vulnerable populations.

2. SPECIFIC MATTERS FOR CONSIDERATION

The judgment was handed down remotely at 10.30am on Thursday 19 June 2025.

A full copy of the judgment is appended to this report and is available at <https://www.judiciary.uk/wp-content/uploads/2025/06/Evans-Lowri-v-Welsh-Air-Ambulance.pdf>. In summary, the court found that the challenges put forth by the claimant must fail.

In response to Ground 1 and 2, and with respect to recommendation 4 within the Final Report considered by the JC. The court found the recommendations sufficiently distinct, with no requirement to finalise every detail before proceeding.

In respect of Ground 4, the court refused permission to proceed on the basis that considering the entire engagement process, public and stakeholder views were

sufficiently taken into account and the legal requirements for consultation were met.

In respect of Ground 5, the court found that multiple Equality Impact Assessments were undertaken, with potential impacts considered and weighed against the benefits of reduced unmet need.

The claimant has submitted an application for permission to appeal and this has been responded to by the legal counsel for the defendants. The JC will continue to fully consider the outcome of the JR and await the outcome regarding the appeal process. It should be noted that that should an appeal be granted there would be further legal costs to be funded by the Health Boards.

3. KEY RISKS / MATTERS FOR ESCALATION

3.1 Appeal

There remains an ongoing risk of a potential protracted appeals process, JC members will need to consider their approach should this occur in order to ensure operational delivery and progress with implementation proceeds appropriately.

4. ASSESSMENT

| Objectives / Strategy | |
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| Dolen i Amcan (au) Strategol CBC / Link to JCC Strategic Objectives(s) | Facilitate Integration |
| | All JCC strategic objectives are applicable. |
| Dolen i Ddeddf Llesiant Cenedlaethau'r Dyfodol – Nodau Llesiant / Link to Wellbeing of Future Generations Act – Wellbeing Goals 150623-guide-to-the-fg-act-en.pdf (futuregenerations.wales) | A Healthier Wales |
| | If more than one applies please list below: A more equal Wales. |
| Dolen i Hwyluswyr Ansawdd <i>(Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) / Link to Enablers of Quality</i> (Duty of Quality Statutory Guidance (gov.wales)) | Leadership |
| | If more than one applies please list below: All enablers of quality are applicable. |
| Dolen i Feysydd Ansawdd | Safe |

| | |
|--|---|
| <i>(Canllawiau Statudol Dyletswydd Ansawdd (llyw.cymru)) /</i> Link to Domains of Quality <i>(Duty of Quality Statutory Guidance (gov.wales))</i> | If more than one applies please list below: All domains of quality are applicable. |
| Effaith Amgylcheddol/ Cynaliadwyedd (5R) / Environmental /Sustainability Impact (5Rs) | No - Not Applicable |
| | If more than one applies please list below: |

| Impact Assessment | | |
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| Ansawdd <i>Ydych chi wedi ymgymryd â Sgrinio Asesiad o'r Effaith ar Ansawdd? /</i> Quality <i>Have you undertaken a Quality Impact Assessment Screening?</i> | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| | Outcome: | If no, please include rationale below: This is an update from the Director of Commissioning to the Committee. |
| Cydraddoldeb <i>Ydych chi wedi ymgymryd â Sgrinio Asesiad o'r Effaith ar Gydraddoldeb? /</i> Equality <i>Have you undertaken an Equality Impact Assessment Screening?</i> | Yes: <input type="checkbox"/> | No: <input checked="" type="checkbox"/> |
| | Outcome: | If no, please include rationale below: This is an update from the Director of Commissioning to the Committee. |
| Cyfreithiol / Legal | Yes (Include further detail below) | |
| | This report aims to update members, but all decisions are subject to legal recourse e.g. the Judicial Review information. | |
| Enw da / Reputational | Yes (Include further detail below) | |
| | Ambulance services are regularly in the media and subject to scrutiny and discussion. | |
| Effaith Adnoddau <i>(Pobl /Ariannol) /</i> Resource Impact <i>(People / Financial)</i> | Yes (Include further detail below) | |
| | The report identifies areas where resource impacts are likely to be required and therefore further work is required to present at future meetings. | |

5. RECOMMENDATIONS

Members are asked to:

- **Note** the report.

6. NEXT STEPS

- The claimant has submitted an application for permission to appeal and this has been responded to by the legal counsel for the defendants
- The JC will continue to fully consider the outcome of the JR and await the outcome regarding the appeal process
- There remains an ongoing risk of a potential protracted appeals process, JC members will need to consider their approach should this occur in order to ensure operational delivery and progress with implementation proceeds appropriately.