

7 June 2017

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London SE1 8UG

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E: [nhsi.enquiries@nhs.net](mailto:nhsi.enquiries@nhs.net)  
W: [improvement.nhs.uk](http://improvement.nhs.uk)

By email [REDACTED]

Dear [REDACTED]

### **Request under the Freedom of Information Act 2000 (the “FOI Act”)**

I refer to your email of **11 May 2017** in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS TDA are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the NHS TDA.

### **Your request**

You made the following request:

*“Under the FOI act I'm requesting for a list of NHS hospitals in the UK that have not agreed to the monitor/TDA rates.*

*Please can I have one list of nursing division hospitals who are exempt from monitor TDA and another list of doctors division hospitals exempt from monitor TDA.”*

### **Decision**

NHS Improvement holds the information that you have requested and has decided to release this.

The agency rules apply to all NHS trusts, NHS foundation trusts receiving interim support from the Department of Health and NHS foundation trusts in breach of their licence for financial reasons. No other trusts are exempt from the rates applied by the agency rules.

Notwithstanding this patient safety is the paramount importance, and, as such, all trusts are required to have a robust break glass policy in place to ensure that, on exceptional patient safety grounds, trusts may pay escalated rates or use off framework agencies. Further information is available in the agency rules here:

[https://improvement.nhs.uk/uploads/documents/agency\\_rules\\_23\\_March\\_2016.pdf](https://improvement.nhs.uk/uploads/documents/agency_rules_23_March_2016.pdf)

## **Review rights**

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to [nhsi.foi@nhs.net](mailto:nhsi.foi@nhs.net).

## **Publication**

Please note that this letter will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

**Martin Innes**

Senior Operational Agency Data and Intelligence Lead