

26 May 2017

Wellington House  
133-155 Waterloo Road  
London SE1 8UG

T: 020 3747 0000  
E: [nhsi.enquiries@nhs.net](mailto:nhsi.enquiries@nhs.net)  
W: [improvement.nhs.uk](http://improvement.nhs.uk)

By email

Dear [REDACTED]

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

I refer to your email of 27 April 2017 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority (“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**

Your email is set out in full in the Annex to this letter. It contains the following questions (the numbering has been inserted by NHS Improvement for ease of reference):

1. Please [...] provide a full disclosure of all departments within your organisation, showing all positions within those departments with all communication information for all those positions to include telephone numbers, email addresses and or postal addresses.
2. I would request the disclosure of all named staff held by the telephony staff be included with their position [...]
3. I would request that you also include the names of any staff currently holding any position within your organisation which does not appear in your telephone contact list from the top down to any deputy head of any department or identified sub section of any department.
4. Kindly provide any policy or procedure in place which allows your staff to refuse to facilitate contact between a member of the public and one of your employees.
5. Please also provide any policy or procedure which would allow a member of the public to appeal against or challenge any such decision.
6. If no such policy or procedure regarding the blocking of contact exists please provide any policy or procedure which details any action or sanction that can be taken

against any member of staff found to have blocked communication of information from your organisation to a member of the public.

## **Decision**

NHS Improvement holds some of the information that you have requested. NHS Improvement has decided to disclose some of the information that it holds and withhold some of it on the basis of the applicability of the exemption in section 40 of the FOI Act, for the reasons outlined below.

### **Questions 1 and 2 of your request**

NHS Improvement holds an organisational structure chart, last updated in October 2016, which sets out the departments, positions within the departments and names of postholders at NHS Improvement. The organisational structure chart does not contain the contact information that you have requested. NHS Improvement has decided to disclose the organisational structure chart. The names of postholders have been included where the individuals are at the level of Executive Senior Manager. The names of postholders below this level are being withheld from disclosure for the reasons set out below.

NHS Improvement also holds a staff telephone directory, which sets out the names, telephone numbers and, in some cases, job titles of its staff. NHS Improvement has decided to withhold the staff directory for the reasons set out below.

NHS Improvement's web-site contains information regarding its Executive Team and Board [here](#).

### *Section 40 – personal data*

We consider that the information we are withholding above is exempt from disclosure under section 40(2) of the FOI Act on the grounds that it contains personal data and that the first condition under section 40(3)(a)(i) is satisfied, namely that disclosure would amount to a breach of the first data protection principle (personal data shall be processed fairly and lawfully).

We consider that staff below the position of Executive Senior Manager have a reasonable expectation that their names would not be disclosed and that all NHS Improvement staff would have a reasonable expectation that their telephone numbers would not be disclosed. Disclosing this information without consent would amount to unfair processing and a breach of the first data protection principle.

This is an absolute exemption and consideration of the public interest test is not required.

### **Question 3 of your request**

NHS Improvement does not hold information relevant to question 3.

#### Question 4 of your request

NHS Improvement holds an access and escalation policy in relation to the Enquiries, Complaints and Whistleblowing team. This policy is aimed at ensuring that enquiries from the public are handled consistently and efficiently, by staff with the relevant customer service skills. However, the policy needs to be reviewed in the light of internal staffing changes and this will happen later this year. We have decided to disclose this policy.

#### Question 5 of your request

The access and escalation policy referred to under question 4 above sets out NHS Improvement's policy when an individual wants a matter to be escalated above the Enquiries and Complaints Officer.

#### Question 6 of your request

Please see our responses to questions 4 and 5 above. There is no specific policy relevant to question 6.

#### **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, appearing to read 'Tom Grimes', with a stylized, cursive script.

**Tom Grimes**

Head of Enquiries, Complaints and Whistleblowing

## Annex

Your communication system appears designed to prevent rather than support communication in that all of your online information is either incorrect or out dated with areas defined by appointment position, i.e Patient Safety etc.

Whilst your telephony staff only possess names of staff without position so any attempt to contact a department is blocked because the names of the staff within that department are not published.

I have noted your previous responses to requests for information of this type and your reliance on section 40 of the foia regarding personal information especially in light of the persons names being published to your telephony staff for use but not to the general public.

Please therefore provide a full disclosure of all departments within your organisation, showing all positions within those departments with all communication information for all those positions to include telephone numbers, email addresses and or postal addresses.

I would request the disclosure of all named staff held by the telephony staff be included with their position as article 40 cannot be engaged if you believe that they will be receiving contact by name via the telephony staff and have already published their name to the staff within your telephony department.

I would request that you also include the names of any staff currently holding any position within your organisation which does not appear in your telephone contact list from the top down to any deputy head of any department or identified sub section of any department.

Your staff have today identified Dr Mike Durkin as head of patient safety whilst documents published on your internet pages identified Ms Lauren Moseley as the single point of contact for all issues associated with your Serious Incident Framework however no contact information for them has been provided and your staff have not responded to individual FOIA request regarding these issues already submitted.

Kindly provide any policy or procedure in place which allows your staff to refuse to facilitate contact between a member of the public and one of your employees.

Please also provide any policy or procedure which would allow a member of the public to appeal against or challenge any such decision.

If no such policy or procedure regarding the blocking of contact exists please provide any policy or procedure which details any action or sanction that can be taken against any member of staff found to have blocked communication of information from your organisation to a member of the public.