

10 May 2017

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**By email**

Dear [REDACTED]

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

I refer to your email of **7 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 (“the TDA”) are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means both Monitor and the TDA.

### **Your request**

You made the following request:

*“Firstly, can you please confirm that you hold the information listed below and second, can you please supply me with the following information please:*

- 1) *All of the individual Trust’s (Acute, Mental Health and Community) Corporate and Administration data collection templates used to inform the NHS Corporate Services Benchmarking Report for the Financial Year 2015/16 (as at Feb 2017), for the Cheshire and Merseyside STP footprint only.*
- 2) *The data set (including Trust identifiable raw data from the templates in 1) above) used to calculate the National LCQ and Median, STP LCQ and Median and Trust Type LCQ and Median for all of the individual Trust’s (identifying each individual Acute, Mental Health and Community Trust separately) used to inform the NHS Corporate Services Benchmarking Report for the Financial Year 2015/16 (as at Feb 2017), for the Cheshire and Merseyside STP footprint only.*

*I would like to receive both 1) and 2) above in separate Microsoft Excel files please if possible.”*

## **Decision**

NHS Improvement holds the information that you have requested, but has decided to withhold all of it on the basis of the applicability of the exemption in section 22 of the FOI Act, as explained below.

### **Section 22 – information intended for future publication**

Section 22 provides an exemption where information is held by a public authority with a view to future publication, if it is reasonable to withhold the information from disclosure until the date of publication.

NHS Improvement set out in its letter to all 230 trusts (including those in the Cheshire and Merseyside STP footprint) which accompanied their data return that it will be publishing a corporate services update report in autumn 2017 which will include trust data for 2015-16. Given the settled intention for publication in the near future, it is reasonable in the circumstances to withhold the information requested.

#### *Public interest test*

Section 22 of the FOI Act is a qualified exemption and NHS Improvement is therefore required to carry out a public interest test to determine whether the exemption should be maintained. We recognise the general public interest in openness and transparency in relation to the expenditure of public money and the specific public interest in the cost of corporate services provided to the NHS. But our view is that the public interest will be met by the publication of this information within the corporate services update report in autumn 2017. NHS Improvement also considers that the public interest will be better served by a general publication of validated, attributable data. Our conclusion is that the balance of public interest lies in withholding this information until its publication within the corporate services update report in autumn 2017.

## **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 be 'Paul West', with a small horizontal line extending from the end of the signature.

**Paul West**

Director of Procurement & Corporate Services , Operational Productivity