

5 June 2017

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By email

Dear

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

I refer to your email of **5 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 Trust Development Authority (“NHS TDA”).

### **Your request**

You made the following request:

*Under the terms of the Freedom of Information Act 2000 I would like to request the following:*

1. *The reportable year end financial position by **cumulative** deficit or surplus and*
2. *The **cumulative** deficit or surplus for the financial years 2013/15, 2014/15 and 2015/16 and*
3. *The projected **cumulative** deficit or surplus for 2017/18 for each of the trusts listed below*

The trusts mentioned in your request are listed in the Annex.

### **Decision**

NHS Improvement holds some of the information you have requested.

NHS Improvement has decided to withhold some of the information it holds on the basis of the applicability of the exemptions in sections 21 and 22 of the FOI Act, as explained in detail below.

#### *Section 21 – information publically available*

Under section 21 of the FOI Act a public authority is not required to disclose information when that information is reasonably accessible by other means. However, we are mindful of

our duty under section 16 of the FOI Act to provide advice and assistance. We are therefore able to direct you to the information you request in question 2 of your request.

NHS foundation trusts and NHS trusts report their annual financial performance through annual accounts which are published on the trusts' own websites. NHS Improvement consolidates these accounts so that there is a national set of accounts for the NHS foundation trust sector. The consolidated accounts are published on our website. The documents NHS Improvement produces are available [here](#). You will be able to calculate the cumulative amounts requested for the trusts listed in your request from the consolidated accounts.

### *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. This exemption applies in response to questions 1 and 3 of your request.

In relation to the reportable year-end financial position for the NHS trusts and NHS foundation trusts that you identify (2016/17), this information will be published in their annual accounts. The information will also be published by NHS Improvement as part of its Q4 performance report to be published after the upcoming general election. This will be available [here](#) by searching for “performance data”.

In relation to the projected deficit or surplus data (2017/18) for the NHS trusts and NHS foundation trusts that you identify, NHS Improvement is planning to publish details of agreed control totals when we publish the Q1 2017/18 results. It is anticipated that this will be in July 2017.

Section 22 of the FOI Act is subject to a public interest test. There is a public interest in understanding the finances of NHS providers. However, NHS Improvement considers that the public interest will be met by future publication of this information and that the balance of the public interest in this case lies in withholding this information and keeping to our proposed timetable for publication.

Please note that both NHS foundation trusts and NHS trusts are subject to the FOI Act and as such it is open to you to seek information directly from them. They will need to consider whether information can properly be provided by them in response to any such requests within the terms of the FOI Act.

### **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 that reads "Anne Gibbs". The signature is written in a cursive style and is underlined with a single horizontal line.

**Anne Gibbs**  
Delivery and Improvement Director

## **Annex**

Bolton NHS Foundation Trust  
Central Manchester University Hospitals NHS Foundation Trust  
The Christie NHS Foundation Trust  
Pennine Acute Hospitals NHS Trust  
Salford Royal NHS Foundation Trust  
Stockport NHS Foundation Trust  
Tameside and Glossop Integrated Care NHS Foundation Trust  
University Hospital Of South Manchester NHS Foundation Trust  
Wrightington, Wigan and Leigh NHS Foundation Trust  
Aintree University Hospital NHS Foundation  
Alder Hey Children's NHS Foundation Trust  
The Clatterbridge Cancer Centre NHS Foundation Trust  
Liverpool Heart and Chest NHS Foundation  
Liverpool Women's NHS Foundation Trust  
Royal Liverpool and Broadgreen University Hospitals NHS  
St Helens and Knowsley Teaching Hospitals NHS  
Southport and Ormskirk Hospital NHS Trust  
The Walton Centre NHS Foundation Trust  
Warrington and Halton Hospitals NHS Foundation Trust  
Wirral University Teaching Hospital NHS Foundation Trust  
Countess Of Chester Hospital NHS Foundation Trust  
East Cheshire NHS Trust  
Mid Cheshire Hospitals NHS Foundation Trust  
Blackpool Teaching Hospitals NHS Foundation  
East Lancashire Hospitals NHS Trust  
Lancashire Teaching Hospitals NHS Foundation Trust  
University Hospitals Of Morecambe Bay NHS Foundation Trust  
Cheshire and Wirral Partnership NHS Foundation Trust  
North West Boroughs Healthcare NHS Foundation Trust  
Bridgewater Community Healthcare  
Liverpool Community Health Trust  
Mersey Care NHS Trust  
Greater Manchester Mental Health NHS Foundation Trust  
Pennine Care NHS Foundation Trust  
Lancashire Care NHS Trust  
Cumbria Partnership NHS Foundation Trust  
Wirral Community NHS Trust  
North West Ambulance Service NHS Trust