

10 May 2017

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By email only

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Dear ██████████

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

I refer to your email of **24 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 are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

Your request

You made the following request (for ease of reference numbering has been inserted):

“Please respond to my FOI request, outlined below:

- 1. Please summarise in a word document where Hospital Food Standards feature in UK legislation and how they can be described as legally binding – please also include, in the word document, the name of the Act of parliament, or other legal document, that the Hospital Food Standards are contained within and provide a web hyperlink to the specific section of the Act that mentions the Hospital Food Standards.*
- 2. In light of Department of Health data that shows that almost half of hospitals in England are not meeting the Hospital Food Standards, as outlined in the NHS Standard Contract, please summarise, in a word document, and name, the number of individuals/hospitals/Trusts that have been prosecuted by the CQC for failing to meet these Hospital Food Standards.*
- 3. Please summarise, in a word document, and name, the number of these individuals/hospitals/Trusts that subsequently went on to meet the hospital food standards in full. Please also provide the date that they met the Hospital Food*

Standards, and provide a summary, in a word document, for the process by which these individuals/hospitals/Trusts were able to prove that said Hospital Food Standards were now met.

- 4. Please summarise, in a word document, what prosecution by the CQC for failing to meet hospital food standards entails, and outline what this means in practice for the individuals/hospitals/Trust prosecuted.”*

Decision

NHS Improvement does not hold the information that you have requested.

Please note that the Care Quality Commission and the Department of Health are subject to the FOI act and it may be that they hold some of the information you are seeking. If so, 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. The address for an FOI request to the Department of Health is:

Ministerial Correspondence and Public Enquiries Unit
Department of Health
Richmond House
79 Whitehall
London
SW1A 2NS

Alternatively, you can make such a request to the Department of Health online by using the following link: <https://contactus.dh.gov.uk/?openform>

The address for an FOI request to the Care Quality Commission is:

Information Access Team
Legal Services and Information Rights
Care Quality Commission
Citygate, Floor 7
Gallowgate
Newcastle upon Tyne
NE1 4PA

Alternatively, you can make a request by email to the following address: information.access@cqc.org.uk

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.

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,

NHS Improvement