

10 July 2017

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**By email**

Dear [REDACTED]

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

We refer to your email of 12 June 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 NHS TDA.

### **Your request**

You made the following request:

*I am writing in relation to NHS Improvement’s delegated responsibility for approving local Mutually Agreed Resignation (MAR) schemes. In accordance with the FOI Act, I wish to ask:*

- 1. How many applications for local MAR schemes has NHS Improvement received?*
- 2. Of those, how many have been approved?*
- 3. How many have been declined, and on what grounds?*
- 4. Does the role of NHS Improvement extend to approval of severance payments or settlement agreements to individuals? If so, then please supply similar data ie:*
  - a. How many applications have been received?*
  - b. How many approved?*
  - c. How many declined, and on what grounds?*

*I have seen the guidance published on the NHS Employers website at <http://nhsemployers.org/your-workforce/pay-and-reward/agenda-for-change/nhs-terms-and-conditions-of-service-handbook/mutually-agreed-resignation-scheme>. Could you please point me to any further directions given to Foundation Trusts on the issue of severance payments or settlement agreements?*

### **Decision**

NHS Improvement holds the information that you have requested. NHS Improvement has decided to release all of the information that it holds.

In relation to foundation trusts, NHS Improvement does not approve severance payments or settlement agreements to individuals (these are approved by HM Treasury) or Mutually Agreed Resignation Schemes (MARS) (these are either approved by HM Treasury or, if they meet certain conditions set by HM Treasury, require no approval). We have therefore based our response on information relating to NHS Trusts and have provided information held from 2015.

NHS Improvement approves the following in relation to severance payments NHS Trusts are looking to agree:

- All severance payments (contractual or non-contractual) to Chief Executives and Directors of NHS Trusts
- Non-contractual severance payments to all staff of NHS trusts (including Chief Executives and Directors)
- Contractual payments over £100,000 to all staff of NHS trusts (including Chief Executives and Directors).

The guidance for NHS trusts on the processes for making severance payments can be found here: <https://improvement.nhs.uk/uploads/documents/Final-Guidance-on-processes-for-making-severance-payments.pdf>.

We have set out the figures requested in the table below and have included the contractual and non-contractual severance payments, as well as the figures for voluntary redundancy scheme applications NHS Improvement has received.

		Number of Non Contractual Cases Received by NHSI	Number of Non Contractual Cases Approved by NHSI	Number of Non Contractual Cases Rejected by NHSI	Number of Contractual Cases Received by NHSI	Number of Contractual Cases Approved by NHSI	Number of Contractual Cases Rejected by NHSI	MARS Schemes Received by NHSI	MARS Schemes Approved by NHSI	MARS Schemes Rejected by NHSI	Voluntary Redundancy Schemes Received by NHSI	Voluntary Redundancy Schemes Approved by NHSI	Voluntary Redundancy Schemes Rejected by NHSI
2015/16	Total	35	15	20	52	46	6	16	15	1	3	3	0
2016/17	Total	26	13	13	36	35	1	17	16	1	0	0	0

### *Reasons for declined applications*

#### *MARS*

- In 2015/16 – 1 application was declined on grounds it did not comply with the NHS TDA guidance
- In 2016/17 – 1 application was declined on grounds NHS Improvement had not received the relevant HM Treasury clearance to manage schemes in advance of the next financial year i.e. 2017/18.

#### *Contractual and non-contractual severance payments*

- In 2015/16 - 26 applications were declined on grounds that the proposed payments did not comply with the NHS TDA guidance and HM Treasury policy
- In 2016/17 – 14 applications were declined on grounds that the proposed payments did not comply with the NHS TDA guidance and HM Treasury policy.

In terms of any directions given to foundation trust in relation to severance payments or settlement agreements, NHS Improvement ensures that the foundation trust has fully completed the relevant form for HM Treasury.

### **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 blue ink, appearing to read 'David Eccles', with a long horizontal flourish extending to the right.

**David Eccles**  
Senior Trust Resourcing Associate