

15 June 2017

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London SE1 8UG

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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 **22 May 2017** in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority (TDA) 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:

*“I would like to request the following information under the FOI regulations:*

*Regulation 14 of the The National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013 gives NHS Improvement (and formerly, Monitor) the power to declare contracts ineffective if they have been procured in breach of the regulations.*

*Please can you tell me, since these Regulations entered force in 2013:*

- 1. How many NHS contracts have been declared ineffective under this provision?*
- 2. How many contracting authorities have had a contract declared ineffective under this provision?”*

### **Decision**

NHS Improvement holds the information that you have requested.

In answer to your questions, NHS Improvement has not used the regulation 14 power to declare any contracts ineffective.

Given the nature of your questions, you may find this page (under the heading ‘Formal Investigations’ at <https://www.gov.uk/government/collections/procurement-choice-and-competition-in-the-nhs-documents-and-guidance>) on our website of interest. This page lists

all of the formal investigations we have opened under National Health Service (Procurement, Patient Choice and Competition) (No. 2) Regulations 2013.

### **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,



**Dipen Gadhia**  
Inquiries Lead  
NHS Improvement