

11 May 2017

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By email
[REDACTED]

Dear [REDACTED]

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

I refer to your email of **10 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 (TDA) have been 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 [the numbering has been inserted by NHS Improvement for ease of reference]:

1. *“Under the Freedom of Information Act, please can you provide me with a list of all meetings held in the last three months at which representatives of NHS Improvement (including employees and/or Board members) and representatives of hedge funds, private capital or other private finance institutions were present.*

I would like the list to include information on:

- (a) The date of the meetings;*
 - (b) The location of the meetings;*
 - (c) The names of all institutions represented at the meetings;*
 - (d) The titles of the meetings if one was given, or otherwise a brief description of the general purpose of the meetings;*
 - (e) Whether minutes were taken; and,*
 - (f) The names and/or job roles of attendees where they were of a sufficient seniority for those details not to be exempt under Section 40.*
2. *In addition, please can you inform me of the title of any working group, taskforce or similar undertaking which is currently considering the subject of external (ie. non-Governmental or patient-derived) finance for the NHS, and information on whether such undertaking is either purely internal or whether other organisations are involved.”*

Decision

In regards to part 1 of your request, we have not been able to progress your request because to do so would exceed the cost limit under section 12 of the FOI Act. The applicability of the exemption in section 12 is explained in detail below.

In answer to your question in part 2 of the request, NHS Improvement is not currently involved in any working group, taskforce or similar undertaking which is currently considering the subject of external finance for the NHS.

Cost Limit under section 12 of the FOI Act

Under section 12(1) of the FOI Act, NHS Improvement is not required to comply with any request that potentially exceeds the relevant cost limit. The relevant cost limit is £450, which is set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This equates to a period of approximately eighteen hours in which to locate, retrieve and extract the information that you have requested.

In NHS Improvement's view, compliance with your request will exceed this limit because the scope of the request is broad and we would have to review a large volume of documentation to find, retrieve and extract the information within the scope of your request. This is because:

- External meetings are carried out every day across the organisation;
- The number of NHS Improvement staff who would need to be consulted to obtain the requested information is substantial and would require significant resource;
- NHS Improvement had 1,050 employees on its payroll as at 31 March 2017. The organisation additionally has approximately 80 contractors and agency staff, which amounts to an approximate total of 1,130 staff.

Advice and Assistance provided under section 16 of the FOI Act

Under section 16 of the FOI Act, NHS Improvement is required, as a public authority, to provide advice and assistance so far as is reasonable, to individuals who have made a request to it under the FOI Act.

In light of our assertion that this request in its current form would exceed the cost limit under the FOI Act, you may wish to narrow the scope of your request to describe more precisely the kind of information sought. For example, you may wish to limit your request to certain employees or groups of employees at NHS Improvement, for example NHS Improvement's Chief Executive.

Please note that 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.

Yours sincerely,

NHS Improvement