

12 May 2017

Wellington House
133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000
E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

By email

By post

Dear [REDACTED]

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

I refer to your email of **11 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) 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:

“Under the Freedom of Information Act I wish to request the following information:

- Please provide a list of all applications for approval (for NHS trusts) or opinions (for NHS foundation trusts) of new or uplifted salaries/remuneration at or above £142,500 pa from any NHS organisations, providers or commissioners for 2014/15, 2015/16 and 2016/17.*
- Please provide a breakdown of the organisation where the application came from, what the job role was, what the remuneration figure was and the response sent.”*

Decision

NHS Improvement holds some of the information that you have requested.

NHS Improvement holds information about applications submitted from NHS trusts from the 2015/16 financial year. As well as information about applications from NHS trusts and foundation trusts submitted for the 2016/17 financial year.

NHS Improvement only manages requests from providers, not from CCG's or other NHS bodies. Therefore we only hold the information requested in relation to applications or opinions from NHS Trusts and foundation trusts.

The requirement to seek approval for salaries above £142,500 only applied to all NHS trusts from June 2015, therefore there was a nil return in the financial year 2014/15. Additionally, NHS Improvement only holds information about foundation trusts from December 2016.

NHS Improvement **has decided to withhold** some of the information that it holds on the basis of the applicability of the exemptions in section 21, 22, 43 and 40 of the FOI Act, as explained in detail below.

We can confirm the details of all applications we hold information on that have been accepted by NHS Improvement. This information is detailed in the two tables attached at Annex 1 and Annex 2. We are withholding the details of the salary amounts on the basis of the applicability of the exemptions in sections 21 and 22. Every trust and foundation trust publishes the details of the salaries of their very senior staff in their annual reports, meaning this is either already publicly available information, or will be published by the trusts and foundation trusts in their upcoming annual reports.

In regards to rejected applications, we can confirm that NHS Improvement rejected four applications for the 2015/16 financial year, and five applications for the 2016/17 financial year. The salaries requested in those applications are noted in the table below.

2015/16 Financial Year
(Bands of £5000) £000

Director of Finance	160 - 165	Rejected
Chief Operating Officer	160 - 165	Rejected
Chief Executive Officer	185 - 190	Rejected
Chief Executive Officer	195 - 200	Rejected

2016/17 Financial Year
(Bands of £5000) £000

Medical Director	160 - 165	Rejected
Medical Director	170 - 175	Rejected
Medical Director	155 - 160	Rejected
Chief Executive Officer	160 - 165	Rejected
Chief Executive Officer	195 - 200	Rejected

NHS Improvement has decided to withhold the remaining information it holds regarding applications that were rejected by NHS Improvement. We withhold this information on the basis of the applicability of the exemptions in sections 43 and 40 of the FOI Act as explained in detail below.

The Pay Review Department at the Department of Health collates and processes pay cases for all of the NHS. We would direct you to this department as a means requesting further information relating to your request.

Please note that NHS foundation trusts, NHS trusts, and the Department of Health 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.

Section 21 (information accessible to applicant by other means)

Section 21(1) of the FOI Act provides that information is exempt if it is reasonably accessible to the applicant by other means.

The majority of the salary information for the positions noted in this letter is information publicly available in every trust and foundation trust's annual report. Annual reports are available on each trust and foundation trust's website. However, there may be some salary information from the 2016/17 financial year that is not yet publicly available prior to the release of 2016/17 annual reports.

Section 22 (future publication)

Section 22 provides that information is exempt information if:

- (a) the information is held by the public authority with a view to its publications, by the authority or some other person, at some future date (whether determined or not);
- (b) the information was already held with a view to such publication at the time when the request for information was made; and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a) above.

Trusts are required to present their annual report and accounts to parliament every financial year. Foundation trusts are similarly required to publish their annual report and accounts, pursuant to Schedule 7 paragraph 25 (4) of the National Health Service Act 2006. These reports contain the salary amounts of all the positions requested within your FOI request. While some trusts and foundation trusts may have not yet published their annual reports for the 2016/17 financial year, this information will be publicly available shortly.

Section 43 (commercial interests)

Section 43(2) of the FOI Act provides that information is exempt if its disclosure would, or would be likely to prejudice the commercial interests of any person.

We have provided the information requested in regards to approved applications for salaries over £142,500 for very senior staff employed by providers. Trusts and foundation trusts are required to report the remuneration of their directors and other senior managers in their annual reports. We have provided the information we hold in relation to applications that passed through NHS Improvement/Monitor and were approved, aside from the publicly available (or soon to be publicly available) salary details.

We consider the details of which providers submitted the rejected applications to be commercially sensitive. Disclosure of this information is likely to be detrimental to the providers' and the candidates' legitimate commercial interests.

Public interest test

Sections 22 and 43 of the FOI Act are qualified exemptions and therefore require that a public interest test be carried out to determine whether the exemption should be maintained. We consider that in relation to applications for salaries over £142,500 of very senior staff employed by providers, there is a public interest in transparency and that this is met by our disclosure of the information in a way that safeguards the interests described above that we are seeking to protect, together with the information that will shortly be in the public domain virtue of the NHS Act 2006.

Section 40 - personal information

I consider that some of the information is exempt from disclosure under section 40(2) and 40(3)(a) of the FOI Act. It contains personal data about candidates for very senior manager roles and the first condition under section 40(3)(a) is satisfied, namely, that disclosure would amount to a breach of the first data protection principle (personal data should be processed fairly and lawfully). It may be possible to identify individual candidates from some of the information requested and other information available (for example, it may be possible to identify individuals if details of the trust and the role concerned are combined with information publicly available about individuals carrying out such roles). The individuals concerned would have a reasonable expectation that this information, together with their rejected salary increase amounts, would not be disclosed. This is an absolute exemption and consideration of the public interest test is not required.

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.

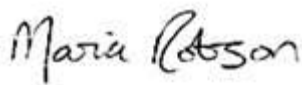
If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

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 and the attached annexes 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 "Maria Robson". The signature is written in a cursive style with a large 'M' and 'R'.

Maria Robson

Head of Trust Resourcing

Annex 1

Applications NHS Improvement received and approved from NHS trusts for interim and substantive salaries for the 2015/16 financial year

Trust	Post	Response
Plymouth Hospitals NHS Trust	Director of Finance	Approved
East Sussex Healthcare NHS Trust	Chief Executive Officer	Approved
East Sussex Healthcare NHS Trust	Chief Executive Officer	Approved
United Lincolnshire Hospitals NHS Trust	Chief Executive Officer	Approved
London Ambulance Service NHS Trust	Chief Executive Officer	Approved
North Cumbria University Hospitals NHS Trust	Medical Director	Approved
Barts Health NHS Trust	Managing Director	Approved
Barts Health NHS Trust	Chief Nursing Officer	Approved
Barts Health NHS Trust	Deputy Chief Executive Officer	Approved
Barts Health NHS Trust	Chief Operating Officer	Approved
Barts Health NHS Trust	Chief of Finance	Approved
Barts Health NHS Trust	Chief Executive Officer	Approved
North Middlesex NHS Trust	Medical Director	Approved
United Lincolnshire Hospitals NHS Trust	Chief Executive Officer	Approved
Penine Acute Hospitals NHS Trust	Medical Director	Approved
West London Mental Health NHS Trust	Chief Executive Officer	Approved
Hull and East Yorkshire Hospitals NHS Trust	Medical Director	Approved
Worcestershire Health and Care NHS Trust	Medical Director	Approved
Imperial College Healthcare NHS Trust	Medical Director	Approved
Portsmouth Hospitals NHS Trust	Chief Operating Officer	Approved
Royal Cornwall Hospitals NHS Trust	Chief Executive Officer	Approved
Hull and East Yorkshire Hospitals NHS Trust	Chief Operating Officer	Approved
Hounslow & Richmond CHT NHS Trust	Chief Executive Officer	Approved
Avon and Wiltshire Mental Health Partnership NHS Trust	Chief Executive Officer	Approved
Avon and Wiltshire Mental Health Partnership NHS Trust	Chief Executive Officer	Approved
Nottingham University Hospitals NHS Trust	Chief Operating Officer	Approved
Brighton and Sussex University Hospitals NHS Trust	Chief Executive Officer	Approved
Royal Cornwall Hospitals NHS Trust	Chief Executive Officer	Approved

Brighton and Sussex University Hospitals NHS Trust	Chief Executive Officer	Approved
East Sussex Healthcare NHS Trust	Chief Executive Officer	Approved

Annex 2

Applications NHS Improvement received and approved from NHS trusts for interim and substantive salaries for the 2016/17 financial year

Trust	Post	Response
London North West Healthcare NHS Trust	Director of Finance	Approved
Penine Acute Hospitals NHS Trust	Chief Executive Officer	Approved
Barts Health NHS Trust	Chief Operating Officer	Approved
Penine Acute Hospitals NHS Trust	Chief Executive Officer	Approved
Dartford and Gravesham NHS Trust	Medical Director	Approved
Barts Health NHS Trust	Chief Finance Officer	Approved
London North West Healthcare NHS Trust	Medical Director	Approved
Hounslow and Richmond Community Healthcare NHS Trust	Chief Executive Officer	Approved
Central London Community Healthcare NHS Trust	Chief Executive Officer	Approved
Portsmouth Hospitals NHS Trust	Chief Executive Officer	Approved
Buckinghamshire Healthcare NHS Trust	Chief Executive Officer	Approved
Ipswich Hospital NHS Trust	Director of Finance	Approved
Imperial College Healthcare NHS Trust	Director of Nursing	Approved
West Hertfordshire Hospitals NHS Trust	Chief Executive Officer	Approved
East Sussex Healthcare NHS Trust	Medical Director	Approved
Ipswich Hospital NHS Trust	Medical Director	Approved
Maidstone and Tunbridge Wells NHS Trust	Medical Director	Approved
Worcestershire Acute Hospitals NHS Trust	Chief Executive Officer	Approved
Ipswich Hospital NHS Trust	Chief Executive Officer	Approved
United Lincolnshire Hospitals NHS Trust	Director of Finance	Approved
Mid Yorkshire Hospitals NHS Trust	Chief Executive Officer	Approved
Imperial College Healthcare NHS Trust	Chief Information Officer	Approved
North Cumbria University Hospitals NHS Trust	Chief Executive Officer	Approved
Brighton and Sussex University Hospitals NHS Trust	Chief Executive Officer/Managing Director	Approved

The Queen Elizabeth Hospital, King's Lynn NHS Foundation Trust	Chief Executive Officer	Approved
Western Sussex Hospitals NHS Foundation Trust	Director of Nursing	Approved
Western Sussex Hospitals NHS Foundation Trust	Director of Finance	Approved
Western Sussex Hospitals NHS Foundation Trust	Chief Executive Officer	Approved
Western Sussex Hospitals NHS Foundation Trust	Medical Director	Approved
Western Sussex Hospitals NHS Foundation Trust	Director of Finance	Approved
Western Sussex Hospitals NHS Foundation Trust	Director of Nursing	Approved
Western Sussex Hospitals NHS Foundation Trust	Delivery and Strategy Director	Approved
Western Sussex Hospitals NHS Foundation Trust	Director of OD and Workforce	Approved
Western Sussex Hospitals NHS Foundation Trust	Managing Director	Approved
Western Sussex Hospitals NHS Foundation Trust	Managing Director	Approved
Oxford University Hospitals	CFO	Approved
University College London Hospitals NHS Foundation Trust	CEO	Approved
University College London Hospitals NHS Foundation Trust	CEO	Approved
Southern Health NHS Foundation Trust	CEO	Approved
Salisbury NHS Foundation Trust	CEO	Approved
Isle of Wight NHS Trust	CEO	Approved
Kent Community Healthcare NHS Foundation Trust	Medical Director	Approved
Princess Alexandra Hospital NHS Trust	CEO	Approved
Derbyshire Community Health Services NHS Foundation Trust	CEO	Approved
Sussex Partnership NHS Foundation Trust	CEO	Approved
Kettering General Hospital NHS Foundation Trust	CEO	Approved
Basildon Basildon and Thurrock University Hospitals NHS Foundation Trust	Managing Director	Approved
Humber NHS Foundation Trust	CEO	Approved

South Tees Hospitals NHS Foundation Trust	CEO	Approved
Queen Victoria Hospital NHS Foundation Trust	CEO	Approved
Wirral University Teaching Hospitals NHS Foundation Trust	Medical Director	Approved
Dudley Group NHS Foundation Trust	CEO	Approved
Papworth Hospital NHS Foundation Trust	CEO	Approved
Dudley Group NHS Foundation Trust	MD	Approved
Royal Berkshire NHS Foundation Trust	CEO	Approved
South East Coast Ambulance Service NHS Foundation Trust	CEO	Approved
Oxleas NHS Foundation Trust	CEO	Approved
St George's University Hospitals NHS Foundation Trust	CFO	Approved
Chesterfield Royal Hospital NHS Foundation Trust	CEO	Approved
Nottinghamshire Healthcare NHS Foundation Trust	Director of Forensic Services	Approved
Cambridge University Hospital NHS Foundation Trust	Director of Major Projects, Strategy and Transformation	Approved
Basildon and Thurrock University Hospitals NHS Foundation Trust	CEO	Approved
Northumbria Healthcare NHS Foundation Trust	Director of Nursing	Approved
South London and Maudsley NHS Foundation Trust	Director of Strategy and Commercial	Approved
Kingston Hospital NHS Foundation Trust	CEO	Approved
Guys and St Thomas' NHS Foundation Trust	CEO	Approved