

6 June 2017

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By email

████████████████████

Dear ██████████

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

We refer to your email of 8 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) have been operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, ‘NHS Improvement’ means Monitor and the TDA.

Background

You applied for the role of Workforce Improvement Lead within NHS Improvement (**Vacancy**). Your application was unsuccessful, and you were not shortlisted for interview.

Your request

You made the following request in relation to the Vacancy:

“I would like the following information:

- *The number of applicants, the number who met the minimum shortlisting criteria and the number shortlisted.*
- *The demographic breakdown of the applicants in the categories outlined above specifically age and gender.*
- *The employment background of the applicants in the categories above specifically if they were already employed by NHSI, the broader NHS, unemployed etc.*
- *The demographic profile of the shortlisting team.”*

To make our response clearer, we believe your request can be broken down as follows:

- The number of applicants for the Vacancy, **and**:
 - the age of these individuals;
 - the gender of these individuals;
 - any other demographical information of these individuals;
 - of those who applied, the proportion that were employed / unemployed;
 - how many of these individuals worked for NHSI at the time of application;

- how many of these individuals worked for any other NHS entity at the time of application (**First Request**),
- The number of applicants who met the minimum shortlisting criteria for the Vacancy, **and**:
 - the age of these individuals;
 - the gender of these individuals;
 - any other demographical information of these individuals;
 - of those who met the minimum shortlisting criteria, the proportion that were employed / unemployed;
 - how many of the individuals who met the minimum shortlisting criteria worked for NHSI;
 - how many of the individuals who met the minimum shortlisting criteria worked for any other NHS entity (**Second Request**),
- The number of applicants who were shortlisted for the Vacancy, **and**:
 - the age of these individuals;
 - the gender of these individuals;
 - any other demographical information of these individuals;
 - of those who were actually shortlisted, the proportion that were employed / unemployed;
 - how many of the individuals who were actually shortlisted worked for NHSI at the time;
 - how many of the individuals who were actually shortlisted worked for any other NHS entity at the time (**Third Request**), and
- The demographic background of the individuals within NHSI responsible for shortlisting candidates (**Fourth Request**).

Decision

NHS Improvement holds the information you have requested.

NHS Improvement has decided to provide full responses to the First Request, Second Request, and Third Request. Information relating to the Fourth Request is being withheld on the basis of the applicability of the exemption set out in section 40 of the FOI Act, as explained in detail below.

Relevant information held by NHS Improvement is in the appendix to this letter (**Appendix**), which is made up of two spreadsheets. We shall refer to the Appendix throughout this response.

General

When considering candidates for the interview stage, NHS Improvement shortlisting panels cannot see, and have no access to, personal information (including demographics) of applicants. This anonymity is ensured by virtue of a dedicated recruitment computer program. This is NHS Improvement policy and, for the avoidance of doubt, was the case with the Vacancy.

First Request

In total, 38 people applied for the Vacancy, including you. To summarise the information from the Appendix in relation to the First Request:

- Seven of the applicants (18%) were aged 25-34, 16 (42%) were aged 35-44, and 15 (40%) were aged 45-59. There were no applicants below the age of 25, or above the age of 59.
- 26 applicants were female (68%), and 12 were male (32%).
- Five of the applicants (13%) listed themselves as being 'Asian or Asian British', five (13%) as being black or black British, one (3%) as mixed race, 25 (66%) as white, and one (3%) did not wish to disclose their ethnic origin.
- 37 applicants were in employment at the time of application (97%), with one having been unemployed (3%).
- Of those 37 applicants who were in employment, two worked for NHS Improvement (5%), 31 worked for the wider NHS (84%), and four worked for other companies (11%).

Second Request

The initial feedback email to you (dated 8 May 2017) made reference to individuals being tested against 'selection criteria' with regards to shortlisting (as is standard process). However, for this role, a number of these criteria could not be tested on paper alone. Therefore, you will see from the Appendix that a number of people were invited for interview, despite the fact that no candidates had reached the 'minimum criteria'. The shortlisting team was happy to interview the highest-scoring individuals, as they believed that it was natural, given the nature of the work, that these criteria could probably not be met fully until all skills and attributes of candidates had been tested at interview.

This meant that the team, when shortlisting, primarily selected individuals on the basis of their paper application scores instead of focusing on just minimum selection criteria. Your application, like all of the others, was scored and then measured against those of the other applicants. What can be seen from the Appendix is that, although you scored relatively well against the selection criteria, almost all of those put forward to interview scored more highly than you.

You will note, however, that the scores of two candidates put forward to interview (namely individuals 29 and 35) were slightly lower than yours. In the interests of transparency and completeness, we consider it is best for this to be explained here, despite this being slightly outside the scope of your request.

The original intention of the shortlisting team was to put forward to interview between six and eight of the highest-scoring individuals, purely on the basis of their scores and then hold one day of interviews. However, around the time of the shortlisting process, another NHS employer (which works closely with this team in NHS Improvement) put a number of their employees at risk of redundancy. Therefore given: (a) the understanding these people would have about the work, as a result of the close working relationship between NHS Improvement and this organisation, plus (b) the desire to try and help redeploy such colleagues in the health sector it was decided that applicants from the particular organisation would be invited to interview, even if their scores were below the highest 6-8 candidates. This increased the number of people invited to interview to 13 to then be held across two days. This is the reason behind certain individuals, who scored similarly or lower than you, being put forward to interview when you were not. I appreciate that this may seem unfair to you, but the motivation behind advancing these individuals to interview was to avoid redundancies within the wider NHS.

For the avoidance of doubt, the person who was offered the role scored more highly than you in their application: they displayed 42 essential criteria and six desirable, while you displayed 32 and four respectively.

Third Request

In total, 13 people were put forward to interview for the Vacancy (**Interviewees**). Two of the Interviewees withdrew their application prior to interview. One was successful at interview and was offered the role. Again, to summarise the information in the Appendix:

- Two of the Interviewees (15%) were aged 25-34, five (38%) were aged 35-44, and six (46%) were aged 45-59.
- 10 of the Interviewees were female (77%), and three were male (23%).
- Two of the Interviewees (15%) listed themselves as being black or black British, 10 (77%) as white, and one (8%) did not wish to disclose their ethnic origin.
- All of the Interviewees were in employment.
- One of the Interviewees worked for NHS Improvement (7%), with the remainder working for the wider NHS (93%). None of the Interviewees worked outside the NHS.

Fourth Request

As mentioned above, NHS Improvement has decided to withhold information relating to the Fourth Request, on the basis that it falls within the 'personal information' exception within section 40 of the FOI Act.

Information relevant to the Fourth Request is withheld under this section on the grounds that it is personal data and that the first condition of section 40(3)(a)(i) is satisfied, namely that disclosure

could amount to a breach of the first data protection principle (personal data should be processed fairly and lawfully).

Our reasoning is as follows. Given the small size of the Workforce Improvement team, which carried out the shortlisting for the Vacancy, providing you with the demographic information of the shortlisting team could lead to the relevant individuals being identified from this information. We consider that members of this team have a reasonable expectation that their personal information would not be disclosed. Therefore, disclosing this information would amount to unfair processing, and lead to a breach of the first data protection principle. This is an absolute exemption, and consideration of the public interest in disclosure 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 (details are below). If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A more 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 Appendix 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