

27 July 2017

Wellington House  
133-155 Waterloo Road  
London SE1 8UG

T: 020 3747 0000  
E: [nhsi.enquiries@nhs.net](mailto:nhsi.enquiries@nhs.net)  
W: [improvement.nhs.uk](http://improvement.nhs.uk)

██████████  
**By email**  
██

Dear ██████████

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

I refer to your email of 29 June 2017 in which you requested an internal review of NHS Improvement’s decision dated 26 June 2017 in relation to your email of 27 May 2017, in which you made the following request under the FOI Act:

*“Can you please send me the following:*

- 1. The control totals set by NHSI for each NHS organisation for 2017/18*
- 2. Whether or not each organisation has accepted its control total*
- 3. The formula or other method used to determine the control total”*

Since 1 April 2016, Monitor and the NHS Trust Development Authority are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means both Monitor and the TDA.

**Decision**

NHS Improvement holds the information that you requested. We decided to withhold the information on the basis of the applicability of the exemption in section 22 of the FOI Act, as explained in our letter dated 26 June 2017.

I have reviewed the original decision in light of the grounds you put forward in your internal review request.

In relation to parts 1 and 2 of your request, I have decided to uphold the original decision to withhold the information on the basis of the exemption in section 22 of the FOI Act, as explained in detail below. In relation to part 3 of your request, the indicative methodology

used to determine the 2017/18 control totals was published [here](#) and has now been finalised without any changes.

## **Section 22: information intended for future publication**

Section 22 provides an exemption where information is held by a public authority with a view to future publication, if it is reasonable to withhold the information from disclosure until the date of publication.

NHS Improvement is planning to publish the control total for each NHS trust and NHS foundation trust, and whether or not they have accepted their control totals, as part of the quarter 1 2017/18 finance report. The quarter 1 performance report containing this information will be published on our web-site in September and will form part of the September 2017 NHS Improvement Board meeting agenda. As set out in the original decision letter, financial reports to the NHS Improvement Board are published on our web-site.

We consider that it is reasonable that the above information is withheld from disclosure until it is published as part of the quarter 1 2017/18 finance report. The quarter 1 2017/18 finance report will provide important context to this information and we consider that the information should be published alongside the other information in this report, rather than in isolation.

### *Public interest test*


Section 22 of the FOI Act is a qualified exemption and NHS Improvement is therefore required to carry out a public interest test to determine whether the exemption should be maintained. There is a public interest in transparency in relation to the finances of NHS trusts and foundation trusts, and in the measures taken by NHS Improvement regarding the regulation of trusts. As set out above, we will publish the requested information as part of the quarter 1 2017/18 finance report. I consider that the public interest will be better served through this information being published in the context of the other information in this finance report. In conclusion, I consider that the public interest in maintaining the exemption outweighs the public interest in disclosure

## **Review rights**

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

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 black ink that reads "E O Mahony". The signature is written in a cursive style with a large, sweeping flourish at the end of the word "Mahony".

**Elizabeth OMahony**  
Director of Finance