

7 February 2018

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██████████  
**By email**  
██████████

Dear ██████████

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

We refer to your email of 10 January 2018 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority 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 requested the following information:

*“...I would like to make another Freedom of Information which information is restricted to foundation trusts only for the period from 2006 - 2008 as follows:*

- 1. Number of staffs for NHS foundation trusts from 2006 to 2008*
- 2. Foundation trust consolidation (FTC) accounts data from 2006 to 2008 (similar to what have been published on the website <https://www.gov.uk/government/collections/foundation-trust-consolidation-ftc-accounts-data>)”*

### **Decision**

Whilst NHS Improvement holds some of the information that you have requested we have not been able to progress your request because to do so would exceed the cost limit under section 12 of the Freedom of Information Act 2000.

We do not hold FTC accounts data from 2006 to 2008 in the format that you reference. We may hold the necessary information to consolidate in the format you have requested but to do so would exceed the cost limit set out in section 12.

## Section 12 – Exemption where cost of compliance exceeds appropriate limit

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.

The data to which you refer is located on legacy systems and would require considerable review and processing to consolidate in the form requested. There were over 100 NHS foundation trusts in financial year 2008/09. We consider that the volume of information that would need to be reviewed to locate the information covered by the request is significant. Furthermore, once located, we would be required to review and apply complex skill to produce the information in the format you have requested.

### *Advice and assistance provided under section 16 of the FOI Act*

We are mindful of our duty under section 16 of the Act to provide reasonable advice and assistance to you, and specifically to advise how you might narrow your request so that it complies with the time limit.

We would like to note that we have already published FTC data back to 2009/10 in order to assist those who wish to use the data. The relevant information can be found in the following link:

<https://www.gov.uk/government/collections/foundation-trust-consolidation-ftc-accounts-data>

If this information is not sufficient, you may wish to refine your request and seek information for specific NHS foundation trusts.

You should also note that NHS foundation trusts are subject to the FOI Act and as such it is open to you to seek information directly from them. This will remove the burden of providing this information solely upon one organisation and will spread the effort across the foundation trusts. 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. A list of all NHS foundation trusts and their contact information can be found in the following link:

<https://www.nhs.uk/servicedirectories/pages/nhstrustlisting.aspx>

## **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,

**NHS Improvement**