



Improvement

133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000

E: nhsi.enquiries@nhs.net

W: improvement.nhs.uk

28 September 2018

Dear

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

We refer to your email of **3 July 2018** in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority “NHS TDA” are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the NHS TDA.

Your request

You made the following request:

“I would like to request some information under the Freedom of Information Act 2000. Please acknowledge receipt of my request by email.

I would like some information regarding the GP streaming capital programme run last winter following £100m being allocated for the NHS to develop streaming facilities in the government’s 2017 spring Budget. More details here:

<https://www.gov.uk/government/news/ae-departments-to-get-more-funding>

Please provide all evaluations of this programme done by (a) the Department of Health and Social Care and/or (b) NHS Improvement, and/or (c) NHS England.

For guidance please provide:

- 1. All documents regarding to the evaluation report of the GP streaming capital funding money. This document assessed how the £100m of capital funding allocated was spent and the outcomes it delivered. Please also provide any draft versions of this report in addition to the final version*

2. *All the Sitrep data on GP streaming collected during the Sitrep period this winter. Please provide in an excel spreadsheet.*

If you need any clarification of this request or if it is too broad in any way please feel free to email me. I would remind you that under your Section 16 duty to advise and assist I would expect you to contact me to discuss any practical difficulties that you may have in fulfilling this request so that I may narrow my request in a way that works for both of us.

If some parts of this request are more difficult to answer than others please release the answerable material as it is available rather than hold up the entire request for the contested data.

If FOI requests of a similar nature have already been asked could you please include your responses to those requests. I would be grateful if you could confirm in writing that you have received this request, and I look forward to hearing from you within the 20-working day statutory time period.”

Decision

NHS Improvement holds the information that you have requested.

NHS Improvement has decided to withhold some of the information that it holds on the basis of the applicability of the exemptions in section 36 of the FOI Act as explained in detail below.

NHS Improvement has decided to release the Sitrep data on GP streaming collected during the Sitrep period this winter. Please note that the enclosed data was collected as a new experiment for winter 2017/18. As such, the data quality is recognised to be poor and therefore cannot be used for evaluation purposes. NHS Improvement and NHS England are supporting providers to improve data quality and assure primary care streaming arrangements through their regional teams.

Section 36 – Prejudice to effective conduct of public affairs

NHS Improvement has decided to withhold some of the information requested on the basis that it is exempt from disclosure under section 36(2) of the FOI Act. It is the opinion of NHS Improvement’s qualified person (Ian Dalton, Chief Executive) that sections 36(2)(b)(i) and (ii) and 36(2)(c) apply to the draft Primary care streaming evaluation report.

Sections 36(2)(b)(i) and (ii) state that information is exempt from disclosure if, in the reasonable opinion of a qualified person disclosure would, or would be likely to, inhibit the free and frank provision of advice and the free and frank exchange of views for the purposes of deliberation. Under section 36(2)(c) information is exempt from disclosure if, in the reasonable opinion of a qualified person disclosure would, or would be likely otherwise to prejudice the effective conduct of public affairs.

The draft Primary care streaming evaluation report has been prepared for internal use within NHS Improvement and NHS England. Although there is an intention to use the report to prepare a “sharing of best practice report” which will be published at an appropriate stage in

the future and shared with trusts, the draft report includes the analysis, advice and views of the Emergency and Elective Care teams at NHS Improvement and NHS England. If the advice and views of the team were generally made public, this would reduce the candour and frankness with which views were expressed or advice given by NHS Improvement staff when providing advice and analysis in relation to policy matters. This in turn would reduce the quality of the NHS Improvement policy decisions informed by those views or that advice.

In addition, disclosure of the draft report in question could affect discussions between NHS Improvement, NHS England, the Department of Health and Social Care and HM Treasury in relation to future funding for emergency care which in turn could have a prejudicial impact on policy decisions on this matter.

Public interest test

NHS Improvement's view is that the public interest in maintaining the exemption outweighs the public interest in disclosure.

In considering the balance, we have considered the public interest in transparency and openness in relation to decisions by public bodies, in particular decisions relating to funding of the NHS.

We have however also considered the strong public interest in allowing officials within NHS Improvement to have free and frank discussions about policy matters, informed by open, honest and frank and detailed advice. There is strong public interest in ensuring that NHS Improvement staff are able to have the open and confidential discussions necessary to ensure the effective development of its policies in relation to the NHS. We have also taken into account that in this case:

- (a) The report is in draft form and incomplete as contributions are still awaited from various authors
- (b) NHS Improvement is currently undertaking an audit of primary care streaming services and once the data from this has been collected a decision will be made as to whether it should be incorporated into the report.

Taking into account these considerations, our decision is that the balance of public interest is in withholding this information.

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 information 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