

13 January 2016

[REDACTED]  
[REDACTED]  
[REDACTED]

**By email**

[REDACTED]

Dear [REDACTED]

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

I refer to your email of 14 December 2015 in which you requested information under the FOI Act.

#### **Your request**

You made the following request:

*"The 'St George's lessons learned review' which was attached to the December board papers, and discussed in part 2 of the meeting. If there is information in the review (such as names of individuals) that cannot be released, please redact this information rather than withholding the whole document".*

#### **Decision**

Monitor holds the information that you have requested.

As part of their role as Monitor's internal auditors, PwC's Health Group Internal Audit have undertaken a 'lessons learned' review following the grant of NHS foundation trust status to St George's Healthcare NHS Trust (renamed St George's University Hospital NHS Foundation Trust (St George's) on that grant) on 1 February 2015. Following authorisation, the Trust experienced a sudden deterioration in its finances during quarter 4 of 2014/15 which led to it recording a £16.8 million loss for the first financial year.

Monitor is the sector regulator of NHS-funded health care services, our main duty being to protect and promote the interests of patients by regulating the provision of healthcare services to ensure it is effective, efficient and economic, and maintains and improves the quality of services. We continue to assess NHS trusts for foundation trust status and license foundation trusts to ensure they are well-led, in terms of both quality and finances.

In the interests of accountability and transparency, and recognising the importance of the public having confidence in its ability to discharge its statutory functions, Monitor has always published the various lessons learned reviews it has commissioned, and has committed to publish the review on St George's.

However, Monitor has decided in this instance to withhold the information requested at this time, on the basis of the application of the exemption in section 22 of the FOI Act.

### **Section 22 of the FOI Act – 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 publication, 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).

Monitor is planning to publish the final lessons learned review this month alongside details of a forensic report also by PwC commissioned separately by St George's. If this does not prove possible, Monitor will publish the lessons learned review in any event. Monitor is currently considering the precise timing of the publication, and how it should be managed and also wishes to consult relevant stakeholders before final publication. There will be only a relatively short period of time before the intended publication. In light of this, Monitor considers that it is reasonable to withhold the information until publication of the review.

The exemption is subject to a public interest test. There are arguments favouring disclosure of the review in the interests of transparency and accountability as there is a public interest in understanding the effectiveness of Monitor's assessment procedures for reviewing applications for foundation trust status and how it fulfills its regulatory functions. However, and being fully committed to disclosure, Monitor considers that it should be able to manage the proactive publication of this important report and to consult relevant stakeholders. It therefore considers there to be strong arguments against disclosure of the information to you at this time.

Therefore in the circumstances of this particular case, and, having balanced the public interest considerations, Monitor considers at this stage that the public interest in maintaining the exemption in section 22 of the FOI Act outweighs the disclosure of the 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 Monitor of the issue or the decision. A senior member of Monitor'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 conducted by Monitor, 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, Monitor, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to [foi@monitor.gov.uk](mailto:foi@monitor.gov.uk).

### 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,

A handwritten signature in cursive script, appearing to read "Kate Moore".

**Kate Moore**

Executive Director of Legal Services