

23 September 2016

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133-155 Waterloo Road
London SE1 8UG

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E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

By email [REDACTED]

Dear [REDACTED]

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

I refer to your email of **12 September 2016** in which you requested information under the FOI Act from NHS Improvement. 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 Monitor and the TDA.

Your request

You made the following request:

“Please could you provide copies of all documents (emails, internal notes, memoranda, board meeting minutes etc.) since 1st January 2016, referring to a) the role of the Chief Executive of Southern Health NHS Foundation Trust, specifically in relation to suggested and actual changes of personnel in that role; b) the creation of a new strategic advisory position for GP leaders at Southern Health and the subsequent appointment of Katrina Percy in that position; and c) the performance of Southern Health NHS Foundation Trust.”

Decision

NHS Improvement holds information relevant to your request and has decided to withhold the information on the applicability of the exemption in section 12 of the FOI Act as explained in detail below.

Cost limit under section 12 of the FOI Act

Under section 12(1) of the FOI Act, NHS Improvement is not required to comply with any request that potentially exceeds the appropriate cost limit. The limit is £450, as 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 requested.

In NHS Improvement's view, compliance with your request will significantly exceed this limit because the scope and time frame of the request is very broad and we would have to review a large volume of documentation to find, retrieve and extract the information within the scope of your request. This is because:

- In April, May and June of this year, we took enforcement action against the Trust including putting in place an additional licence condition relating to the capacity and capability of the Trust's leadership. We have been monitoring closely the Trust's performance against these requirements during the period of your request, including changes to the Trust's Board, which has generated a large volume of correspondence and documentation.
- There have been a significant number of individuals, from a number of different teams within NHS Improvement, involved in supporting the Trust to improve its performance within the timeframe of your request. We would therefore need to search the records of a large number of individuals to identify the information requested.
- Given the complexity and extent of the issues at the Trust, during the nine month period concerned, there has also been a large amount of correspondence with the Trust and other third parties (such as the trust's commissioners, the Care Quality Commission and the Department of Health) as well as internal correspondence and documentation about the Trust's performance.

Advice and assistance provided under section 16 of the FOI Act

Under section 16 of the FOI Act, NHS Improvement is required, as a public authority, to provide advice and assistance so far as is reasonable, to individuals who have made a request to it under the FOI Act.

In light of our assertion that this request in its current form would exceed the cost limit under the FOI Act, you may wish to:

- limit your request to certain employees/groups of employees at NHS Improvement;
- limit the documents requested by type, for example, so the request relates only to email correspondence; and/or
- specify a shorter time period for which you seek information.

In order to assist you, I've set out below details of relevant information which is publicly available.

NHS Improvement publishes a large amount of information on foundation trust performance, including:

- our assessment of the risk of each foundation trust's non-compliance with the continuity of service and governance conditions of their licence;
- whether NHS Improvement has opened an investigation into a foundation trust's non-compliance with its licence; and

- any enforcement action taken by NHS Improvement against each foundation trust for non-compliance with its licence.

This information about the Trust can be accessed via the following link: [click here](#)

We have issued several press statements about our approach to the Trust, including explaining our assessment of their performance. See the following:

- January 2016: [click here](#)
- April 2016: [click here](#)
- May 2016: [click here](#)
- June 2016: [click here](#)

We also publish all of our responses to requests under the FOI Act, The following requests about the Trust may be of interest:

- Correspondence with the Trust and CQC on the Mazars Report: [click here](#)
- Assorted questions about the Trust's progress in meeting its undertakings: [click here](#)

It may assist you to know that NHS England regularly publishes performance data about the foundation trust sector, which is available via the following link: [click here](#). In relation to the Trust, this includes performance information about Early Intervention in Psychosis Waiting Times, A&E Attendances & Emergency Admission, Consultant-led Referral to Treatment Waiting Times, Venous Thromboembolism Risk Assessment and Patient and Staff survey results.

Please 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. 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.

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 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 that reads "Penny Emerit".

Penny Emerit

Delivery and Improvement Director (Wessex)