

I note that we received a similar request from you for the Hampshire and Isle of Wight STP (request dated 6 September 2016), and our decision below is consistent with our response to that request.

Decision

NHS Improvement holds the information that you have requested, but has decided to withhold all of the information that we hold on the basis of the applicability of the exemption in section 22 of the FOI Act, as explained below.

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.

The draft STPs were submitted to NHS England and have been provided to NHS Improvement. The plans are to be published soon, ahead of further engagement and consultation, though an exact publication date has not been finalised. In our view, it is reasonable that the publication of STPs follows an orderly process, without pre-empting any arrangements for subsequent engagement or consultation. The precise proposals for publication remain under consideration, and in each area, the relevant NHS organisations are considering the process for engagement. Given the settled intention for publication in the near future, the need for an ordered process and the responsibilities of the individual NHS organisations area for engagement and consultation, it is reasonable in the circumstances to withhold the STPs.

The exemption is subject to a public interest test. We recognise the general public interest in openness, transparency and making information about decisions and plans freely available. In addition, we recognise the specific public interest in understanding the plans of NHS providers relating to how services are to be commissioned and provided. But the public interest will be met by the publication of this information in the coming months. In addition, we understand that there is to be a wider communications plan to support release of STPs and it would not be appropriate to disrupt that plan. Disclosure by NHS Improvement now would also involve publishing the STPs without the accompanying communication and explanations what would be necessary to assist effective engagement on the plans. Our conclusion is that the balance of public interest lies in withholding this information and keeping to the proposed timetable for publication.

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,

NHS Improvement