

28 April 2016

Wellington House  
133-155 Waterloo Road  
London SE1 8UG

T: 020 3747 0000  
E: [nhsi.enquiries@nhs.net](mailto:nhsi.enquiries@nhs.net)  
W: [improvement.nhs.uk](http://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 **2 April 2016** in which you requested information under the FOI Act from Monitor. 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.

### **Your request**

You made the following request:

*“1. Please outline the governing members of Monitor and their interests in private healthcare provision.*

*(a) I ask for a list of the board or governing members experience, such as working for McKinsey etc and whether*

*(b) these members have continuing or past financial interests in such private healthcare companies.*

*Please list.*

*2. If such ties to private healthcare exist, what statutory regulations exist to avoid conflicts of interest when intervening in Foundation Trusts or any other sector of the NHS. Please include policies as well as laws, statutes which include primary or secondary legislation.*

*3. How many CCGs, Trusts or any other sector of NHS services have been required to review their tendering process to allow more private healthcare (AQP) provision. I note the increase to 18% for such total private company NHS contracts.”*

### **Decision**

NHS Improvement holds some of the information that you have requested.

## Question 1

As we are now operating as NHS Improvement, we have a new Board. The register of board members' interests and experience is currently being updated to reflect the new Board's composition. Details of the previous Board and the current register of interests are available on our website [here](#), but these details are out of date and will be updated shortly. I have attached the latest version of the board members' biographies, which is not yet complete: the final version will be published on our website (at the link above) shortly.

## Question 2

Details of Monitor's process for managing conflicts of interest are available on pages 78 and 79 of our Annual Accounts for 2014/15, available [here](#). You may also wish to refer to our "Rules of Procedure" ([here](#)) and "Functional conflicts and balancing competing regulatory interests policy" ([here](#)). In terms of statutory provision, section 67 of the Health and Social Care Act 2012 sets out how NHS Improvement should address conflicts between its statutory functions.

## Question 3

We have had some difficulty in understanding this part of your request. NHSI works to promote choice and protect the rights of patients through the any qualified provider framework established in the NHS Constitution, which does not discriminate between types of providers. We do not require anyone to review their tendering processes to allow more private healthcare provision. Our approach to the regulations governing the commissioning of health care services by commissioners is set out fully in our guidance which can be found on our website [here](#).

## **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.

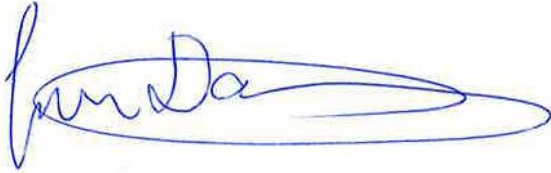
If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

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 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,

A handwritten signature in blue ink, appearing to read 'Jessica Dahlstrom', with a large, sweeping underline that extends across the width of the signature.

**Jessica Dahlstrom**  
Head of Governance