

2 August 2016

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London SE1 8UG

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E: nhsi.enquiries@nhs.net
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By email

Dear [REDACTED]

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

I refer to your email of **26 July 2016** in which you requested information under the FOI Act from the NHS Trust Development Authority (TDA). Since 1 April 2016, Monitor and the TDA are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means the TDA.

Your request

You made the following request:

“Each year NHS Trusts have to submit financial outturn and financial planning information to the NHS. The data and narrative information required is set out each year by the NHS Trust Development Authority Trust Financial Management System (TFMS) Plan Guidance.

The information is submitted by the Trusts in the form of Excel spreadsheets. I am requesting the following information be supplied under the Freedom of Information Act 2000 (C.36)

A) The spreadsheet that constitutes the complete and final submission for each NHS Trust in England for the financial year 2015/16 (submission date 10th April 2015)

B) The spreadsheet that constitutes the complete and final submission for each NHS Trust in England for the financial year 2016/17 (submission April 2016)

C) Any master spreadsheet developed by the TFA that collates submissions from individual Trusts on the TRU Key Data points as identified in the guidance”.

Decision

A) The spreadsheet that constitutes the complete and final submission for each NHS Trust in England for the financial year 2015/16 (submission date 10th April 2015).

NHS Improvement holds the information that you have requested. NHS Trusts submit accounting and management information data to the Department of Health at the end of the financial year. The accounts data for 2015/16 that is submitted by NHS Trusts for consolidation and which is consistent with the accounts data published in the individual NHS Trusts' annual accounts can be found [here](#).

NHS Improvement has decided to withhold the financial planning information submitted by NHS Trusts that it holds for 2015/16 on the basis of the applicability of the exemption in section 33 of the FOI Act as explained in detail below.

Section 33(1)(b) and 33(2) of the FOI Act provide that information may be exempt from disclosure where disclosure would, or would be likely to, prejudice the exercise of any public authority's functions in relation to the examination of the economy, efficiency and effectiveness with which other public authorities use their resources in discharging their functions.

NHS Improvement is of the view that the withheld information is exempt under section 33(1)(b) of the FOI Act on the basis that it has functions in relation to the examination of the economy, efficiency and effectiveness with which NHS Trusts use their resources, which would be prejudiced by the release of the information requested. It has these functions by virtue of NHS Improvement's general duty under Section 5 of the NHS TDA Directions and Revocations and the Revocation of the Imperial College Healthcare NHS Trust Directions 2016 (the 2016 Directions) to ensure that NHS Trusts exercise their functions efficiently, economically and effectively.

In addition, under Section 6 of the 2016 Directions, it is a function of the TDA to provide advice to NHS Trusts to assist those trusts to prepare plans for each financial year as to how those trusts will exercise their functions.

The regulation of NHS Trusts and NHS Improvement's ability to discharge its functions in examining the economy, efficiency and effectiveness of those it regulates would be likely to be prejudiced if sensitive and confidential information, as is the case with the information requested, were to be disclosed. The relationship of trust between NHS Trusts and NHS Improvement would be likely to be jeopardised and undermined if providers considered such information would be disclosed. This relationship is dependent upon having a safe space in which NHS trusts are able to share sensitive and confidential information with NHS Improvement without fear of it being shared more widely

Please note that NHS 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.

B) The spreadsheet that constitutes the complete and final submission for each NHS Trust in England for the financial year 2016/17 (submission April 2016).

At present in relation to the financial year 2016/2017, NHS Improvement only holds financial planning information submitted by NHS Trusts and has decided to withhold this information on the basis of the applicability of the exemption in section 33 of the FOI Act as explained in detail above.

C) Any master spreadsheet developed by the TDA that collates submissions from individual Trusts on the TRU Key Data points as identified in the guidance.

This information can be found at the link provided in answer to request A) above.

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,

Sector Reporting & Analysis Team, NHS Improvement