

17 May 2016

Wellington House
133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000
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 **18 April 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.

Your request

You made the following request:

“Your Transparency Data for April 2015 shows that Monitor hired FTI Consulting Ltd to undertake a piece of work to establish the relationship between provider costs and national prices. The project descriptions says the work was to demonstrate that the prices Monitor sets accurately reflect the efficient costs of providing NHS care.

Could you please provide me with a copy of FTI's report to Monitor.”

Decision

NHS Improvement does hold the information that you have requested and has decided to withhold this information on the application of the exemption in section 22 of the FOI Act as explained in detail below.

Section 22 – future publication

This report was commissioned by NHS Improvement and is part of a programme of work currently being undertaken to inform proposals relating to the method for determining national prices. Under section 118 of the Health and Social Care Act 2012 NHS Improvement would need to consult on these proposals before the national tariff can be published. NHS Improvement intends to publish the FTI report as part of the consultation

process. I have therefore decided that the report is exempt information for the purposes of section 22 of the FOI Act as it is intended for future publication.

Public interest test

This exemption is subject to a public interest balancing test. There is a public interest in understanding decision-making in the NHS and in making information available to enable scrutiny of how NHS Improvement makes decisions. However, the FTI report concerns proposals on which NHS Improvement would be required to consult prior to the publication of a new national tariff. I therefore consider that the public interest in transparency would be met by the future publication of this information at the time of the consultation. Further, I consider that the publication of the report at this stage unaccompanied by policy proposals that are still being developed would potentially present a misleading picture. I have therefore concluded that, on balance, the public interest is better served by withholding the information at this stage.

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 black ink, appearing to read 'Igor Popovic', with a long horizontal flourish extending to the right.

Igor Popovic
Pricing Delivery Director