

22 January 2016

[REDACTED]  
[REDACTED]

By email [REDACTED]

Dear [REDACTED]

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

I refer to your email of 18 December 2015 in which you requested information under the FOI Act.

#### Your request

You made the following request:

“In the letter of discretionary requirements from Monitor to Colchester Hospital NHS Foundation Trust in November 2013, Monitor made it a compliance requirement that Colchester must ‘obtain external assurance on the implementation of the plan by commissioning a follow-up review from a source to be agreed with monitor and according to a scope to be agreed with Monitor.’ (Point 1.2 ). However the document does not state which organisation was named by Monitor.

1. *Which firm was the source approved by Monitor to carry out the follow-up review?*
2. *How much were they paid to carry out this work? Of how much was paid by Monitor and how much was paid by the Trust?*
3. *Was the contract for this work open to a competitive tender?*

*Monitor also made it a compliance requirement that the hospital ‘co-operate with a partner organisation nominated by monitor to provide the Trust with support and expertise in delivering improvements to the cancer pathway for such a period of time as Monitor may direct.’ (Point 1.4)*

4. *Which firm was the ‘partner organisation’ approved by Monitor to provide this support and expertise?*
5. *How much were they paid to carry out this work? Of this how much was paid by Monitor and how much was paid by the Trust?*
6. *Was the contract for this work open to a competitive tender?*

Monitor also made it a compliance requirement that the hospital 'commission an external review to investigate the CQC's concerns identified in their inspection report.. about the actions taken by senior staff in response to whistleblowing concerns.' (Point 2.1 )

7. Which organisation or individual carried out this external review?
8. Did that organisation's appointment have to be agreed with Monitor?
9. How much were they paid to carry out this work? Of this how much was paid by Monitor and how much was paid by the Trust?
10. Was the contract for this work open to a competitive tender?

Monitor also made it a compliance requirement that the hospital 'undertake a full review, with independent oversight, of the actions of staff within the cancer unit' (point 2.2 .)

11. Which organisation or individual carried out this external oversight of the internal review?
12. Did that organisation's appointment have to be agreed with Monitor?
13. How much were they paid to carry out this work? Of this how much was paid by Monitor and how much was paid by the Trust?
14. Was the contract for this work open to competitive tender?
15. How much did Monitor spend on services from the following five firms in the last three financial years?
  - a) Ernst & Young
  - b) Pricewaterhousecoopers (PwC)
  - c) McKinsey
  - d) KPMG
  - e) Deloitte
16. On how many occasions did Monitor commission, or instruct NHS bodies to commission, the services of the following five firms in the last three financial years?
  - a) Ernst & Young
  - b) Pricewaterhousecoopers (PwC)
  - c) McKinsey
  - d) KPMG
  - e) Deloitte"

## **Decision**

Monitor holds the information you have requested and has decided to release some of the information, but not all the information requested under questions 15 add 16, as set out in the answers to your questions below.

1. Which firm was the source approved by Monitor to carry out the follow-up review?

The source of the follow up review was conducted by NHS England who did a review of five cancer services at Colchester Hospital and published its report on 17 July 2014. The

report can be located using the following link

<https://www.england.nhs.uk/publications/reviews-and-reports/incident-mng-rep/>

2. *How much were they paid to carry out this work? Of how much was paid by Monitor and how much was paid by the Trust?*

Monitor did not pay for this work. We do not have information to confirm the split of costs between NHSE and the Trust.

3. *Was the contract for this work open to a competitive tender?*

No, the work was commissioned by the Incident Management Team (a multi agency group which included Monitor, CQC, NHSE and North East Essex CCG) directly from NHS England.

*Monitor also made it a compliance requirement that the hospital 'co-operate with a partner organisation nominated by monitor to provide the Trust with support and expertise in delivering improvements to the cancer pathway for such a period of time as Monitor may direct.' (Point 1.4)*

4. *Which firm was the 'partner organisation' approved by Monitor to provide this support and expertise?*

A firm was not appointed to provide this support. As part of the Special Measures package of support Monitor appointed the Royal Marsden NHS Foundation Trust ("the Royal Marsden") to support the improvement of cancer services at Colchester hospital. The Trust's press release can be found at:

[http://www.colchesterhospital.nhs.uk/press\\_release\\_pages/pr\\_030214b.shtml](http://www.colchesterhospital.nhs.uk/press_release_pages/pr_030214b.shtml)

5. *How much were they paid to carry out this work? Of this how much was paid by Monitor and how much was paid by the Trust?*

Monitor paid Royal Marsden £200k to reimburse the cost of the support provided in line with the workplan agreed. The Royal Marsden was paid a further £300k once the outcomes agreed in the workplan were delivered.

6. *Was the contract for this work open to a competitive tender?*

The process for appointing the Royal Marsden did not involve the award of a contract subject to competitive tender. Monitor appointed an organisation within the NHS that was best suited to supporting the challenges at Colchester. The Royal Marsden is a world leading specialist Cancer centre.

*Monitor also made it a compliance requirement that the hospital 'commission an external review to investigate the CQC's concerns identified in their inspection report.. about the actions taken by senior staff in response to whistleblowing concerns.' (Point 2.1 )*

7. *Which organisation or individual carried out this external review?*

Professor Pat Troop and Carole Taylor Brown were appointed to lead this external review.

8. *Did that organisation's appointment have to be agreed with Monitor?*

The appointment of the individuals and the scope of the work was agreed with Monitor.

9. *How much were they paid to carry out this work? Of this how much was paid by Monitor and how much was paid by the Trust?*

Monitor did not pay the individuals.

10. *Was the contract for this work open to a competitive tender?*

No

*Monitor also made it a compliance requirement that the hospital 'undertake a full review, with independent oversight, of the actions of staff within the cancer unit' (point 2.2 .)*

11. *Which organisation or individual carried out this external oversight of the internal review?*

12. *Did that organisation's appointment have to be agreed with Monitor?*

13. *How much were they paid to carry out this work? Of this how much was paid by Monitor and how much was paid by the Trust?*

14. *Was the contract for this work open to competitive tender?*

This piece of work was covered by the Troop Taylor Brown review covered in points 7-10 and was not subject to a separate review. Therefore questions 11-14 have already been answered.

15. *How much did Monitor spend on services from the following five firms in the last three financial years?*

- a) *Ernst & Young*
- b) *Pricewaterhousecoopers (PwC)*
- c) *McKinsey*
- d) *KPMG*
- e) *Deloitte*

Since 2010, Monitor has published expenditure data, setting out payments over £25,000. The amounts spent by Monitor on services from these firms in the last 3 financial years, if in excess of £25,000, are published in these figures. This information is therefore reasonably accessible to you by other means and is not being disclosed in this letter, in accordance with the exemption in section 21 of the FOI Act.

Payments from January 2014 to August 2015 can be found at:

<https://www.gov.uk/government/publications/monitor-expenditure-data-january-2014>

Payments from 2010 to 2013 can be found at:

<http://webarchive.nationalarchives.gov.uk/20140306143136/http://monitor.gov.uk/about-monitor/what-we-do/publication-scheme-a-guide-the-information-we-publish/expenditure-data-month>;

These figures do not include payments under £25,000. I can confirm that the total of payments under £25,000 made to the 5 firms in the last 3 financial years is £572,000 (to the nearest £1,000).

*16. On how many occasions did Monitor commission, or instruct NHS bodies to commission, the services of the following five firms in the last three financial years?*

- a) *Ernst & Young*
- b) *Pricewaterhousecoopers (PwC)*
- c) *McKinsey*
- d) *KPMG*
- e) *Deloitte*

We have not been able to progress this part of your request, because to do so would exceed the cost limit under section 12 of the FOI Act.

*Cost Limit under section 12 of the FOI Act*

Under section 12(1) of the FOI Act, Monitor is not required to comply with any request that potentially exceeds the relevant cost limit. The relevant cost limit is £450, which is 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 that you have requested.

In Monitor's view, compliance with your request will exceed this limit. There is no central record of the number of times Monitor has commissioned or instructed NHS bodies to commission the services of the five firms you mention. We would have to review a significant amount of internal documentation to find, retrieve and extract the information within the scope of your request.

*Advice and Assistance provided under section 16 of the FOI Act*

Under section 16 of the FOI Act, Monitor 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.

Given Monitor's indication above of the volume of documentation that would need to be reviewed to locate the information sought, we can provide the following indications to assist you to make a request that can be complied without the time limits in section 12 becoming applicable. You may wish to:

- narrow the scope of your request to describe more precisely the kind of information sought – for example, limiting the request to cases where Monitor commissioned the service; and
- specify a more recent and limited time period for which you seek information.

### **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 Monitor of the issue or the decision. A senior member of Monitor'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 conducted by Monitor, 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, Monitor, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to [foi@monitor.gov.uk](mailto:foi@monitor.gov.uk).

### **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,



**Ruth Forbes**  
**Senior Regional Manager**