

18 December 2015

[REDACTED]

By email [REDACTED]

Dear [REDACTED]

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

I refer to your email of **19 November 2015** in which you requested information under the FOI Act.

Your request

You made the following request:

‘Please provide a list of members (name and usual job role) of the high cost drugs steering group, or other group which has taken over responsibility for recommending which drugs should be included on the high cost drugs list

- *Please provide dates of forthcoming meetings of the group mentioned above*
- *Please provide copies of minutes of the last 3 meetings of the group mentioned above’*

Decision

Monitor does hold some information within the scope of your request.

At this point in time there are no dates for further meetings and it follows that we do not hold any information in that respect.

Monitor has decided to withhold some of the information that it holds on the basis of the applicability of the exemptions set out in sections 36 and 40 of the FOI Act, as explained in detail below.

The attached Annex sets out the details of the relevant information that we hold and whether that information is to be disclosed (in whole or in part) or withheld from disclosure. Where information is being withheld, we have identified in the Annex those exemptions which we consider to be relevant.

Where we are able to disclose information to you, it is being provided to you electronically as identified by the document number in the Annex. The application of exemptions to the information referred to in the Annex is explained in the following paragraphs.

Section 36 – prejudice to public affairs

Section 36 – Prejudice to effective conduct of public affairs.

Under section 36 of the FOI Act (“prejudice to effective conduct of public affairs”) information is exempt information if, in the reasonable opinion of Monitor’s qualified person, disclosure would inhibit the free and frank provision of advice/exchange of views.

Monitor’s Chief Executive, Jim Mackey, is Monitor’s qualified person for the purposes of section 36 of the FOI Act. Having considered the request it is Mr Mackey’s opinion that the information, if disclosed, would –

- (a) inhibit the free and frank provision of advice; and
- (b) inhibit the free and frank exchange of views for the purpose of deliberation.

The minutes you have requested contain discussion of proposals brought to the Steering Group. The advice provided and views exchanged were in relation to on-going policy development and were intended to inform discussions at senior management level. These briefings were not intended for future publication. The free and frank exchange of views and advice is critical to the development of policy. Public disclosure would likely inhibit the willingness of those who have been involved in this Steering Group to freely and frankly share advice and views: this in turn impairs the effectiveness of the development and quality of decision making in relation to these on-going policy decisions.

In performing its regulatory functions, Monitor needs a ‘safe working space’ in which to obtain expert analysis and consider views and options, and to deliberate them without fear of premature public scrutiny. Mr Mackey has therefore concluded that the disclosure of the minutes of the Steering Group is likely to inhibit Monitor staff from freely exchanging views and providing advice in relation to this on-going policy work.

Public interest test

The exemption under section 36 of the FOI Act is subject to a public interest balancing test. This means that the information should be disclosed if the public interest factors in support of disclosure outweigh those in favour of withholding the information.

Monitor accepts that there is a general public interest in fostering transparency in its activities. It recognises that, as a public authority, it should consequently be transparent and open in the conduct of its public functions.

However, Monitor is of the view that members of the steering committee need to be able to have candid discussions and express themselves openly during deliberations. Policy proposals are subject to public scrutiny through the statutory consultation process required

under s.118 of the Health and Social Care Act 2012. The list of excluded drugs is published as an Annex to the national Tariff and is therefore in the public domain.

On balance, Monitor has therefore decided that the public interest in disclosure is in this case outweighed by the need to safeguard the free and frank exchange of views and provision of advice.

Section 40 – personal information

Under section 40 of the FOI Act, information is protected from disclosure if it is personal data protected under the Data Protection Act 1998 (“the DPA”). Section 40(7) of the FOI Act provides that the relevant definition of personal data is that set out at section 1(1) of the DPA:

“personal data” means data which relate to a living individual who can be identified-

(a) from those data, or

(b) from those data and other information which is in the possession of, or is likely to come into the possession of, the data controller’.

Some of the information in the documents is being withheld from disclosure under section 40(2) of the FOI Act on the grounds that it amounts to personal data. This includes the names and contact details of junior and/or inward facing staff at Monitor and representatives of other organisations on the Steering Group. All information relating to anything that could identify such an individual or organisation has been redacted. I consider that the disclosure of this information to you would not amount to a fair processing and that disclosure would amount to a breach of the data protection principles. This exemption is an absolute exemption and consideration of the public interest in disclosure is not required.

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.

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 'S. Gillett', with a stylized flourish at the end.

Steve Gillett

Currency Integration and Tariff Design Director, Pricing

Annex

Document	Date	Disclosed/withheld	Exemption
Names of members of the High Cost Drugs Steering Group	September 2015	Partially withheld	s 40
Minutes of the High Cost Drugs Steering Group	29 April 2014	Partially withheld	s 36 and s 40
Minutes of the High Cost Drugs Steering Group	17 March 2015	Partially withheld	s 36 and s 40
Minutes of the High Cost Drugs Steering Group	22 September 2015	Partially withheld	s 36 and s 40

MEMBERS OF THE HIGH COST DRUGS STEERING GROUP MEETING

Name	Job Title	Organisation
Clare Hensman (CH) (Chair)	Economist	NHS England
Nicola McCulloch (NM)	Senior Programme of Care Manager for Cancer	NHS England
Jonas Akuffo (JA)	Pricing Currency Lead, Currency Integration and Tariff Design	Monitor
Stephen Brown (SB) – T/C	Director of Pharmacy	University Hospitals Bristol NHS Foundation Trust
Helen Davis (HD) – T/C	Director	UK Medicines Information (UKMi)
Michael Jenkinson (MJ) – T/C	Consultant Physician and Lead Clinician Drug and Therapeutics	East Kent Hospitals University NHS Foundation Trust
Nicola Bodey (NB)	Senior Costing Analyst	The National Institute for Health and Care Excellence (NICE)
Jo Alldred (JO)	Medicines Effectiveness Lead	Leeds South and East Clinical Commissioning Group
Helen Thorp (HT)	Medicines Finance and Commissioning Pharmacist	St. James' University Hospital, Leeds
Malcolm Qualie (MQ)	Pharmacy lead for Specialised Services	Medical directorate of the NHS Commissioning Board
Gareth Dear (GD)	Information Design Consultant	Health and Social Care Information Centre
Emma Melhuish (EM) – T/C	Senior Pharmaceutical Informatics Specialist	Health and Social Care Information Centre
Dianne Addei (DA)	Lead Consultant in Public Health Medicine	NHS England Specialised Commissioning Team (London Region)
Jill Cockrill (JC)	Senior Information Design Consultant	Health and Social Care Information Centre
Steve Gillett (SG)	Interim Director, Currency Integration and Tariff Design	Monitor

Rasila Shah (RS)	Lead Pharmacist – Acute Commissioning (Prescribing & Medicines Management)	Herts Valleys Clinical Commissioning Group & East & North, Hertfordshire Clinical Commissioning Group
David Webb (DW)	Regional Pharmacist	NHS England, London region

**MINUTES OF THE HIGH COST DRUGS STEERING GROUP MEETING
HELD ON WEDNESDAY 29TH APRIL 2014
FROM 1.30PM – 3.30PM
THE HILL MEETING ROOM,
HEALTH AND SOCIAL CARE INFORMATION CENTRE, 1 TREVELYAN
SQUARE LEEDS LS1 6AE**

Attendees

Name	Job Title	Organisation
Clare Hensman (CH) (Chair)	Economist	NHS England
Nathan Abbotts (NA)	Information Design Consultant	Health and Social Care Information Centre
Stephen Brown (SB) – T/C	Director of Pharmacy	University Hospitals Bristol NHS Foundation Trust
Helen Davis (HD) – T/C	Director	UK Medicines Information (UKMi)
Michael Jenkinson (MJ) – T/C	Consultant Physician and Lead Clinician Drug and Therapeutics	East Kent Hospitals University NHS Foundation Trust
Emma Melhuish (EM) – T/C	Senior Pharmaceutical Informatics Specialist	Health and Social Care Information Centre
Helen Thorp (HT)	Medicines Finance and Commissioning Pharmacist	St. James' University Hospital, Leeds

Apologies

Name	Job Title	Organisation
Dianne Addei (DA)	Lead Consultant in Public Health Medicine	NHS England Specialised Commissioning Team (London Region)
Jonas Akuffo (JA)	Pricing Currency Lead, Currency Integration and Tariff Design	Monitor
Nicola Bodey (NB)	Senior Costing Analyst	The National Institute for Health and Care Excellence (NICE)
Jill Cockrill (JC)	Senior Information Design Consultant	Health and Social Care Information Centre
Steve Gillett (SG)	Interim Director, Currency Integration and Tariff Design	Monitor

[REDACTED]		
Malcolm Qualie (MQ)	Pharmacy lead for Specialised Services	Medical directorate of the NHS Commissioning Board
Rasila Shah (RS)	Lead Pharmacist – Acute Commissioning (Prescribing & Medicines Management)	Herts Valleys Clinical Commissioning Group & East & North, Hertfordshire Clinical Commissioning Group
David Webb (DW)	Regional Pharmacist	NHS England, London region
[REDACTED]		

1. Welcome and Introductions

CH welcomed members to the High Cost Drugs Steering Group meeting and members introduced themselves. CH gave apologies from commissioners and advised the group that any recommendations decided within the meeting will need to be agreed with them.

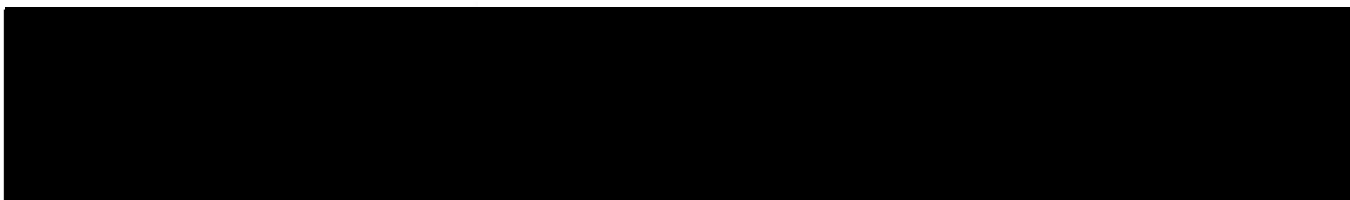
2. Review of Actions log

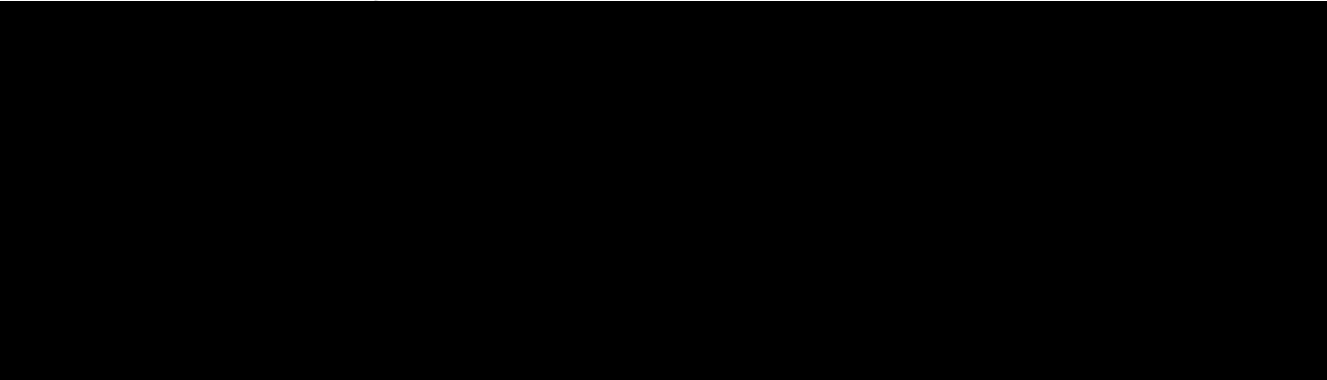
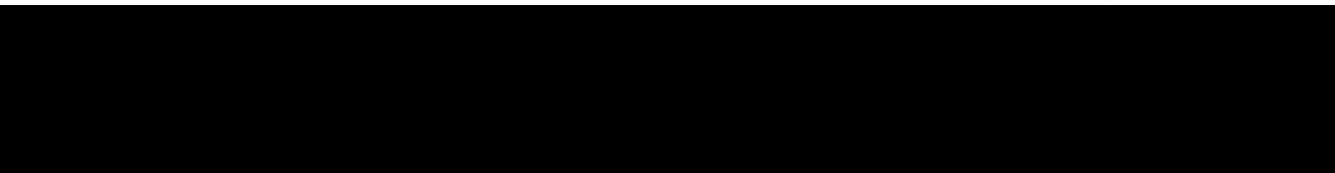
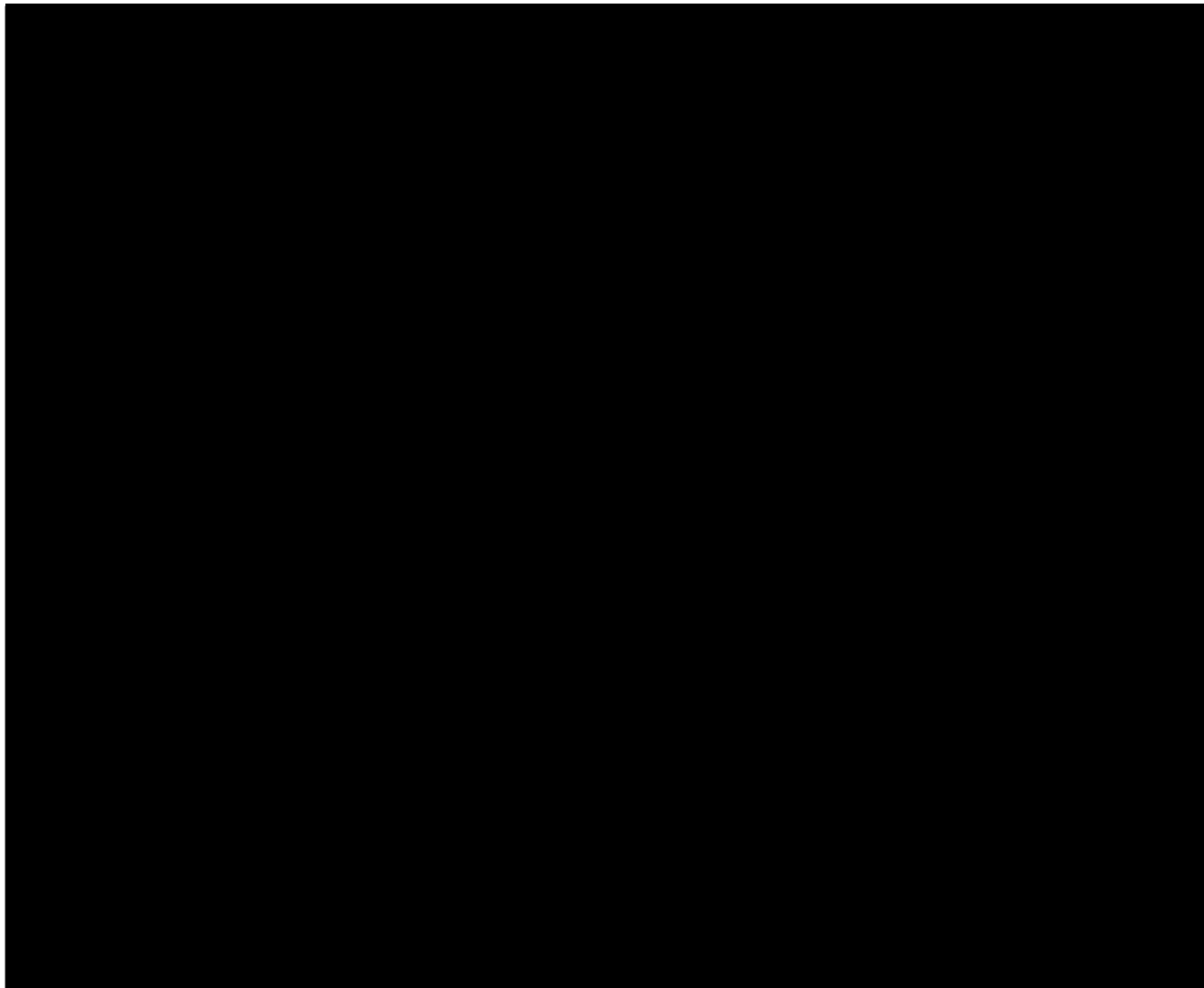
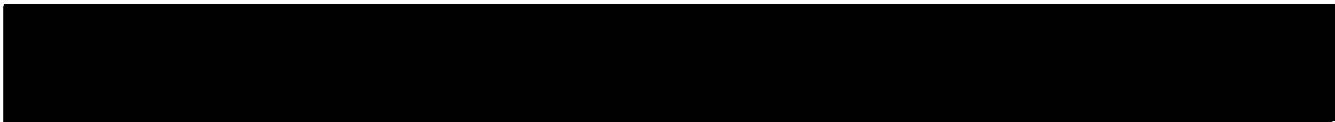
Please see the action log for further details.

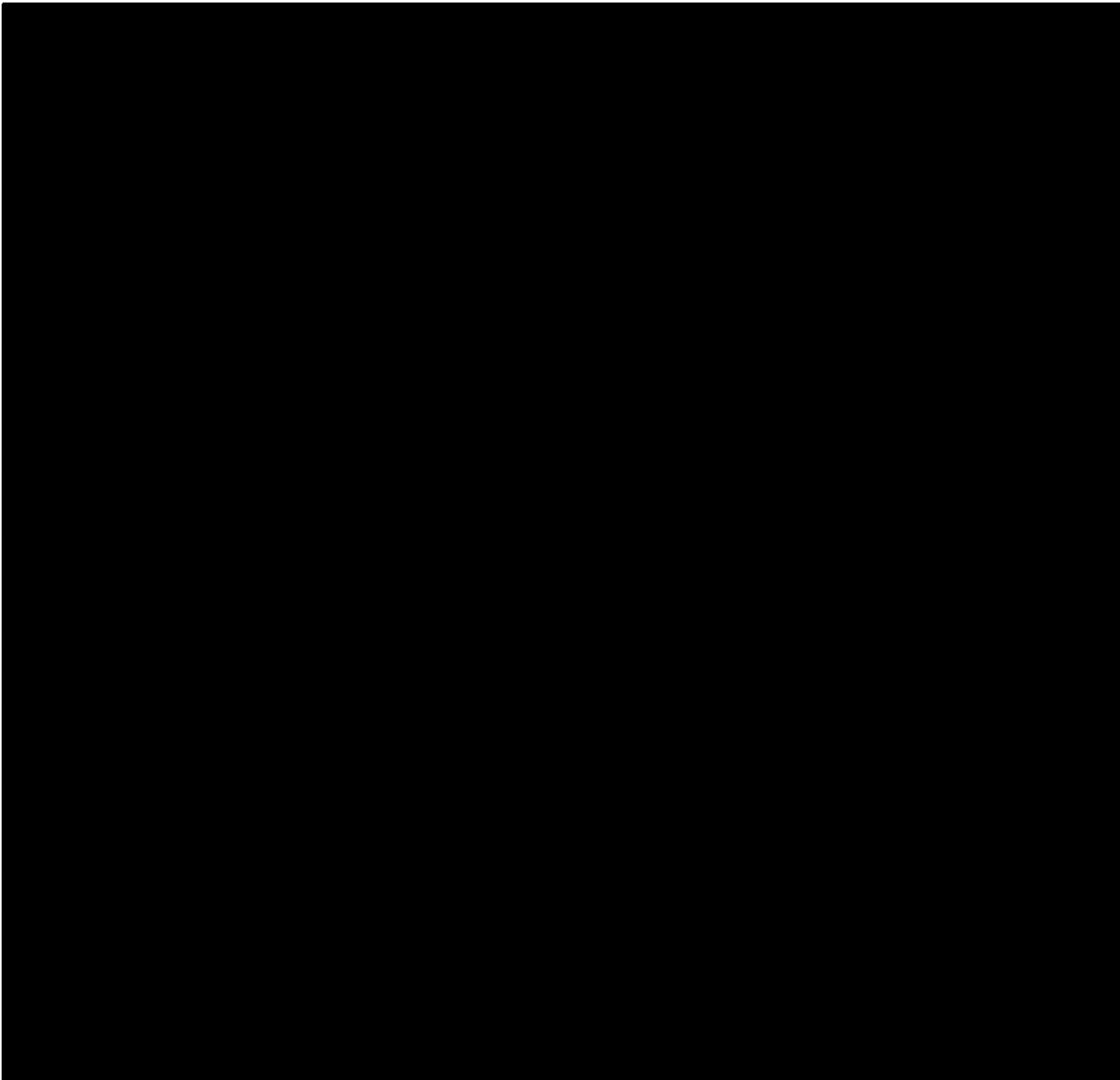
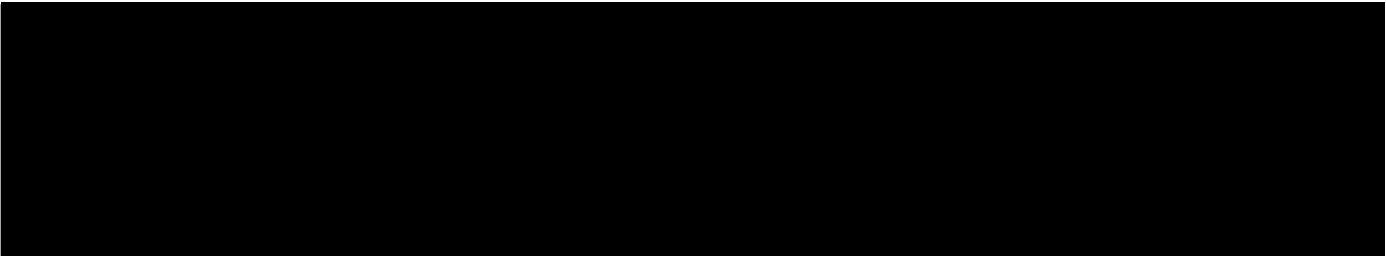
3. NHSE and Monitor update

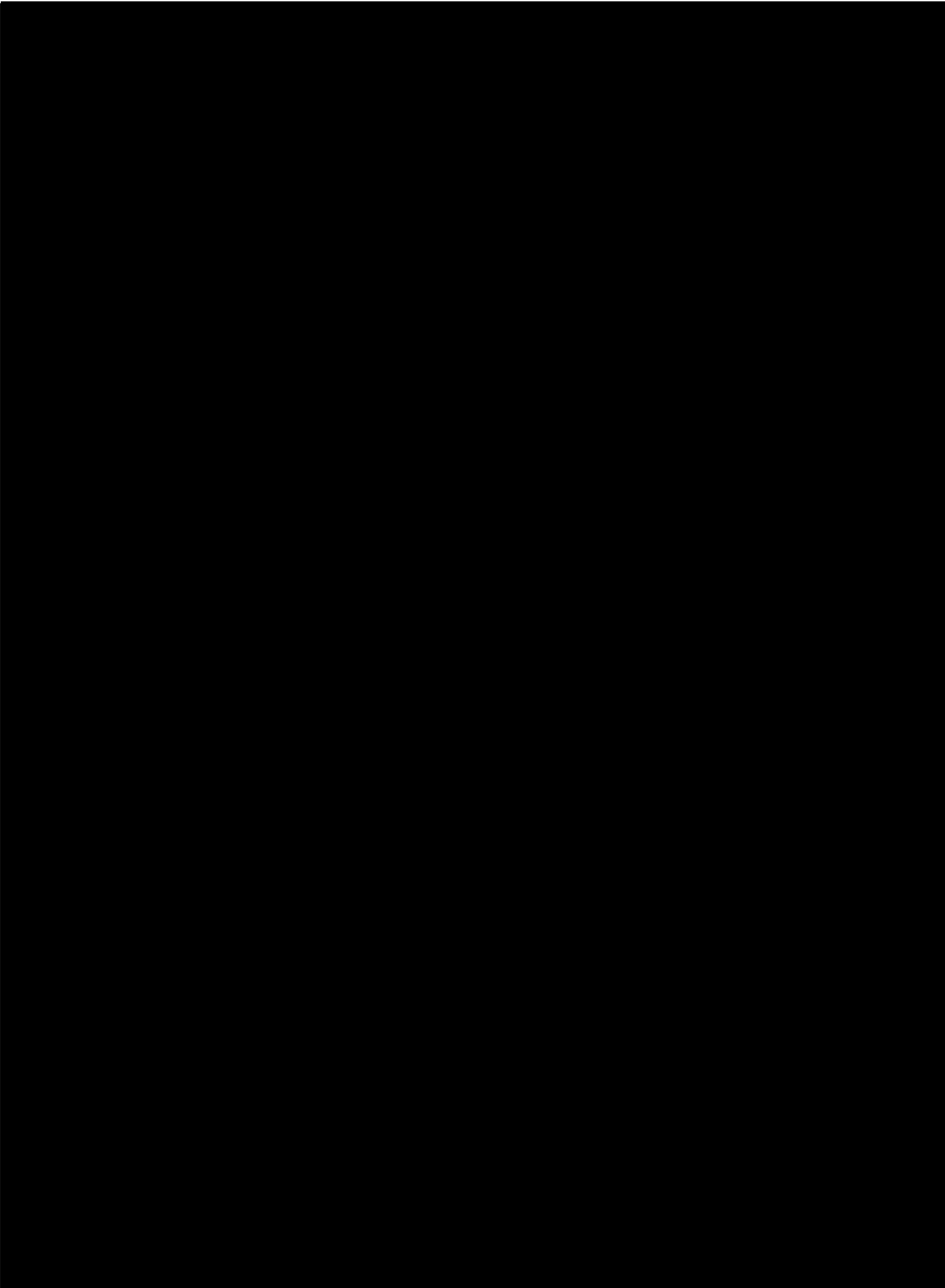
Monitor were unable to attend the meeting so an update was given from NHS England. CH updated the group informing them that NHS England are currently working on the processes for implementing the 2016/17 tariff. CH explained that the policy changes are currently been agreed between NHS England and Monitor.


CH described the timescales explaining that there is a schedule for June/July for producing the tariff as a whole; this includes policy changes, price changes and also high cost drugs and devices amendments. CH also added that feedback will be requested from the group before moving into the formal consultation within autumn. CH welcomed feedback and questions.











NA advised that questions and answers are published on Monitor's website and will email a link to the page to group members.

7. Date of next meeting

The next meeting will be arranged for September 2015, before the formal consultation begins.

High Cost Drugs Steering Group
“Virtual” meeting held on 17th March 2015

Minutes from the previous meeting

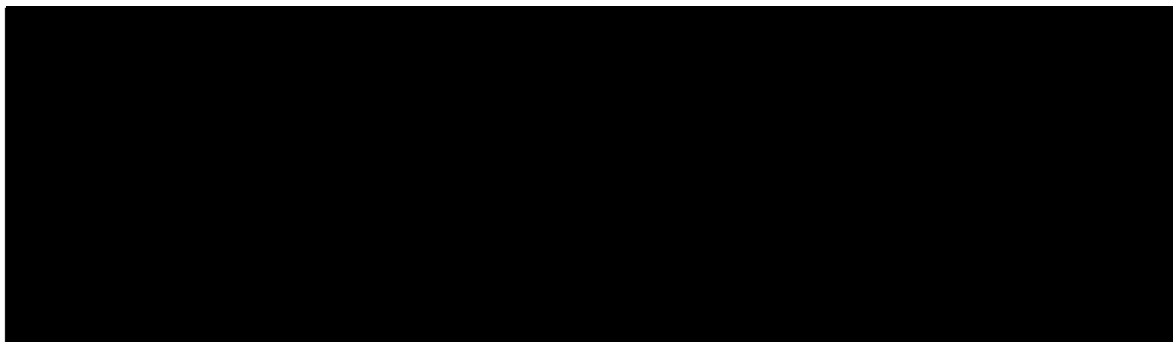
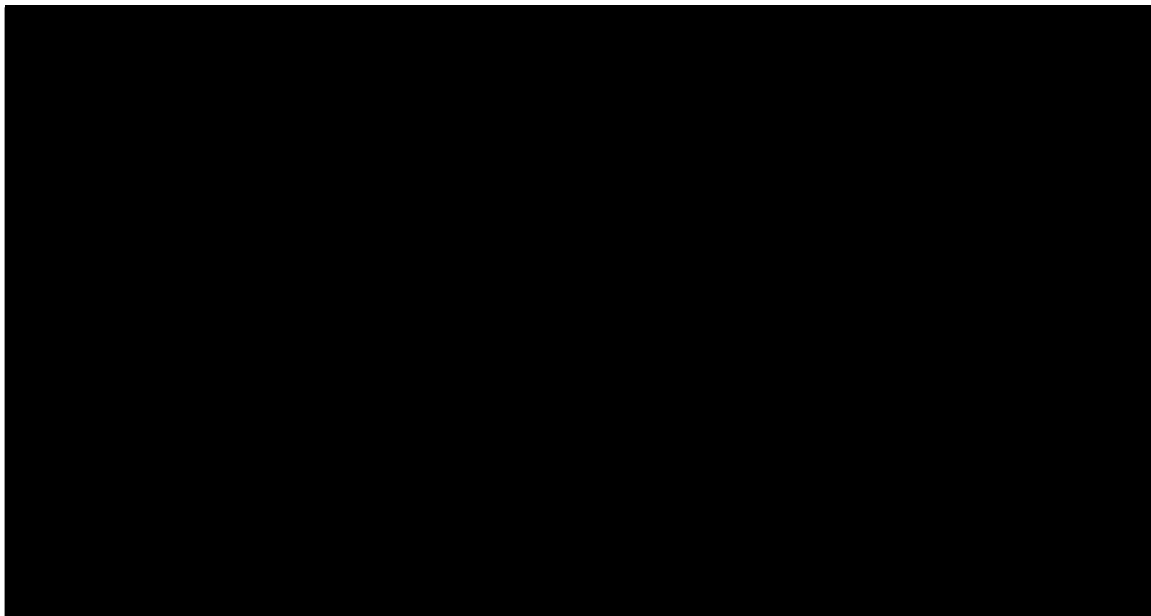
- NB - I'm happy with the minutes of the previous meeting
- SB - Happy they reflect my recollection.

[Redacted]

[Redacted]

[Redacted]

[Redacted]



**MINUTES OF THE HIGH COST DRUGS STEERING GROUP MEETING
HELD ON TUESDAY 22ND SEPTEMBER 2015
FROM 9:00AM TILL 11:00AM
THE HILL MEETING ROOM,
HEALTH AND SOCIAL CARE INFORMATION CENTRE, 1 TREVELYAN
SQUARE, LEEDS, LS1 6AE**

Attendees

Name	Job Title	Organisation
Clare Hensman (CH) (Chair)	Economist	NHS England
Nicola McCulloch (NM)	Senior Programme of Care Manager for Cancer	NHS England
Jonas Akuffo (JA)	Pricing Currency Lead, Currency Integration and Tariff Design	Monitor
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Nicola Bodey (NB)	Senior Costing Analyst	The National Institute for Health and Care Excellence (NICE)
Jo Alldred (JO)	Medicines Effectiveness Lead	Leeds South and East Clinical Commissioning Group
Paul Mc Manus (PM)	Pharmacy Lead (Specialised Services)	South Yorkshire and Bassetlaw Area Team, NHS England
Helen Thorp (HT)	Medicines Finance and Commissioning Pharmacist	St. James' University Hospital, Leeds
Malcolm Qualie (MQ)	Pharmacy lead for Specialised Services	Medical directorate of the NHS Commissioning Board
Gareth Dear (GD)	Information Design Consultant	Health and Social Care Information Centre
Peter Love (PL)	Service and Project Lead	Health and Social Care Information Centre
Emma Melhuish (EM) – T/C	Senior Pharmaceutical Informatics Specialist	Health and Social Care Information Centre

Apologies

Name	Job Title	Organisation
Dianne Addei (DA)	Lead Consultant in Public Health Medicine	NHS England Specialised Commissioning Team (London Region)
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1. Welcome and Introductions

CH welcomed the members to the High Cost Drugs Steering Group meeting and members introduced themselves.

2. Review of Actions log

Please see the action log for further details.

3. NHSE and Monitor Update on 16/17 Tariff

CH gave the group an update on the 16/17 tariff, explaining that NHS England have now closed the engagement which has been held within August 2015 to establish the new proposals for the 16/17 Tariff.

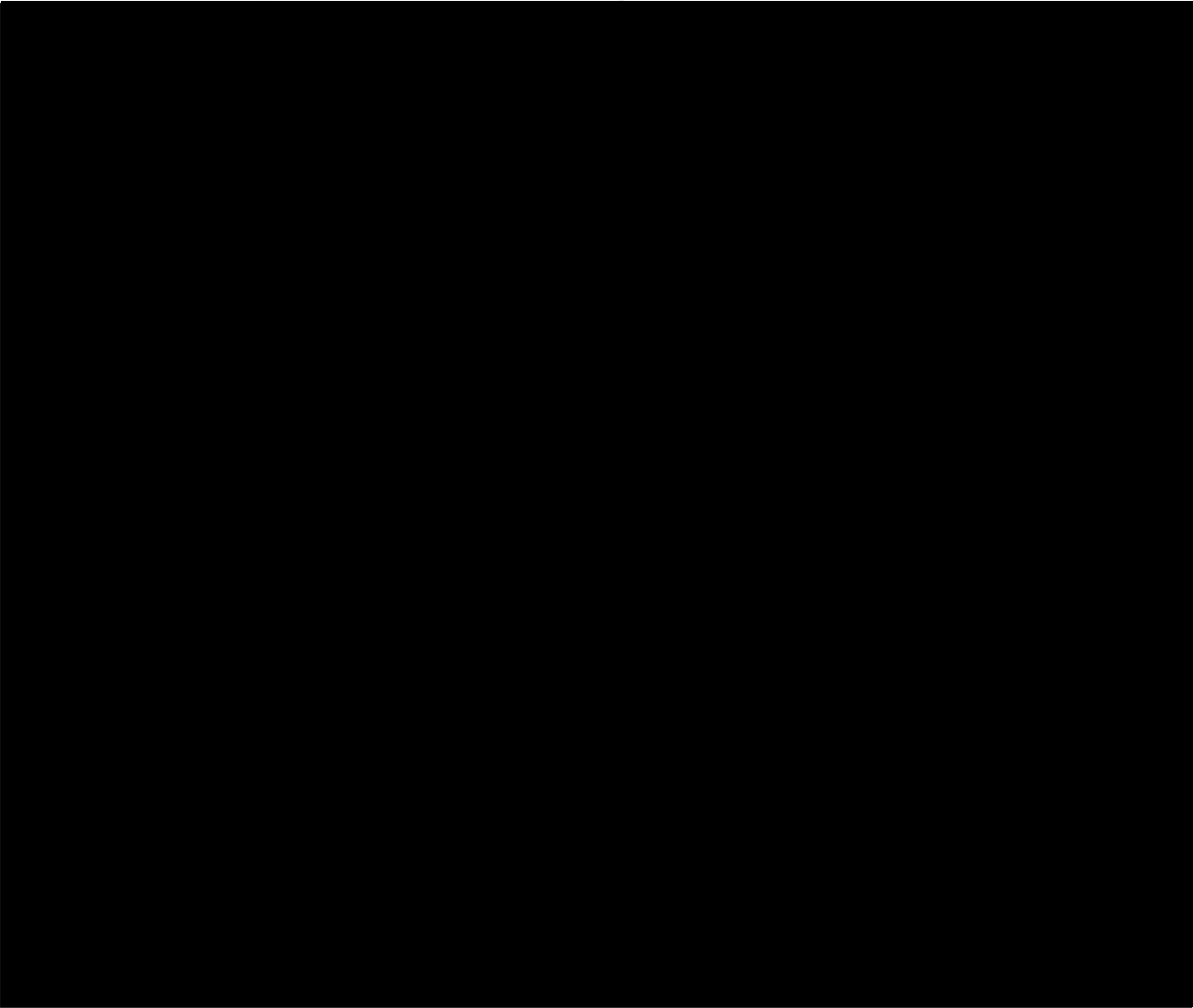
CH advised that there are updates to the new pricing relativities, new BPT's and changes within the way The High Cost Drug list is presented. CH advised that NHS England is working through the feedback that has been received.

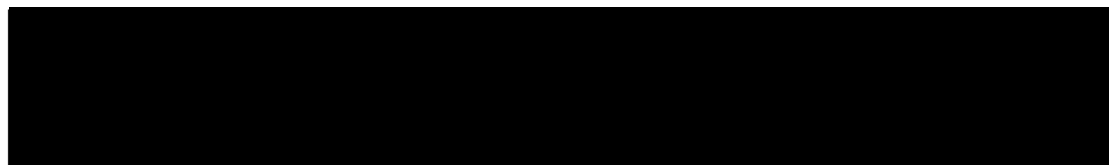
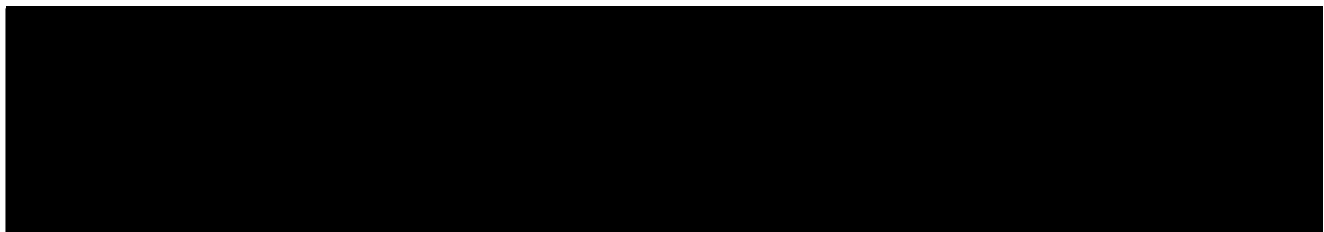
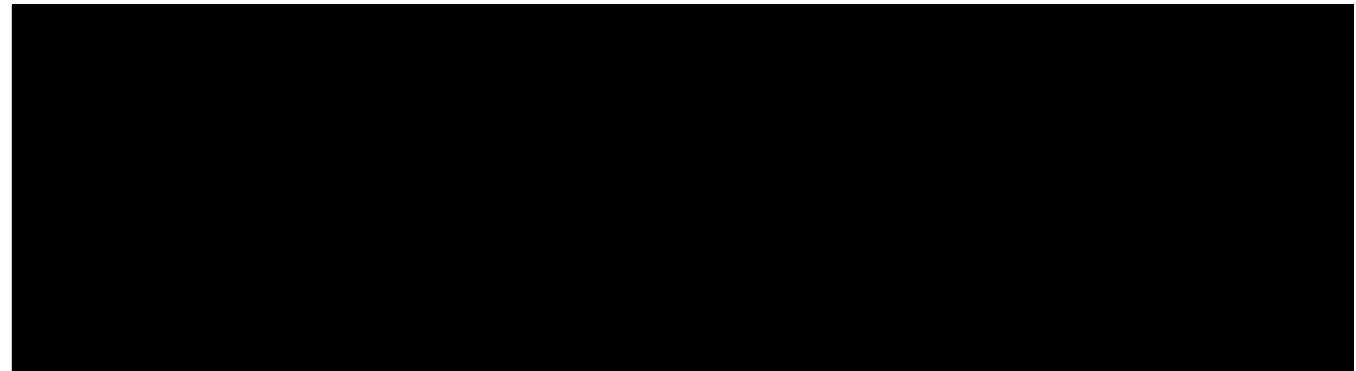
CH advised that NHS England is looking to deliver a formal Consultation around January 2016, with a view to publish the National Tariff within March 2016.



3. NHSE and Monitor Update on 17/18 Tariff

CH explained that NHS England have been working through the High Cost Drug Exclusions List to see which drugs can be moved back into the tariff.





5. AOB

No other business was discussed.

6. Date of next meeting

The next meeting will be arranged in due course and the details will be circulated.