

25 October 2016

Wellington House  
133-155 Waterloo Road  
London SE1 8UG

**By email**

[REDACTED]

T: 020 3747 0000  
E: [nhsi.enquiries@nhs.net](mailto:nhsi.enquiries@nhs.net)  
W: [improvement.nhs.uk](http://improvement.nhs.uk)

Dear [REDACTED]

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

I refer to your email of 1 October 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 and the NHS Trust Development Authority.

**Your request**

You made the following request:

*“Since April 2010 the Employment Tribunal has had the option to copy ET1 claim forms under the Public Interest Disclosure Act to the relevant regulators (“prescribed persons”).*

*Please advise since April 2010:*

*1) How many ET1 claim forms (or excerpts and information related to the claims) for whistleblowing detriment under the Public Interest Disclosure Act has the NHS Improvement, and its predecessor bodies Monitor and NHS TDA, received from the Employment Tribunal?*

*2) Please advise if NHS Improvement holds data on the action that it (and Monitor and NHS TDA) took in response to these notifications by the Employment Tribunal.*

*3) Please give a breakdown of the number of ET1 claim forms (or excerpts and information related to the claims) received by each financial year.*

*4) Please give a list of the regulated bodies to which these PIDA claims relate, and the number and (if practicable) the nature of ET1s received about each trust, broken down by financial year.*

*5) Has NHS Improvement, or its predecessors Monitor and NHS TDA, undertaken any analysis of the ET1 intelligence that it has received from Employment Tribunals*

*since April 2010? If so, please disclose all reports and or correspondence that give the details and results of the analysis/ analyses.”*

## **Decision**

NHS Improvement holds some of the information that you have requested. We have not been able to progress your request because to do so would, in our opinion, exceed the cost limit specified 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 and the NHS Trust Development Authority are not required to comply with any request potentially exceeds the appropriate cost limit. The limit is £450, as 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 requested.

In NHS Improvement's view, compliance with your request will exceed this limit for both Monitor and the NHS Trust Development Authority. There is no central file for this information covering this whole period. To collate this information we would need to search through the mailboxes of individuals and/or in correspondence folders for each NHS trust and NHS foundation trust.

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

Under section 16 of the FOI Act, we are required, as a public authority, to provide advice and assistance so far as it is reasonable, to individuals who have made a request to it under the FOI Act.

In light of our response, you may wish to consider specifying a shorter time period for which you seek information for example from April 2013 onwards. You may also wish to take into account the information about ET1 forms received by Monitor which Monitor has previously published in response to FOI Act requests. This information can be found on Monitor's website: [www.gov.uk/Monitor](http://www.gov.uk/Monitor)

## **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, I am happy to discuss it to try to resolve any concerns informally. 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 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 'Tom Grimes', written in a cursive style.

**Tom Grimes**

Head of Enquiries, Complaints & Whistleblowing