

1 February 2017

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██████████  
██████████  
**By email**  
████████████████████

Dear ██████████

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

I refer to your email of 4 January 2017 in which you requested an internal review of NHS Improvement’s decision dated 23 December 2016 in relation to your FOI Act request dated 29 November 2016 in which you made the following request:

*“I would like to know how many arbitration referrals have been received in the 2016-17 financial year and the 2015-16 financial year.  
I would like this broken down by:  
relevant parties  
issue  
date  
result”*

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 both Monitor and the TDA.

**Decision**

NHS Improvement interpreted your request as asking for information on the referrals for arbitration that take place as part of the NHS contract dispute resolution process agreed by NHS England and NHS Improvement.

NHS Improvement holds the information that you requested and decided to release the numbers of referrals, but not the further details you asked for, on the basis of the exemption in section 43(1) of the FOI Act (prejudice to commercial interests).

I have now conducted a review of that decision and I have decided to uphold the original decision, for the reasons fully set out in the decision letter of 23 December 2016.

### **Review rights**

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

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 that reads "E O'Mahony". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

**Elizabeth O'Mahony**  
Director of Finance