

6 November 2015

[REDACTED]

By email

[REDACTED]

Dear [REDACTED]

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

I refer to your email of 29 October 2015 in which you requested information under the FOI Act.

Your request

You made the following request:

“Can you indicate how many times in the last 12 months NHS bodies (any body that you have interacted with), have given you any indication that they may take a legal opinion on advice or requirements you have made of them”.

Decision

We have not been able to progress 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 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 because of the following reasons. The scope of the request is very broad and the volume of documents that would need to be reviewed to determine whether we hold any information covered by the request is significant:

- Your request is not restricted to a specific NHS body and is therefore broad in scope. Monitor regulates over 150 NHS foundation trusts and would need to search correspondence with each of these trusts (from a wide range of people within Monitor) to identify any information relevant to your request. There are also other NHS bodies that may fall within the scope of your request. Although you have limited your request to the last 12 months there would still be a significant amount of documentation to search.
- Your request requires us to identify when ‘any indication’ has been given by an NHS body that legal advice or opinion would be sought. This makes your request potentially very broad in scope, as it would capture any occasion on which Monitor is put on notice

that legal advice may be sought, whether or not legal advice is actually sought and whether or not this results in Monitor being made aware of the legal advice or opinion.

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 our indication above of the volume of documentation that would need to be reviewed to locate the information sought, we would 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;
- specify which NHS bodies you would like the requested information to relate to;
- specify a shorter time period; and/or
- identify whether there are any specific issues that you are interested in (details of the regulatory requirements that we make of NHS foundation trusts can be found on our website 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, 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-nhsft.gov.uk.

Please note that this letter will shortly be published on our website. 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,



Amy Oldridge
Legal Administrator