

5 November 2015

Wellington House
133-155 Waterloo Road
London SE1 8UG

T: 020 3747 0000
E: enquiries@monitor.gov.uk
W: www.monitor.gov.uk

By email

Dear

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 regarding Heart of England NHS Foundation Trust (“the Trust”).

Your request

You made the following request:

“I understand from your news article of 05/02/15 that you placed Diane Whittingham in Heart of England NHS Foundation Trust as an Improvement Director. I would like to request, under the Freedom of Information Act, the following details regarding this appointment:

- 1. A document that details the scope of this role*
- 2. The start and end date of this appointment*
- 3. The cost, in terms of remuneration, expenses etc of this appointment”*

Decision

Monitor holds all the information that you have requested and has decided to release the information in items 1 and 2 of your request.

Item 1 will be provided to you electronically.

Item 2: Diane Whittingham’s start date as Improvement Director at the Trust was 3 February 2015 and the expected end date of her appointment is 30 November 2015.

Monitor has decided not to release the information in item 3 of your request as we are relying on the exemption in section 43 of the FOI Act as explained in detail below.

Section 43

Section 43(2) of the FOI Act provides that information is exempt if its disclosure would, or would be likely to, prejudice the commercial interests of any person.

We consider that disclosure of the remuneration and expenses of Diane Whittingham's appointment is likely to be prejudicial to Monitor's commercial interests. For example, providers and others seeking to negotiate contracts with Monitor for an Improvement Director position or other appointment could use the information to strengthen their own bargaining position when negotiating for, or providing services to Monitor.

Public interest test

The public interest in accountability and transparency by making access to the information available has been weighed against the detrimental impact that is likely to ensue if disclosure is permitted.

In recognition of the public interest in transparency, we are releasing the information within items 1 and 2 of your request. We have concluded that the public interest in disclosure of the information in item 3 is outweighed by the need to safeguard Monitor's commercial interests without fear that this information will enter the public domain and potentially be used to Monitor's disadvantage to the detriment of its legitimate interests.

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,



Rebecca Farmer
Senior Regional Manager

Special measures - job description for Improvement Director

JOB DESCRIPTION

Job Title: Improvement Director

Reports to: Regional Director

Job Purpose:

The purpose of the Improvement Director (ID) is to be Monitor's eyes and ears within a special measures trust, providing assurance over their trust's approach to improving performance. They will also support the trust, using their experience to provide constructive challenge. They will administer the 'Buddy Trust' arrangement, another key element of the special measures programme.

They are engaged to (a) understand the root-cause of the problem and ensure the trust focuses on key issues (they are to focus on delivering outcome as apposed to diagnosing a problem), (b) drive change and (c) provide quality assurance to Monitor as required.

Main Accountabilities:

The ID will be accountable for:

- *Assurance of the special measures trust's action plan:* the ID will oversee the trust's development and implementation of a credible turnaround plan to improve the quality and safety of its services for patients;
- *Assurance of the special measures trust's implementation of this action plan:* the ID will act on behalf of Monitor, and in concert with the relevant Regional Team of Monitor, to oversee delivery of the required improvements in the trust;
- *Assessing Risk:* the ID will report to Monitor on progress with improvements, barriers and risks preventing the achievement of plans, the working relationships within the Trust and relationships with stakeholders in the wider sector (e.g. NHS England or CCGs);
- *Assuring the accuracy of progress reporting:* the ID will promote transparency and public accountability through validating the accuracy of each trust's reporting against its action plan;
- *Providing support through constructive challenge:* the ID will employ their knowledge and experience to provide constructive challenge on a trust's approach to improving performance; and
- *Administer 'Buddy Trust' arrangement:* the ID will be expected to help their trust identify a suitable buddy, agree a useful plan of work, and monitor delivery against this.

Dimensions:

Staff managed: None

Budget: None

Key external relationships:

- Special measures trust;
- Buddy trust;
- Local Health Economy stakeholders (CCGs, other providers, patient groups etc); and
- National stakeholders (DH, NHS England, CQC).

Key internal relationships:

- Regional Director;
- Regional Teams;
- Special Measures PMO.

PERSON SPECIFICATION:

Qualities, Experience and Expertise:

- experienced, senior leader in the healthcare field drawn from either the NHS or private sector;
- experienced in relation to handling complex major change;
- experienced in relation to the handling of Board effectiveness, governance and leadership;
- acknowledged and respected for their judgement in this field;
- immediate availability.

This job description is not intended to be exclusive or exhaustive. It is an outline indication of activity and will be amended in the light of the organisation's changing needs.

N.B. The ID is effectively a Monitor employee (i.e. a role clearly reporting to Monitor).