

13 January 2017

Wellington House
133-155 Waterloo Road
London SE1 8UG

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E: nhsi.enquiries@nhs.net
W: improvement.nhs.uk

By email [REDACTED]

Dear [REDACTED]

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

I refer to your email of **13 December 2017** 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 TDA.

Your request

You made the following request:

“Under the Freedom of Information Act, please could you provide me with the Winter Sit Reps data for December 1 2016 to December 4 2016 for the following items

- *Ambulance handover delays of over 30 minutes*
- *Urgent operations cancelled for the second or subsequent time in previous 24 hours*
- *Urgent operations cancelled in previous 24 hours*
- *Number of cancelled operations in previous 24 hours*
- *Non-clinical critical care transfers*
- *Delayed transfers of care*
- *A&E performance including: Total number of patients who have a total time in A&E over 4 hours from arrival to admission, transfer or discharge*

broken down for each hospital trust that has been required to provide this information.”

Decision

NHS Improvement does hold the information that you have requested and has decided to withhold this information on the application of section 22 of the FOI Act, as explained in detail below.

Section 22 – future publication

Section 22 provides that information is exempt information if:

- (a) the information is held by the public authority with a view to its publications, by the authority or some other person, at some future date (whether determined or not);
- (b) the information was already held with a view to such publication at the time when the request for information was made; and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a) above.

NHS Improvement intends to publish this data at a later date, as part of a report on winter performance across the sector. This will follow analysis and interpretation of the data, as part of a comprehensive review of winter performance. We intend the report to include details of trends and commentary on lessons learnt. Providing this will ensure the data is in context and is fully understood. We therefore intend to publish this at the end of the winter period.

Public interest test

Section 22 of the FOI Act is a qualified exemption and NHS Improvement is therefore required to carry out a public interest test to determine whether the exemption should be maintained.

In recognition of the public interest in transparency, NHS Improvement and public bodies such as NHS England proactively publish performance data on a regular basis. NHS Improvement publishes quarterly performance reports for NHS providers (available [here](#)) and NHS England publish a large amount of performance data about the sector (available [here](#)). We have concluded that the public interest in disclosure of the data is outweighed by the need to ensure that data is published at an agreed time and in an agreed format, following appropriate quality checks with the providers concerned. This provides certainty to the providers concerned and to the sector as a whole. We consider that the public interest is satisfied by the pro-active approach to publication currently taken by health sector partners.

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 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.

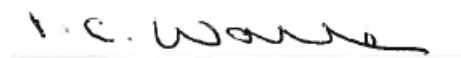
If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

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.

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 'I. C. Wallen', written over a light blue horizontal line.

Iain Wallen

Director of Information and Analytics