

26 September 2016

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By email

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Dear ██████████

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

I refer to your email of 26 August in which you requested information under the FOI Act from NHS Improvement. As you know, since 1 April 2016, Monitor and the NHS Trust Development Authority (“the TDA”) are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means both Monitor and the TDA.

Your request

You made the following request:

“In July, the attached letter was sent out to local NHS organisations, requesting two-page notes about the consolidation of back office services, pathology services and unsustainable services in each STP area. It requested that these notes be sent to NHS Improvement by the end of July 2016.

Please can you provide copies of each of the three submissions that have been sent to NHS Improvement for every STP.

Please be clear that I am not requesting the final STP plans (which I believe are likely to be published at a later date). I am specifically requesting these notes that were due to be submitted to NHS Improvement by the end of July (as I understand it these are not due for future publication).

If you are unable to provide these submissions, please can you provide a list of all the services deemed unsustainable and the organisation they are run by. If you are unable to list the name of the organisation, then please still provide a list of the services with the name of the organisation removed.”

Decision

NHS Improvement holds the information that you have requested, but has decided to withhold all of the information that we hold on the basis of the applicability of the exemptions in section 22 of the FOI Act, as explained in detail below.

Section 22 provides an exemption where information is held by a public authority with a view to future publication, if it is reasonable to withhold the information from disclosure until the date of publication. Your understanding was that the notes submitted to NHS Improvement at the end of July were not to be published. Although these specific notes may themselves not be published, the information contained in them is intended for future publication. The notes relate to the organisations' plans for the consolidation of back office, pathology and unsustainable services. The services concerned and the plans for those services will in be included in the publication of the Sustainability and Transformation Plans (STP) for each area. The STP plans are to be published shortly, although the precise form in which the consolidation plans are to be included in the overall STP plans remains under consideration. The proposals for communication and implementation require further consideration before publication. It would be premature to release the information before such consideration and discussion, and it may be confusing or misleading to have the information published separately from the wider STP package. In the circumstances, our view is that it is reasonable in the circumstances to withhold it.

The exemption is subject to a public interest test. We recognise the general public interest in openness and transparency, and the public interest in understanding the plans of NHS providers relating to how services are to be provided and accessed, particular where may be considered unsustainable in their current form. But the public interest will be met by the publication of this information in the coming months. In addition, it is appropriate for NHS Improvement and the STP organisations to have a reasonable period of time to consider the precise form of communication and engagement. Premature publication would disrupt arrangements for reviewing the plans and for considering the appropriate arrangements for communication and engagement as part of the wider STP exercise. Our conclusion is that the balance of public interest lies in withholding this information and keeping to our proposed timetable for publication.

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 'John Warrington', with a long horizontal line extending to the right.

John Warrington
Deputy Director
Productivity & Efficiency Division
Finance, Commercial & NHS
Department of Health