

3 March 2016

[REDACTED]

By email

[REDACTED]

Dear [REDACTED]

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

I refer to your email of 3 February 2016 in which you requested information under the FOI Act.

Your request

You made the following request:

“I would be grateful if you would provide me with copies of the information provided by the 32 London CCGs (<https://officelondonccgs.org.uk/>) to Monitor in response to the request in your Note (Publication code: IRG 38/15; December 2015; available here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481614/CRS_-_expiry_note_for_commissioners.pdf) that they tell you by 8th January 2016 if they have already, during the grandfathering period, re-designated services provided by NHS foundation trusts as Commissioner Requested Services.

I would also be grateful if you would send me the same information provided to you by NHS England as it relates to foundation trusts in London.”

Decision

Monitor holds the information you have requested.

Monitor has decided to release the information requested in the first part of your request which can be found at Annex 1, 2 and 3. Monitor has received information from 5 London CCGs informing us of their intentions regarding re-designation services as Commissioner Requested Services. Annex 1 is a copy of the correspondence relating to Barking and Dagenham, Havering and Redbridge CCGs. Annex 2 is a copy of the correspondence relating to Camden CCG. Annex 3 is a copy of the correspondence relating to City and Hackney CCG.

Monitor considers that some of this information is exempt from disclosure under section 40(2) of the FOI Act on grounds that it amounts to personal data and that the condition set out in section 40(3)(a)(i) is satisfied namely that disclosure would amount to a breach of the data protection principles. This is an absolute exemption and consideration of the public

interest test is not required. The information being released therefore contains minor redactions to omit the names and contact details of employees at the CCGs. The redacted information contains personal data of staff whom are neither senior staff nor staff in public-facing roles, and they would have a reasonable expectation that their personal information as set out in these documents, would not be disclosed. Monitor does not consider that there is a legitimate public interest reason for disclosing this data.

Monitor has decided to withhold the information it holds in relation to the second part of your request on the basis of the applicability of the exemption in s.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 publication, 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 on all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

The information as to whether or not services of NHS foundation trusts in London have been re-designated in the grandfather period will be published in future, by NHS England and the CCGs which commission services from those trusts. The information provided by NHS England is therefore intended for future publication and exempt from disclosure under section 22. The detail of which services may be re-designated was provided to Monitor in confidence by NHS England and is still under discussion, and we therefore consider it reasonable to withhold this information until the final positions have been agreed.

Public interest test

The exemption under section 22 of the FOI Act is subject to a public interest balancing test. The public interest in accountability and transparency by making the information publicly available has been weighed against the harm that may arise if earlier disclosure is made. The information will be published at a later date by NHS England and the CCGs. Earlier disclosure would involve the publication of proposals for designation which are the subject of on-going discussions, which we would not wish to prejudice. We have therefore concluded that the public interest in disclosure of the information at this stage is outweighed by the need to maintain the exemption.

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.

Publication

Please note that this letter and the annexes 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 'R. Peden', with a long horizontal line extending to the right.

Richard Peden

Director- Independent Providers

From: Morrow Sharon (07L) BD CCG [mailto:██████████@barkingdagenhamccg.nhs.uk]
Sent: 08 January 2016 10:27
To: CRS
Subject: Commissioner requested services

Dear Monitor Colleagues

Following the Monitor Guidance note (December 2015) on the need for CCG to consider the status of Commissioner Requested Services provided by Foundation Trusts I can confirm that the Barking and Dagenham, Havering and Redbridge CCGs are considering whether to apply CRS status to services provided by North East London Foundation Trust (NELFT) on expiry of the current automatic designation of services. We are considering the matter in the light of Monitor Guidance and will make a decision within the timeframe required prior to April 2016 in consultation with the provider.

I can also confirm that we would be interested in any 'webinar' on this process which you have advised us you are considering.

Best regards

Sharon Morrow
Co-ordinating Commissioner

Chief Operating Officer
Barking and Dagenham CCG
Barking Hospital
██████████@barkingdagenhamccg.nhs.uk

██████████

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Annex 2

From: Abercromby, Lyndsey [mailto: [REDACTED]@camdenccg.nhs.uk]
Sent: 08 January 2016 17:26
To: CRS
Cc: [REDACTED] (Camden MDT)
Subject: Commissioner Requested Services

To Whom May Concern,

Following the request in the guidance at <https://www.gov.uk/guidance/nhs-commissioners-designate-commissioner-requested-services>, I am writing to advise that Camden CCG does not intend to make any changes to the services it has previously designated as CRS for the year 16/17 (i.e. it intends that CRS designation will continue as designated in 15/16).

Camden CCG is currently working with other NCL CCGs to undertake a process to review all CRS designation, it is anticipated that this will take place during 16/17.

If you have any questions please do not hesitate to get in touch,

Lyndsey

Lyndsey Abercromby
Acting Director of Commissioning

NHS Camden CCG
[REDACTED] Stephenson House
75 Hampstead Road
London
NW1 2PL

E: [REDACTED]
T: [REDACTED]
M: [REDACTED]

From: Spells David (NHS CITY AND HACKNEY CCG); [REDACTED]
Sent: 08 January 2016 16:21
To: CRS
Cc: Lowe Philippa (NHS CITY AND HACKNEY CCG); [REDACTED] at Homerton University Hospital NHS Foundation Trust
Subject: EXPIRY OF DESIGNATED SERVICES - NOTIFICATION OF INTENTION TO RE- DESIGNATE SERVICES

In accordance with guidance issued by Monitor to Commissioners on 28th March 2013, this is to inform you that City & Hackney CCG intend to designate before April 2016 services provided by Homerton University Hospitals Trust as Commissioner Requested Services.

Details of services to follow.

Regards

David Spells
Senior Commissioning Manager
City & Hackney CCG

[REDACTED]

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