

20 April 2018

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[REDACTED]  
[REDACTED]  
[REDACTED]

**By email**  
[REDACTED]

Dear [REDACTED],

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

I refer to your email of 26 March 2018 in which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority have been 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 I wish to request the following information:*

- *A detailed list of spending by your organisation on consultancy services during 2014/15, 2015/16, 2016/17, and 2017/18 to date. Please break the figures down by each transaction; by organisation paid, total cost and a summary of each project and its outcomes.*
- *A detailed list of the spend by other NHS organisations approved by your organisation (as detailed in guidance to trusts) broken down by organisation paid, total cost and a summary of each project. (During the same years as above)”*

### **Decision**

NHS Improvement holds some of the information you have requested and have applied sections 21 and 22 to the information it holds; as the information is readily available in the public domain or due for future publication.

## NHS Improvement spend

Section 21 of the FOI Act provides an exemption from the right to know if the information requested is reasonably accessible to the applicant through other means. This is an absolute exemption which means there is no requirement to carry out a public interest test if the requested information is exempt.

Information on expenditure by NHS Improvement, including consultancy spend, is available on our website. Please see our annual accounts for 2014/15, 2015/16, 2016/17 and our data on specific payments over £25,000.

You can find this information using the following links:

[Monitor: annual report and accounts 2014/15](#)

[Monitor: annual report and accounts 2015/16](#)

[Monitor: annual report and accounts 2016/17](#)

[NHS TDA: annual report and accounts 2014/15](#)

[NHS TDA: annual report and accounts 2015/16](#)

[NHS TDA: annual report and accounts 2016/17](#)

## Publications - Transparency Data

In relation the accounts for 2017/18, and the transparency data on individual payments, these will be published at a future date. Section 22 of the FOI Act 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. We expect to publish our 2017/18 accounts in July 2018.

Section 22 is a qualified exemption and is subject to the public interest test. The information requested is subject to checking and auditing, and is published in accordance with Government guidance, and in our view it is reasonable not to publish this information in advance and the public interest in maintaining the exemption outweighs the public interest in disclosure.

## Spend by other NHS organisations

NHS Improvement does not hold figures for the spend on consultancy by CCGs or providers of NHS services other than NHS trusts and NHS foundation trusts.

In relation to trusts, based on the information we have available, spending on consultants amounted to £419m in 2014/15, £301m in 2015/16 and £263m in 2016/17.

NHS Improvement does not hold a full breakdown of the individual items of expenditure by each trust or the companies which were engaged. As part of our procedure for approval of spend on management consultancy in excess of £50,000, we do hold some relevant information on proposed/approved expenditure consultancy.

NHS Improvement now publishes, on a quarterly and annual basis six months in arrears, data on the requests put to NHS Improvement (and Monitor and the NHS TDA individually before coming together as NHS Improvement). This information can be found at: <https://improvement.nhs.uk/resources/consultancy-approval-panel-data/>.

This does not include details of the companies involved – it should be noted that approval is often sought before procurement, so the identity of the consultants is not known at the time of the approval decision. Trusts publish details of their payments of £25,000 or more, including the names of suppliers as part of the Government's transparency guidelines; you can find this information on individual trust websites. In addition, details of the individual contracts awarded to consultants may be published on [Contracts Finder](#) in accordance with relevant [Government guidance](#)

### **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](mailto: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,

**Murray Cochrane**

Head of Resources, Programmes and Co-ordination