



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
39 Victoria Street
London SW1H 0EU

www.gov.uk/dhsc

Mr Darren Watts
request-705111-2d5279e5@whatdotheyknow.com

14 December 2020

Annex A: DHSC's response to initial request dated 9 December 2020
Annex B: Request for internal review dated 9 December 2020

Dear Mr Watts,

FREEDOM OF INFORMATION ACT (FOIA): INTERNAL REVIEW CASE REFERENCE IR 1271229

You originally wrote to the Department of Health and Social Care (DHSC) on 16 October requesting information about private healthcare funding. We responded to you on 11 November (our ref: FOI-1271229), stating that we do not hold the requested information. A copy of our response, including the full text of your request, is at Annex A.

You subsequently emailed DHSC on 09 December requesting an internal review into the handling of your original request. A copy of your email is at Annex B.

The purpose of an internal review is to assess how your FOI request was handled in the first instance and to determine whether the decision given to you was correct. This is an independent review as I was not involved in the original decision.

I have undertaken discussions with the team that has responsibility for your request, and we have taken the opportunity to consider it again.

Conclusion

After careful consideration of the subject matter, I have concluded that the response you received was compliant with the requirements of the FOIA and I uphold DHSC's statement that the Department does not hold the requested information.

The review is now complete.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner (ICO) for a decision. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

<https://ico.org.uk/concerns>

Yours sincerely,

Charlene Carter
Casework Manager
Freedom of Information Team
FreedomofInformation@dhsc.gov.uk

Annex A: DHSC's response to initial request

Mr Darren Watts
request-705111-2d5279e5@whatdotheyknow.com

09/12/2020

Dear Mr Watts,

Freedom of Information Request Reference FOI-1271229

Thank you for your request dated 11 November 2020 in which you asked the Department of Health and Social Care (DHSC):

***“1. a) Please state DoHSC position on individuals requesting sight of the costs for their individual care with Private Healthcare Companies when this is commissioned via NHS (as identified in Health Social Care Act Regulation 9).
b) Please state whether DoHSC understands commissioning of services for individuals with Private Healthcare Providers as ‘Personal Data’ of the individual and therefore covered by Data Protection Act
2. Please confirm
a) the total amount for total costs NHS paid to Private Healthcare Companies for Mental Health Services for Financial Years 16/17, 17/18, 18/19, 19/20;
b) please identify the top 5 Private Healthcare Provider recipients of NHS funding for MH Services for each of the FY’s identified
3. Please identify:
a) Total amounts NHS has attempted to recover for failures in provision of Mental Health services commissioned from Private Healthcare Providers by above FY’s
b) Total amount actually recovered in relation to a)
(It is recognised that a) b) may only be available as single set of data)
4. Please confirm DoHSC current position on recovering costs for MH Services from Private Healthcare Providers where the standard of services delivered is shown to fall below the standards expected (ie considering both clinical and contractual perspectives)”***

Your request has been handled under the Freedom of Information Act (FOIA).

DHSC does not hold the information you requested.

You may wish to contact NHS England (NHSE) and NHS Improvement (NHSI) directly, as they may hold the information you have requested. They can be contacted directly at england.coxxxxxxx@xxx.xxx and nhsi.foi@nhs.net respectively.

If you are not satisfied with the handling of your request, you have the right to appeal by asking for an internal review. This should be submitted within two months of the date of this letter and sent to FreedomOfInformation@dhsc.gov.uk, or to the address at the top of this letter.

Please remember to quote the reference number above in any future communication.

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner's Office (ICO). Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review decision.

You should raise your concerns with the ICO within three months of your last meaningful contact with us. The ICO can be contacted at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

<https://ico.org.uk/concerns/>

Annex B: Request for internal review

Darren Watts request-705111-2d5279e5@whatdotheyknow.com

09 December 2020

Dear Department of Health and Social Care,

Please pass this on to the person who conducts Freedom of Information reviews.
I am writing to request an internal review of Department of Health and Social Care's handling of my FOI request 'Private Healthcare expenditure for Mental Health Services'.

As the Secretary of State is responsible to the taxpayer for Healthcare expenditure and various Ministers have recently been publicising funding awards, it would seem to be of public interest if the Department does not hold records of expenditure of the nature requested?

In addition, the Secretary of State is on record in the media of previously stating intent to recover costs from Private Healthcare Providers. The logical interpretation of this FOI response would be that the SoS appears to have made a misleading statement if no data is being gathered or held ?

Please Review your original response to provide data that does not give the impression that Ministers of State have been misleading the public.

A full history of my FOI request and all correspondence is available on the Internet at this address: https://www.whatdotheyknow.com/request/private_healthcare_expenditure_f

Yours faithfully,

Darren Watts