



Department of Health & Social Care

Freedom of Information Team
Department of Health and Social Care
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www.gov.uk/dhsc

Ms Hilary Aked
[request-585169-974aa6ef@whatdotheyknow.com](#)

8 August 2019

Dear Ms Aked

Freedom of Information Request Reference FOI 1182897

Thank you for your request dated 11 July 2019 in which you asked the Department of Health and Social Care (DHSC):

Subject: Re: Freedom of Information request - Scoping of NHS visitor charging under Labour government

Thank you for your email.

To clarify, for the purposes of this request, could you please interpret such a policy to mean proposals for the expansion of NHS charging for migrants and overseas visitors generally, rather than any specific amendments.

I hope this allows you to continue processing the request. Please don't hesitate to contact me if you have further questions.

This was a clarification of your request of 26 June (our ref FOI-1181312), which was as follows:

Subject: Freedom of Information request - Scoping of NHS visitor charging under Labour government

At a hearing of the Health Social Care Committee yesterday (25 July 2019), Ben Bradshaw MP made reference to advice received by the ministry during his tenure as Minister of State in the Department of Health which suggested that healthcare charging for migrants/overseas visitors would lead to harm and therefore led him not to adopt a policy similar to the current NHS Overseas Visitor Charging Regulation.

He said: When I was in the ministry we had the same policy put before us and all the advice we had said it would lead to exactly the harm we're hearing about now. (Link here: <https://www.parliamentlive.tv/Event/Index/f2708123-1556-4b12-aa64-6a04f1ff7049>)

My understanding is that Mr Bradshaw's term in office was 28 June 2007 – 5 June 2009.

Therefore, using this time period as the range, I would like to request a copy of all materials (including documents, powerpoint presentations, and emails) held by the department from this period related to the proposal, consideration, and assessment and rejection of such a policy.

Please note, if this proves too large a request within the time/cost limit, I'd like to narrow the scope to one year only, specifically June 2008 - May 2009 inclusive.

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

DHSC may hold information relevant to your request. However, to comply with your request as it is currently framed would exceed the cost limit as set out in Section 12(1) of the FOIA.

Section 12(1) states that a public authority can refuse a request if complying with it would exceed the appropriate limit of £600, which represents 3.5 working days. This represents the estimated cost of one person spending this time in determining whether the information is held, and locating, retrieving and extracting the information.

The scope of your request is extremely broad and locating any relevant information would involve searches in hundreds of files. These searches would be particularly difficult as your request does not include any terms which are specific enough to be used for key word searches, and therefore a very large volume of documentation would need to be assessed to determine if it contained relevant information, which we consider would substantially exceed the section 12 cost limit.

If you were to refine your request by narrowing the scope of it, then we may be able to process it. We suggest that you may consider narrowing it to a particular aspect of a policy Review which took place around the timeframe you mention (June 2008-May 2009): 'Review of access of the NHS by foreign nationals'. However, I cannot guarantee that Section 12 or any other exemptions will not apply to a reframed request.

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 receipt of the response to your original letter and should be addressed to the address at the top of this letter, or the email address at the end of this letter.

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

If you are not content with the outcome of your internal review, you may complain directly to the Information Commissioner (ICO) who may decide to investigate your concerns. Generally, the ICO cannot make a decision unless you have already appealed our original response and received our internal review response. The ICO will not usually investigate concerns where there has been an undue delay in bringing it to their attention. You should raise your concerns with them 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/>

Yours sincerely,

Dorothy Crowe

Freedom of Information Officer

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