

11 July 2011



Independent Regulator
of NHS Foundation Trusts

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London
SW1H 9NP
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By email: matthew.garrard@nottsgov.uk

Dear Mr Garrard,

**Request under the Freedom of Information Act 2000 (the FOIA)
Decision Notice**

I am writing in response to your email sent 17 June 2011 in which you requested information under the FOIA.

Your request was for “a copy of any documentation setting out the Policies and Procedures applied or followed by Monitor when it receives a referral from a local authority overview and scrutiny committee regarding a substantial variation/development of health services by a foundation trust.”

I understand your request to relate to referrals which can be made by overview and scrutiny committees under the *Local Authority (Overview and Scrutiny Committees Health Scrutiny Functions) Regulations 2002*. This Regulation applies where an NHS foundation trust proposes to make an application to Monitor to vary the terms of its authorisation and that application, if successful, would result in a substantial variation of the provision by an NHS foundation trust of protected goods or services in the area of a local authority.

Monitor is required under Section 38 of the NHS Act (2006) to have regard to any report received from an overview and scrutiny committee made under the Regulations when deciding whether to vary a trust's terms of authorisation.

Decision

Monitor does not have a specified policy or procedure for dealing with such referrals and so does not hold the information you have requested.

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 FOIA.

A request for an internal review should be submitted in writing to FOIA Request Reviews, Monitor, 4 Matthew Parker Street, London SW1H 9NP or by email to foi@monitor-nhsft.gov.uk.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Patrick Fraher', with a stylized flourish underneath.

Patrick Fraher
Senior Policy Adviser