

Information Governance

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16 April 2024

Our reference: FOI DA5153R

I am responding to your request for information received 22 March 2024, querying the Trust's initial response to your request. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,



Keshia Harvey
Senior Information Governance Manager - Compliance

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

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

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



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Interim Chief Executive Officer: Lorraine Sunduza
Chair: Eileen Taylor

Request: Dear Information Governance Team,

I am writing to follow up on my previous Freedom of Information request (reference FOI DA5153) regarding amounts invoiced and written off for overseas visitors not entitled to free NHS care at your trust.

I believe your application of Section 12(1) to withhold this information is erroneous and does not meet the intended purpose of this exemption. Section 12(1) is meant to protect public authorities from excessive burden, but the information requested is likely contained in routine financial records that should be readily accessible and collated within the 18-hour cost limit.

Specifically, the amounts written off for overseas visitor debts each year are likely tracked and reported as part of your standard accounting practices, as has been the case with every other NHS trust.

Extracting these figures from your financial systems or reports should not require an unreasonable amount of time or resources. Public authorities are expected to make reasonable efforts to provide information, even if it requires some work, unless the costs are truly excessive. You have also not provided any guidance on how this information might be obtained in a more accessible way.

Additionally, there is a strong public interest in transparency around how public funds are managed, including costs incurred from unpaid debts. The amounts written off represent a loss to taxpayers that should be accounted for. Applying a blanket exemption undermines the principles of openness and accountability that the FOI Act aims to uphold.

I would urge you to reconsider your position and conduct a more thorough assessment of whether compiling this specific information truly exceeds the appropriate limit. If the costs do not clearly surpass 18 hours of work, then the information should be provided in adherence with the statutory requirements.

I understand the need to manage resources, but public authorities should carefully justify applying exemptions that withhold information of public interest. In this case, I believe the application of Section 12(1) is unwarranted and does not align with the intention of the legislation.

Pursuing a formal appeal would be an unnecessary use of public resources when this information should reasonably be disclosed. I will need to make them aware that when we publish this story, your trust was one of the only ones unable to provide this information.

I hope the above matter was simply a mistake and can be easily rectified.

Question: The total amounts written off each year as uncollectible from overseas visitors after invoices were generated, broken down by financial year. Please provide the following information, broken down, for the past 5 financial years from 2018/19 to 2022/23.

Answer: Due to the regulations relating to sharing of debts with the Home Office, the Trust does not currently write off debts for overseas patients. The Trust makes a provision for non-payment based on the overall level of unpaid overseas invoices, but the debt is not written off.



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Original Request:

I am writing to request information under the Freedom of Information Act 2000 regarding amounts invoiced and written off for overseas visitors not entitled to free NHS care at your trust.

Which I am aware, having sent a similar freedom of information request many years ago in 2012, is contained on your records.

Please follow points 1-3, and only if there is no possibility of a cost overrun, then proceed to number 4.

If there is, treat the freedom of information request as 1- 3 only. And do not answer 4.

Question 1: The total amounts invoiced each year to overseas visitors not entitled to free NHS care, broken down by financial year. Please provide the following information, broken down, for the past 5 financial years from 2018/19 to 2022/23

Answer: Please see table below:

Financial Year	Total invoice to overseas patients
2018/19	£51,326.65
2019/20	£42,158.72
2020/21	£59,424.55
2021/22	£26,744.52
2022/23	£84,828.86

Question 2: The total amounts written off each year as uncollectible from overseas visitors after invoices were generated, broken down by financial year. Please provide the following information, broken down, for the past 5 financial years from 2018/19 to 2022/23.

Answer: Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

When the Trust identifies that the request is likely to take over 18 hours, we are not obliged to provide information for any part of the request. We are required to provide advice on how you may refine your request to information that can be collated within the 18 hour timeframe. You may then choose what information you would like to receive and confirm the same to us, upon which we will process your request.

The Trust has reviewed your request for information and in order to collate this information, it would be necessary to review all invoices on file and it is estimated to take over 18.5 hours to collate.

Question 3: The total amount spent chasing the above debt, if documented, broken down by financial year. Please provide the following information, broken down, for the past 5 financial years from 2018/19 to 2022/23.

Answer: The Trust has reviewed question 3 of your request for information under the Freedom of Information Act (FOI) 2000.



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Section 1(1) of the Freedom of Information Act 2000 states:

Any person making a request for information to a public authority is entitled—
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to them.

East London NHS Foundation Trust does document expenditure on debt collection as requested and is therefore unable to provide a response.

(IF NO COST OVERRUN – THEN PLEASE PROCEED TO PART 4. IF YOU ARE APPROACHING A COST OVERRUN OR THE INFORMATION IS NOT VERY EASILY ACCESSIBLE, FINISH THE FREEDOM OF INFORMATION REQUEST AT 3)

Question 4: Any internal policies, procedures or documents outlining how challenging for your trust to recover costs from certain categories of overseas visitors, as:

- **Deceased or untraceable patients**
- **Failed asylum seekers**
- **Patients who have left the country**
- **Any other categories**

Answer: Not applicable.



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