

Date: Thursday, 29th April 2021  
Our Ref: MB/SS FOI 4692

Sid Watkins Building  
Lower Lane  
Fazakerley  
Liverpool L9 7BB  
Tel: 01515253611  
Fax: 01515295500  
Direct Line: 01515563038

**Re: Freedom of Information Request FOI 4692**

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 16th April 2021.

Your request was as follows:

Each month, your trust submits RTT incomplete pathways data to NHS England. NHS England publish it as aggregate data, showing the numbers of incomplete pathways, broken down into weekly time bands: 0-1 weeks, >1-2 weeks, >2-3 weeks, >3-4 weeks, up to a final category 52+ weeks. The 52+ weeks category is not broken down in the published data. Examples of the published data are here, in the "Incomplete Provider" tables, "Provider" worksheet:

<https://www.england.nhs.uk/statistics/statistical-work-areas/rtt-waiting-times/rtt-data-2020-21/>

1) Please provide (on an all-specialties basis, for the end of February 2021) your aggregate 52+ weeks incomplete pathways RTT data, broken down into weekly time bands: >52-53 weeks, >53-54 weeks, >54-55 weeks, and so on, up to the weekly time band containing the longest-waiting patient.

The published RTT incomplete pathways data separately identifies patients with a decision to admit, again broken down into weekly time bands, in the "Provider with DTA" worksheet of the published spreadsheets referred to above. Trusts have in recent months coded these patients by clinical priority (P1-P6), based on the guide published by the Federation of Surgical Specialty Associations ([https://fssa.org.uk/covid-19\\_documents.aspx](https://fssa.org.uk/covid-19_documents.aspx)).

However the published RTT data is not broken down by clinical priority, nor do the time bands reflect the time since decision to admit.

The clinical priority categories are:

Priority 1 (operation needed within 72 hours)

Priority 2 (surgery which can be deferred for up to four weeks)

Priority 3 (surgery which can be delayed for up to three months)

Priority 4 (surgery which can be delayed for more than three months)

Priority 5 (patients who have requested to remain on the waiting list but to defer treatment because of their concerns about covid-19)

Priority 6 (Patients who have been offered treatment but have declined to accept for non-Covid reasons, but still wish to remain on the waiting list)

Or the patient may not have been assigned a priority.

I confirm that The Walton Centre NHS Foundation Trust holds the information you have requested. However, I am unable to provide you with that information as I consider that the following exemptions apply to it:

Section 43 (2) - Disclosure would, or would be likely to, prejudice the commercial interests of any person

This information is exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000 (FOIA). We cannot provide information requested as your query on the grounds that the withheld information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

In order to apply section 43(2), the public authority must satisfy itself that disclosure of the information would, or would be likely to, prejudice or harm the commercial interests of any person.

If The Walton Centre did disclose this information this would affect the integrity of the NHSI pilot to test new ways of measuring RTT performance by releasing information of how the pilot is going before the pilot has finished which could influence future results or lead to behaviours changing or external interest and premature conclusions being made.

#### Public Interest Test

To use this exception we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

#### Factors in favour of disclosure:

- It would enable the public to better scrutinise the public monies spent.

#### Factors in favour of withholding:

- Compromise an ongoing closed pilot project
- Allow people to compare pilot trusts to non pilot trusts

2) Please provide (on an all-specialties basis, for the end of February 2021) your aggregate waiting times for incomplete pathways with a decision to admit for treatment, broken down by priority code, and also broken down by the time waited since decision to admit (NOT the time since referral) in weekly time bands: 0-1 weeks, >1-2 weeks, >2-3 weeks, >3-4 weeks, and so on, up to the weekly time band containing the patient who has waited longest since decision to admit.

Trusts have also started coding patients who do not have a decision to admit, using the same clinical priority categories.

As above.

3) Please provide (on an all-specialties basis, for the end of February 2021) your aggregate waiting times for incomplete

pathways without a decision to admit for treatment, broken down by priority code, and also broken down by the time waited since referral in weekly time bands: 0-1 weeks, >1-2 weeks, >2-3 weeks, >3-4 weeks, and so on, up to the weekly time band containing the patient who has waited longest.

If data for the end of February 2021 is no longer available, then more recent data may be provided instead, in which case please advise the census date you have used.

As above.

Please see our response above in [blue](#).

### Re-Use of Public Sector Information

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at [www.opsi.gov.uk](http://www.opsi.gov.uk) where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at [www.opsi.gov.uk/advice/psi-regulations/index.htm](http://www.opsi.gov.uk/advice/psi-regulations/index.htm)

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to the Freedom of Information Office at the address above.

**Please remember to quote the reference number, FOI 4692 in any future communications.**

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

*Mike Burns*

**Mr. Mike Burns, Executive Lead for Freedom of Information**