

Our Ref: 2017.02.001

NHS Protect
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London
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Minh Alexander
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Email: informationgovernance@nhsprotect.gsi.gov.uk
website: www.nhsbsa.nhs.uk

21st February 2017

Dear Minh,

Subject: FREEDOM OF INFORMATION REQUEST

I am writing to confirm that I have now completed my search for the information which you requested on 1st February 2017, as outlined below:

'Please advise in respect of the widely reported NHS Protect investigation into the fraud case involving Paula Vasco-Knight, her husband and Habib Naqvi NHS England manager:

- 1) *How was NHS Protect first alerted to the fraud?*
- 2) *Did whistleblower intelligence contribute to NHS Protect's decision to investigate the fraud?*
- 3) *When did NHS Protect's investigation into the allegation of fraud commence?*
- 4) *With which NHS bodies did NHS Protect share intelligence of the fraud and information about NHS Protect's related investigation?*
- 5) *When did NHS Protect share intelligence with each of these respective bodies?*
- 6) *Please can NHS Protect disclose all correspondence, including attachments, with NHS England about the conduct of the investigation and its outcome?*
- 7) *Please can NHS Protect disclose all correspondence, including attachments, the Care Quality Commission – about the conduct of the investigation and its outcome?*
- 8) *Did the Care Quality Commission inform NHS Protect that it had received a referral about Paula Vasco-Knight under Regulation 5 Fit and Proper Persons?*
- 9) *Did the Care Quality Commission inform NHS Protect that it had closed its FPPR process in February 2016?*

In response to your request:

1. NHS Protect received a joint referral from South Devon Healthcare NHS Foundation Trust and NHS England
2. Whistle blower intelligence did not contribute to NHS Protect's decision to investigate the fraud.
3. NHS Protect's investigation commenced on 6th March 2014

4-6 I would like to advise that the investigation remains open and the information you requested is being withheld as it falls under the exemption in section 30(1) and section 30(2) of the Freedom of Information Act. In applying this exemption we have

had to balance the public interest in withholding the information against the public interest in disclosing the information. The attached annex to this letter sets out the exemption in full, as well as the factors NHS Protect considered when deciding that in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

7. This information is not held by NHS Protect.
8. This information is not held by NHS Protect.
9. This information is not held by NHS Protect.

Please note that this information will be published on our Freedom of Information disclosure log at:

https://apps.nhsbsa.nhs.uk/FOI/foiRequestDetail.do?bo_id=6681

Your personal details will be removed from the published response.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of my decision, you should write to:

Gordon Wanless
Head of Internal Governance
NHS Business Services Authority
1st Floor
Stella House
Goldcrest Way
Newburn Riverside Business Park
Newcastle upon Tyne
NE15 8NY

Details of how we will handle your review request are available on our website at:

<http://www.nhsbsa.nhs.uk/Documents/NHSBSACorporatePoliciesandProcedures/DPre-usePSIEIRandFOIInternalReview.pdf>

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Authority.

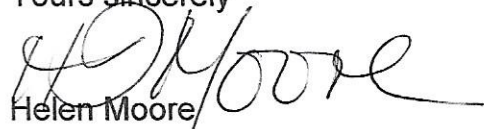
The Information Commissioner can be contacted at:

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

Tel: 01625 545 745
Fax: 01625 524 510
Email: enquiries@ico.gsi.gov.uk

If you have any queries about this letter, please contact me. Please quote the reference number above in any future communications to make it easier for me to deal with your correspondence.

Yours sincerely



Helen Moore

Information and Intelligence Assistant

Annex A

Section 30 – Criminal Investigations and Proceedings.

(1) Information held by a public authority is exempt information if it has at any time been held by the authority for the purposes of—

(a) any investigation which the public authority has a duty to conduct with a view to it being ascertained—

(i) whether a person should be charged with an offence, or

(ii) whether a person charged with an offence is guilty of it,

(b) any investigation which is conducted by the authority and in the circumstances may lead to a decision by the authority to institute criminal proceedings which the authority has power to conduct, or

(c) any criminal proceedings which the authority has power to conduct.

(2) Information held by a public authority is exempt information if—

(a) it was obtained or recorded by the authority for the purposes of its functions relating to—

(i) investigations falling within subsection (1)(a) or (b),

(ii) criminal proceedings which the authority has power to conduct,

(iii) investigations (other than investigations falling within subsection (1)(a) or (b)) which are conducted by the authority for any of the purposes specified in section 31(2) and either by virtue of Her Majesty's prerogative or by virtue of powers conferred by or under any enactment, or

(iv) civil proceedings which are brought by or on behalf of the authority and arise out of such investigations, and

(b) it relates to the obtaining of information from confidential sources.

Factors for disclosure	Factors for withholding
<ul style="list-style-type: none"> • NHS Protect believes in transparency, accountability and openness with how public money is spent. 	<ul style="list-style-type: none"> • Release of information would impede on going or future proceedings • Release of information would diminish the chances of a fair trial. • Release of information would hamper the gathering of intelligence from confidential sources. • Release of information would highlight methods used during investigations and would harm any future investigations undertaken by NHS Protect.

Reasons why public interest favours withholding information

- NHS Protect believes that the public interest lies in our ability to pursue investigations and future proceedings. If information is disclosed, these may be jeopardised.