

Please contact: Access to Information Team

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10 April 2024

**Re: Your request for information under the Freedom of Information Act 2000**  
**Ref no: FOI-3919-LSC**

Thank you for your request dated 12 March 2024

We can confirm that the ICB does hold the information you requested.

Please find our response to your questions below:

Please intervene and ensure a positive resolution to this protracted and continued mishandling of Withnell Health Centre's future. To say that I am disappointed with the decision by the Lancashire and South Cumbria ICB to use a full procurement process for Withnell Health Centre, would be a gross understatement.

This appalling situation has been ongoing for far too long and has been badly handled by the ICB from the very start. They lied in their original letter to patients, stating that there was no need to worry as nothing would be changing. They then claimed that this same letter explained the procurement process, when no such explanation was present. More than two years later they are still being economical with the truth, claiming they have spoken to the staff at the health centre first, before going public with the procurement process. The reality is that they sent an email to one member of staff at 7.15 am who was on annual leave and then made it public less than 45 minutes later at 7.57 am.

I do not understand why the ICB have chosen to pursue the procurement route. I remember reading the proposals for the new legislation and was struck by how sensible it appeared to be. (DHSC - consultation outcome - Provider Selector regime: supplementary consultation on the detail of proposals for regulations)

“The intention of these proposals is to ensure that tendering only takes place where it adds value, by **giving commissioners the discretion** to choose either to award a contract directly to a provider or to undertake a competitive tendering process...”

Why are you not using your discretion to award the contract to the existing provider?

“To this end, the Provider Selection Regime is intended to make it straightforward to continue with existing arrangements for service provision where those arrangements are working well and there is **no value for the patients, taxpayers, and population in seeking an alternative provider.**”

What would be the value of this tendering process to the patients of WHC when the overwhelming majority are extremely satisfied with the service provided by the current setup (as you know) ?

“**Our aim for the Provider Selection Regime is to move away from the expectation of competition in all circumstances** and towards collaboration across the health and care system. This is intended to

**remove unnecessary levels of competitive tendering**, remove barriers to integrating care, and promote the development of stable collaborations.”

Why have you chosen to involve unnecessary levels of competitive tendering?

The proposals appear to be littered with opportunities to forgo the protracted and expensive procurement procedure, yet the ICB have failed to acknowledge this as a possibility.

I also note that throughout these proposals that the interests of patients, the tax payer and the population are always written in this order - the patients are first on the list!

“The report also encouraged the adoption of a broad definition of value underpinned by concepts of **wider public and social value** when arranging services.”

What would be the wider public & social value to the patients of WHC if the tendering process resulted in the award being given to another provider?

I also note that the proposals were well received.

“70% of respondents agreed that **decision-making bodies should be able to continue arranging services with an existing provider or choose a most suitable provider without having to go through a competitive process.**”

I would be very grateful if someone were able to explain why the Lancashire and Cumbria ICB appear to be trying to find ways to totally ignore the patients wishes and if my understanding is correct, the entire premise of the new legislation. They appear to have gone through the motions of listening to the patients and to have considered all options. However, it is obvious from their actions that this is not the case, seeming to have one agenda which neither benefits the patients nor upholds the the fundamental principles in the new legislation. The cost to the tax payer will no doubt also be considerable, which when it is wholly unnecessary, is scandalous in the current economic climate and considering the enormous strain on NHS resources.

The way in which the ICB appear to be just paying lip service to patients wishes, is unfortunately indicative of how the ordinary person is marginalised or totally ignored. How far does the ordinary person have to go before someone who has the power to act honourably does just that? A TV documentary exposing some sort of corruption or cover up perhaps?

I am extremely concerned that this contract will eventually be awarded to PSP and that the last 18 months have merely been a cosmetic exercise. Can you confirm that PSP’s threatened legal action after the previous & abandoned tendering process, has had no bearing on any of the decision making process?

It is time I feel, for the Lancashire and South Cumbria ICB to be relieved of their duties in the awarding of the contract for Withnell Health Centre and for someone in higher authority to be appointed, before it manages to remove a very competent and highly respected doctor and her team and cause irreparable damage to the patients in her care.

To summarise my questions (which I understand you must answer under FOI obligations):

1. Why are you not using your discretion to award the contract to the existing practice?

**The considerations around direct award of this contract are detailed in the paper that went to the primary care commissioning committee on 14 March 2024:**

[Item 6a - Withnell Health Centre.pdf \(healthierlsc.co.uk\)](#)

2. Why have you chosen to involve unnecessary levels of competitive tendering?

The considerations around the most appropriate procurement route for this contract are detailed in the paper that went to the primary care commissioning committee on 14 March 2024: [Item 6a - Withnell Health Centre.pdf \(healthierlsc.co.uk\)](#)

3. What would be the value of this tendering process to the patients of WHC when the overwhelming majority are extremely satisfied with the service provided by the current setup (as you know) ?

The ICB must fulfil its legal obligations and award contracts in a fair and equitable manner to avoid the risk of legal challenge. Having obtained legal advice, it is clear a competitive procurement exercise must be undertaken, as outlined in the paper that went to the primary care commissioning committee on 14 March 2024: [Item 6a - Withnell Health Centre.pdf \(healthierlsc.co.uk\)](#)

4. What processes do you utilise to ensure that the ordinary person (patient) is not marginalised or totally ignored?

The ICB has engaged with more than 2,500 patients of Withnell Health Centre, both during an extensive community engagement exercise undertaken in August and September of last year, as well as holding regular meetings with a patient-led steering group since February of last year. The feedback from the patient engagement exercise will be used to support the development of the service specification and any potential scoring criteria which will be needed as part of a procurement exercise. The full report from the patient engagement exercise can be found here: [https://www.healthierlsc.co.uk/download\\_file/9376/12420](https://www.healthierlsc.co.uk/download_file/9376/12420)

5. Can you confirm that PSP's threatened legal action after the previous & abandoned tendering process, has had no bearing on any of the decision making process?

The ICB must fulfil its legal obligations and award contracts in a fair and equitable manner to avoid the risk of legal challenge. We can confirm the decision-making process has been led purely by this obligation.

### **Right of Appeal**

Should you require any further information or clarification regarding this response please do not hesitate to contact us. If you are dissatisfied with the response, you are entitled to request an internal review which should be formally requested in writing and must be within two calendar months from the date this response was issued.

### **To request an internal review**

You can request this by contacting the FOI team by email at [MLCSU.FOITeam@nhs.net](mailto:MLCSU.FOITeam@nhs.net) or by post to Jubilee House, Lancashire Business Park, Leyland, PR26 6TR, specifying why you require a review.

If you are not content with the outcome of your internal review, 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 CCGs FOI complaints procedure. The ICO can be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
[www.ico.gov.uk](http://www.ico.gov.uk)

Yours sincerely

**Neil Greaves - Director of Comms and Engagement**

**On behalf of Kevin Lavery**

## ICB Chief Executive