

Please contact: Access to Information Team

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25 October 2022

Dear

Re: Your request for information under the Freedom of Information Act 2000

Ref no: FOI-2486-LSC Review Response

Further to your email dated the 6 October 2022 in which you requested an internal review of the responses provided to FOI-2486-LSC under the Freedom of Information Act 2000. We have reviewed this response and can confirm that this is now concluded.

Your original request was:

1. Under the FOI act, can you provide me with the name or the names of the people involved in the unlawful expenditure.as per the West Lancashire CCG external auditor concerns.
2. What was the final outcome, who attended meetings to address the the external auditor concerns.as the auditor said it a matter of public interest.

Our response was:

Whilst we can confirm that the ICB does not hold the information you requested in the format requested, after careful consideration, we have decided to refuse your request under section 14 Vexatious Request.

Section 14 (1) is designed to protect public authorities by allowing them to refuse any requests which have the potential to cause a disproportionate or unjustified level of disruption, irritation or distress.'

Frequency of requests – the ICB has received 11 freedom of information requests since 1 July 2022. We have also received 1 internal review request during this period. Whilst this may not seem like a large number in the scheme of the overall number of requests that the ICB receives, it is a significant number to receive from a single applicant in a short period of time. These requests are often about the same issue or new requests are submitted before the ICB has had an opportunity to address earlier enquiries, often requests are overlapping causing further confusion.

Pattern of requests – each repeat request that is re-answered by the ICB leads to further requests and/or internal reviews. This has a significant impact on our already scarce resources.

Motive – Your requests appear to stem from your personal dissatisfaction with the ICB and money which has been spent. While we understand that you have concerns about the ICB spend ensuring it is receiving value for money, unfortunately your current pattern and tone of requests is causing disruption and is offensive more so than achieving transparency and accountability, which are the fundamental aims of the Act.

Impact on staff – the fact that each request answered leads to further requests, internal reviews and correspondence, is burdening staff in each of the services handling your requests and is also causing upset due to your allegations of unlawful activity. Whilst we absolutely have an expectation and a willingness to respond to FOI requests, the volume has become increasingly onerous.

For the reasons outlined in this letter we are issuing this refusal notice under section 14(1) of the Freedom of Information Act 2000. If any further requests or queries are received containing accusations, we will not be responding to these. You have the

right to appeal against our decision; further information is provided below.

Following receipt of our response, you requested a review on 6 October 2022 stating:

I ask for a review on case 2486 ,as I am looking for accountability as to what the the CCG own external auditor raised questions on, unlawful payments, no control on budgets ,deficit out of control and you answer to this is make me vexatious,

And then I ask the ICB to look at there own governance on page 51 item 7 arrangement for ensuring accountability and transparency and read 7.2 principles .

We have considered our original response and previous information provided to your request and after careful consideration our position remains unchanged. The CCG external auditors did not raise concerns on unlawful payment, no control on budgets or deficits out of control. Therefore, we uphold our original decision to refuse your request under section 14 Vexatious Request of the Freedom of Information Act 2000.

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

Yours sincerely

**On behalf of Kevin Lavery
ICB Chief Executive**