

Please contact: Access to Information Team

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06 February 2023

Dear

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

Ref no: FOI 2731 LSC

Thank you for your request dated 12 December 2022.

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

Please find our response to your questions below:

1. (After applicant provided clarity) I would like to see what each of the 28 payments were for against each of the 3 services you have paid and date for each payment made, it being accountable to the taxpayers.
2. Can I also remind you that between 2019 and 2022 West Lancashire CCG and the ICB gave HCRG/Virgin care 186 payments of up to 25k, if the full 25k was given to each payment the total could be 4.6 million so under your new slogan grip and control.

Can you provide me with the cost for each of the 186 payments and what they were for?

3. The ICB CEO informed us the 7 December meeting that the ICB CAN NOT HAVE A DEFICIT can you explain what happens if you report a large deficit?

NHS Lancashire and South Cumbria ICB have applied a Section 12 to this request. Section 12 of the Freedom of Information Act 2000 allows a public authority to refuse a request if the cost of providing the information to the applicant would exceed the 'appropriate limit' as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004:

"Section 12 Exemption where cost of compliance exceeds appropriate limit

(1) Section 1(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".

The Regulations states that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 2.5 days of work) for the purposes of the estimate the costs of performing these activities should be estimated at a rate of £25 per hour (£25 x 18hours = £450).

In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:

- “(a) determining whether it holds the information,*
- (b) locating the information, or a document which may contain the information,*
- (c) retrieving the information, or a document which may contain the information, and*
- (d) extracting the information from a document containing it”.*

We have carried out a reasonable and proportionate search to locate all of the documents that relate to the above request for information and outline how this was carried out.

There are 186 payments which are recorded on the financial systems which have been identified for the period between 2019 and 2022.

There were 28 payments identified between July – Sept 2022

To locate, retrieve, extract and confirm that the information is held for the 214 invoices, would take approximately 20 minutes per invoice. This is because the invoices do not contain detailed information about which service it relates to, they only contain PO numbers and codes, therefore, a specialist search using other financial systems would have to be undertaken to extract the information and then match this with the service.

It has been calculated that to provide this information would take the ICB 71 hours and 33 minutes as shown below:

214 x 20 mins = 71hrs and 33 mins.

Also, some of the information is not held in the format requested as it forms part of a block contract as advised in FOI-2662-LSC review response.

On balance of reviewing this information NHS Lancashire and South Cumbria ICB are refusing this request under Section 12 1(1) of the Freedom of Information Act 2000.

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 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

Yours sincerely

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