

Please contact: Access to Information Team

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14 March 2023

Dear

Re: Your request for information under the Freedom of Information Act 2000
Ref no: FOI-2917-L&SC

Thank you for your request dated 13 February 2023.

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

Please find our response to your questions below:

1. I am contacting you with reference to recent developments concerning Withnell Health Centre, in particular an email which you will have received from Ron Ainsworth, dated Wednesday 8th February and an interview on the Not the Andrew Marr Show with councillor Margaret France. The ICB are not listening and as far as I can see, are merely dishing out platitudes and not even half hearted apologies, as a means of dealing with the fallout of their decision.

I have never been able to reconcile the letter I received in February from the Chorley and South Ribble CCG with the actions that followed. I absolutely agree with Ron Ainsworth that the letter gave the clear impression that Dr. Robinson would be remaining in charge when a longer-term contract would be awarded - to her!

The ICB have stated several times now in various newspapers and articles that "ALL patients were sent a letter informing them that a temporary contract had been awarded and that there would be a process undertaken to identify a LONG-TERM PROVIDER."

- Not all patients received this letter.
- The letter was only available in English, in standard printed format and therefore excluded patients with protected characteristics under the Equality Act.
- It was a very reassuring letter and I now feel deliberately so.
- It most certainly did not include the phrase "to identify a long-term provider", which the ICB keep quoting in print.

So why is the ICB repeatedly misquoting from this letter? Why are they insisting that they have informed ALL patients about the process to identify a LONG-TERM PROVIDER? Is it maybe because it was the CCG who sent it rather than yourselves and you simply haven't read it? I can forward a copy to you if you need to check?

I have also watched our councillor, Margaret France explaining the order of events leading to this extraordinary decision which awarded the contract to SSP Health.

Please see statement released by the ICB in relation to concerns surrounding the procurement process:

<https://www.lancashireandsouthcumbria.icb.nhs.uk/news-and-media/latest-news/whc-220223>

2. How can it be that the ICB has so much power, it can decide alone, not to hear an appeal, which a hard-working GP has somehow managed to prepare, whilst running her practice in very difficult circumstances, using £35,000 of her own money?

In the NHS tender process, it states that “quality of care typically accounts for around 60% - 70% of the overall score and price for around 30% - 40%.” Given that Dr. Robinson scored higher than SSP on patient care, which I am assuming falls into Quality of Care, but less on HR and IT policies, I am left wondering how the points-based scoring system came out in favour of SSP!

The ICB has not received a formal appeal from Dr Robinson.

3. Would you please explain this system to me and how the points were awarded in your open and transparent procurement process?

It has been reported that SSP are keen to work with the staff at WHC and maintain or improve patient experience. Do they not understand that not only will WHC staff leave their positions rather than work for SSP, but that also the Chorley GPs have spoken collectively against them? Do SSP not understand that Chorley Together PCN will exclude them from their meetings? Do they not know that Chorley Together’s Business Manager, Claire Hounslow has written to the ICB expressing dismay and concern at what they describe as a fundamentally flawed procurement process concerning WHC? She also wrote that the board will not accept SSP into the PCN if they remain the ICB’s preferred bidder for WHC and states that “we will not be intimidated or bow to pressure to do so”. These are very strong words.

The points system is clearly laid out as part of the invitation to tender documentation provided to potential bidders.

The remaining questions are posed to SSP and not the ICB, therefore the ICB are unable to answer these.

4. In view of these facts, I would like to know how the ICB is going to ensure that there will be “little to no impact on patients as a result of this change”? (This is a direct and correct quote from the letter).

SSP Health no longer exists according to the Companies House Register. How can the ICB seriously enter into a contract with this company, which has had to re-register its name due to compulsory liquidation for insolvency after an application to the court by HMRC? Surely this is a huge red flag? If the ICB is prepared to do business with such an organisation, what does it say about them? Either, they don’t care who they do business with, as long as they are following a cost driven government agenda, (which will be more expensive in the long run), or they didn’t know, which is equally alarming.

Any operational issues are worked through with the new provider during the mobilisation process.

The company that has submitted the bid does exist on Companies House.

5. Did the ICB know about this compulsory liquidation for insolvency? A Yes or No answer will suffice here.

The company that has submitted the bid does exist on Companies House.

6. Is the ICB able to do this or is it going to continue to hide behind the reassuring and misleading letter sent to some patients last year (from the CCG, not the ICB) and call it a consultation exercise? An either/or answer would be acceptable in this instance.

Please see statement released by the ICB in relation to concerns surrounding the procurement process:

<https://www.lancashireandsouthcumbria.icb.nhs.uk/news-and-media/latest-news/whc-220223>

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**