

Please contact: Access to Information Team

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19 April 2023

Dear

**Re: Your request for information under the Freedom of Information Act 2000**  
**Ref no: FOI-3008-L&SC**

Thank you for your request dated 20 March 2023.

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

Please find our response to your questions below:

Q1	<p>Your Question:</p> <p>I would like to understand the impact of inflation on commissioned healthcare services. Please can you provide me with:</p> <p>Your ICB policy on increasing contract values?</p> <p>Our Response:</p> <p><b>To our knowledge the ICB does not have a policy on increasing contract values.</b></p>
Q2	<p>Your Question:</p> <p>By what % has the ICB increased the value of contracts over the last 12 months?</p> <p>Our Response:</p> <p><b>NHS contracts have been uplifted in line with planning guidance from NHS England. Under the current contracting arrangements some values are provide by NHSE and these are then paid to the Providers.</b></p> <p><b>For non-NHS contracts there have been a range of uplifts dependent on service. These are broadly based on the published NHS planning guidance with some exceptions. The uplifts to the non-NHS contracts would be classed as 'commercial in confidence' as detailed below:</b></p> <p><b>NHS Lancashire and South Cumbria ICB are not obliged to provide information relating to increase in contract values. In this case, we believe that the information would, or would be likely to, prejudice the commercial interests of the ICB (section 43(2) of the Act). In line with the terms of these exemption in the Freedom of</b></p>

Information Act, we have also considered whether it would be in the public interest for us to provide you with the information, despite the exemptions being applicable.

In this case, we have concluded that the public interest favours withholding the information. You can find out more about Section 43 by reading the extract from the Act and some guidance points we consider when applying this exemption along with more information by reading the full text of the Act, available at: <http://www.legislation.gov.uk/ukpga/2000/36/section/43>.

When assessing whether or not it was in the public interest to disclose the information to you, we considered the following factors:

**Public interest considerations favouring disclosure**

- The FOIA requires that public sector organisations are open and transparent in relation to their business making decisions.
- The public have an interest in knowing how public funds are spent and know that funds are being used appropriately.

**Public interest considerations favouring withholding the information**

- Non-NHS pricing is not uniform throughout the provider sector or the ICB geographical area.
- Disclosure of the information may mean that the ICB has to increase prices when not necessary and therefore does not get value for money when using taxpayer resources.
- Disclosure of the information may allow other providers to request inflationary increases which are higher than their operating model plus margin, which would not be the best use of taxpayer resources.
- We consider that the link between disclosure and prejudice has substance and would have effect on the pricing throughout the sector to the detriment of the ICB resource limit and individual non-NHS providers.
- It would reduce the amount of resource the ICB has to deliver NHS and non-NHS provided services by potentially inflating prices to commercial bodies and increasing profit margins of these providers

Having considered the arguments for and against disclosure, NHS Lancashire and South Cumbria ICB have decided that the public interest in this case is best served by maintaining the exemption and by not disclosing the information requested. NHS Lancashire and South Cumbria ICB consider that the possible benefits of disclosure are outweighed by the real risk of causing prejudice to the commercial interests of the ICB itself.

We reached the view that, on balance, the public interest is better served by withholding this information under Section 43(2)

## **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

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