

Please contact: Access to Information Team

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16 August 2023

Re: Your request for information under the Freedom of Information Act 2000
Ref no: FOI-2925-LSC

Thank you for your request dated 16 February 2023, which a response was provided on 22 March 2023. Following your queries raised on 22 March 2023, please find enclosed updated responses:

- Why these agenda items 3-6 and 8-11 were redacted

These were not relevant to the request and were out of the scope of what was being asked.

- Please will you also tell me why LSC ICB Primary Care Contracting Group appointed NECS as the contracting authority, rather than doing the job itself?

Agreements have been in place with North East of England Commissioning Support unit on a Lancashire and South Cumbria and regional footprint to provide procurement support. This ensures a consistent approach is taken to manage procurements across organisations.

- And how much did LSC ICB pay NECS for this service?

NHS Lancashire and South Cumbria ICB are not obliged to provide information relating to the amount paid for NECS. 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 Information Act, we have 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 took into account 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.**

- 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

- The release of the data should be viewed as commercially sensitive, and disclosure would prejudice the bidder's commercial interests.
- Release will cause harm to the CSU and service providers (Disclosure of the information may allow others to undercut competitors that would impact on future quality and service received)
- This would have effect on the applicable interest which the third-party organisation have confirmed as being likely to damage their ability to win new business and potentially deprive them of income and be harmful to their commercial interests.
- This would be likely to damage our ability to win new business because other parties would be aware of the margins of its delivery model.
- If released, this could in future go to other organisations providing procurement support. The information requested would be a disclosure of the income to NECS as part of this contract

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)

- The 5 July 2022 Withnell Health Centre Procurement Evaluation Strategy presented to the LSC ICB Primary Care Contracting Group says, "1. In December 2021 the CCG received written notice from one of the partners at Withnell Health Centre stating they wished to dissolve the partnership with immediate effect." Please will you tell me if the remaining partner in the dissolved partnership gave advance notice to NHSE of the intention to change its status from that of a partnership to that of an individual medical practitioner?

On receipt of the notice to dissolve the partnership the original contract also ended. The then Chorley and South Ribble CCG awarded a temporary contract to Dr Anne Robinson which was as a sole practitioner.

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