

Please contact: Access to Information Team

Email: MLCSU.FOITeam@nhs.net

Direct tel: 01782 872648

Chorley House
Lancashire Business Park
Centurion Way
Leyland
PR26 6TT

Tel: 01772 214232
www.lancashireandsouthcumbria.icb.nhs.uk

22 December 2023

Re: Your request for information under the Freedom of Information Act 2000
Ref no: FOI-3622-LSC

Thank you for your request dated 31 October 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>The total value the ICB has been invoiced by care homes between 1 July 2022 and 30 June 2023, as well as:</p> <ul style="list-style-type: none">a) the total value of those invoices the ICB paid within 30 daysb) the total value of those invoices the ICB paid after 90 days.
	<p>Our Response:</p> <p>NHS Lancashire and South Cumbria ICB can confirm that the information is held however, we are applying a section 12 exemption. 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:</p> <p>"Section 12 Exemption where cost of compliance exceeds appropriate limit</p> <p>(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".</p> <p>The regulations state that the appropriate limit to be applied to requests received by local authorities is £450 (equivalent to 2.5 days/18 hours of work). For the purposes of estimating the costs of performing these activities a rate of £25 per hour should be used (£25 x 18hours = £450).</p> <p>In estimating the cost of complying with a request for information, an authority can only take into account any reasonable costs incurred in:</p> <p>"(a) determining whether it holds the information,</p>

- (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”.**

A reasonable and proportionate search has been carried out to locate the documents that relate to the above request for information.

NHS Lancashire and South Cumbria ICB would be required to utilise a significant level of resource from all departments of the organisation. This would be needed in order to review and obtain the information requested due to the wide scope of the request.

A search has been undertaken to verify that there are 16,600 invoices totalling circa £106m between 1 July 2022 and 30 June 2023. This covers all types of care costs in this area and includes invoices from providers such as care homes, home care packages, 1-1 care, rehab, independent hospital etc.

To provide a full response to this request, the ICB would be required to review all 16,600 invoices to be able to identify if they are paid to care homes, and to then review the payment details to determine if the invoice was paid.

The time taken to review and track on the finance ledger for one singular document would be approximately 5 minutes and then an additional 2.5 minutes to add the information to a spreadsheet for each invoice. Therefore; reviewing all 16,600 invoices would take approximately 2075 hours (16,600 invoices x 7.5 mins = 124,500 mins – which totals 2075 hours). Therefore, this exceeds the 18 hours provided for under the FOI Act.

Under section 16 of the FOI Act we are obliged to provide advice and assistance to requestors wherever possible. Lancashire and South Cumbria ICB have advised they cannot provide a response to the date range requested as this is too broad. If you were to ask for a shorter period in relation to a date range, the ICB may be able to comply within the 18-hour time frame.

If you would like to resubmit your refined request please do so on the following link and ensure you write the details of which ICB you require the information from within the body of the email: mlcsu.foiteam@nhs.net This would be treated as a new FOI request and we would begin work again to ascertain if the information could be provided within the appropriate time and cost limits.

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**