



Please contact: Access to Information
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15 December 2023

Re: Your request for information under the Freedom of Information Act 2000
Ref no: FOI-3588-LSC

Thank you for your request dated 17 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>Any documentation and information held by NHS Lancashire and South Cumbria ICB, including documentation showing decisions made during the procurement process (reference C173751), including any and all prior communications with economic operators, namely Primary Eyecare Company Ltd within the preceding 12 months, any internal deliberations and decision making approval processes, documents dealing with the preparation of the tender documents and any dialogue or negotiation with potential or prospective bidders.</p> <p>I request this information within the last 12-month timeframe only.</p>
	<p>Our Response:</p> <p>NHS Lancashire and South Cumbria ICB do hold the information requested however; we are not obliged to provide information relating to commercial interests. In this case, we believe that the information would, or would be likely to, prejudice the commercial interests of the procurement process which is currently being undertaken (section 43(2) of the Act).</p> <p>In line with the terms of this exemption in the Freedom of Information Act, we have also considered whether it would be in the public interest for us to provide you with the information, despite the exemption being applicable. In this case, we have concluded that the public interest favours withholding the information whilst the procurement of this service is carried out.</p>

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

- It would provide reassurance to the public by being open and transparent.
- The general proposition of maximising openness and accountability that the ICB aspires to.
- The benefits of ensuring transparent and accountable governance by disclosing how ICB receives and spends public money.

Public interest considerations favouring withholding the information

- Releasing information would undermine the current procurement process which is still on-going.
- Releasing the requested information could prejudice the current negotiation capabilities and reduce confidence third parties have with us in order to facilitate the decision-making process.
- The procurement is still currently on-going and to release the information at this stage would give competitors an unfair advantage.

Having taken into account the arguments for and against disclosure, Lancashire and South Cumbria ICB decided that the public interest in this case is best served by maintaining the exemption and by not disclosing the information requested, at this stage. In this case there is an overriding public interest in ensuring that companies are able to compete fairly and ensuring there is competition for public sector contracts.

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

Q2

Your Question:

Any and all patient stakeholder involvement market engagement leading to the decision to procurement within the preceding 12 months.

Our Response:

Patient engagement took place in October 2020 as the Tier 1 Ophthalmology procurement was due to commence in Jan 2021. (Engagement had to be undertaken remotely due to covid restrictions which resulted in fewer interactions). Due to lack of capacity within the team, the procurement was paused. The patient engagement report, was positive with regards to standardisation of clinical pathways across LSC and access to optical practices for first line treatment, and equitability of service delivery in each locality. Please refer to the attached report.

Q3	Your Question: Any and all decision logs of the procurement process
	Our Response: Please refer to the response within question 1.

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, Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF
www.ico.gov.uk

Yours sincerely

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