

Please contact: Access to Information
Team
Email: MLCSU.FOITeam@nhs.net
Direct tel: **01782 916875**

26 February 2024

Dear

Re: Your request for information under the Freedom of Information Act 2000
Ref no: FOI-3819-LSC

Thank you for your request dated 29 January 2024.

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

Please find our response to your questions below:

1. I would like to submit an URGENT freedom of information request on behalf of all the 5500 patients registered at Withnell Health Centre.

I would like to know which two contracts you are comparing when you argue that the direct award method is unavailable to you and I would like to know the value of both contracts.

A little background if you will allow me, for the benefit of the MP's based elsewhere.

The practice is currently trapped in over 12 months of uncertainty. Staff are suffering with their mental health due to the stress and anxiety, patients have no confidence regarding the security of their healthcare and the Lancashire and South Cumbria Integrated Care Board remain determined to advertise the health centre via procurement rather than directly awarding the contract to Dr Robinson despite thousands of patient letters, emails, surveys and protests asking for her to remain.

Direct award of a contract becomes an unavailable method when the value of the previous contract is both 25% more and 500K more than the future contract.

The temporary contract the practice is currently under is a result of the failure of the first procurement, a decision that was cancelled due to the patients not being adequately consulted by the ICB.

Due to the nature of a temporary contract it will always be more valuable than the 15 year contract that now needs to be allocated to a suitable provider.

Therefore I would argue that it is incorrect to compare a temporary contract to a 15 year contract in order to argue the financial threshold for the Direct award method has been breached. It is not a like-for-like comparison as one is a short term contract and one is a long term contract.

In order to make this fair and legal for all parties involved I believe that Lancashire and South Cumbria Integrated Care Board should be comparing the last long term contract, the one that existed before the original tendering process was triggered, to the value of the future long term contract.

Only then should the Direct award method be allowed or denied based on the value when comparing two like-for-like long term contracts.

I would appreciate a swift response to this email as this situation is causing a lot of upset for the patients and the wonderful NHS staff at our practice.

Our response:

A section 21 exemption has been applied as a duplicate response letter is available within the public domain in relation to FOI-3805-LSC, as per below link:

[https://www.healthierlsc.co.uk/application/files/1517/0870/0713/FOI-3805-LSC -
Withnell Health Centre - February 2024.pdf](https://www.healthierlsc.co.uk/application/files/1517/0870/0713/FOI-3805-LSC-_Withnell_Health_Centre_-_February_2024.pdf)

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 40 working days 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 Leyland 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

Neil Greaves

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