



North East and North Cumbria

Our Reference HM\North East and North
Cumbria ICB\FOI ICB668

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12 January 2024

Applicant
By Email

Dear Applicant

Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)

Thank you for your request received by North of England Commissioning Support (NECS) on 12 December 2023 for information held by NHS North East and North Cumbria Integrated Care Board (NENC ICB) under the provisions of the Freedom of Information Act 2000.

NENC ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley (which covers the 5 councils that make it up – Darlington, Hartlepool, Middlesbrough, Redcar & Cleveland, and Stockton-on-Tees).

Your Request

I would like to submit a Freedom of Information request to understand the Learning Disabilities support offered by your ICS to adults aged 18-64. I am looking for information on care provided in both residential care and supported living settings. I understand the main portion of Learning Disability support is provided through Local Authorities but am seeking information on the support provided by ICSs through Continuing Healthcare and other relevant funding.

The data I would like to request is the following, for the financial years ending March 2019, March 2020, March 2021, March 2022, March 2023 and H1 of the 2024 financial year (April 2023 to September 2023) (please see attached excel for details):

1. **The number of people supported** in:
 - Residential care settings
 - Supported living settings

2. **The number of new placements made** in:
 - Residential care settings
 - Supported living settings
3. **The number of people discharged** from:
 - Residential care settings
 - Supported living settings
4. **The average weekly fee across all people supported** in:
 - Residential care settings
 - Supported living settings
5. **The average weekly fee across new placements only** in:
 - Residential care settings
 - Supported living settings
6. **The average weekly fee across discharged people only** from:
 - Residential care settings
 - Supported living settings
7. **The median time in days from referral (when the ICS issues a request for a placement) to placement (when the service user enters the care setting)** in:
 - Residential care settings
 - Supported living settings

For all items, please provide the information split across:

- Where the care setting is “in-area” (the local area covered by the ICS)
- Where the care setting is “out-of-area” (outside the local area covered by the ICS)

Our Response

We have dealt with your request in accordance with your “right to know” under section 1(1) of the Freedom of Information Act 2000 (subsequently referred to as FOIA2000) which entitles you to be provided with information “held” by a public authority unless an appropriate exemption applies.

In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm the North East and North Cumbria Integrated Care Board (NENC ICB) does hold some of the requested information.

As ICBs were first legally established on 1st July 2022, there is no collective data held by NENC ICB for NHS Continuing Healthcare (CHC) packages for financial years 2018/19, 2019/20, 2020/21, 2021/22, and 2022/23. The eight clinical commissioning groups were reorganised and amalgamated into one single organisation namely the NENC ICB in July 2022. We have determined the cost of finding, answering, and assembling the responses to each of your questions for the eight clinical commissioning groups (CCGs) for those specific dates, would exceed the cost limit of £450 for the NHS as specified in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004.

s.12(1) of the FOIA provides that a public authority is not obliged to retrieve any of the requested information if the cost of locating, retrieving, and extracting information would exceed the “appropriate limit”. The limit for the NHS equates to 18 hours' work and can relate to one request in its entirety or a series of linked requests.

Therefore, to locate, retrieve and extract the NHS Continuing Healthcare (CHC) packages for the requested years prior to July 22 would require each of the eight former Clinical Commissioning Group to complete a search of their own records to identify what information may fall within the scope of these questions. There is no central record where this information is held.

To estimate how long it would take for one former CCG to retrieve any relevant information we have consulted with each place who calculated it would take approximately 60 hours for finance and clinical CHC teams to complete for Tees Valley, Durham, Newcastle Gateshead, Cumbria, Sunderland and North Tyneside. The request asks for information pertaining to five financial years, there are seven questions with most having multiple parts which would require complex data analysis to be able to answer each of your specific questions. To explain our position further, the only way to identify, extract, record and retrieve each former CCG's exact CHC Learning Disability funded cases broken down using your desired categories would require a manual process to those cases where a funding recipient directly matches the criteria of your request.

In accordance with our duty to provide advice and assistance under s.16 FOIA 2000, we have estimated that we may be able to answer some elements of your request if they were refined to one specific former CCG, or topic or area or financial year. We should also point out we have estimated that any revised request submitted for CHC funding data for all the former eight clinical commissioning groups (CCG's) would also exceed the appropriate limit for the required earlier years. Should you refine your request for data for one specific former CCG for all requested years or for one specific year for all CCG's we may be able to provide this within the appropriate limit of 18.5 hours. However, we should advise that we have not yet considered whether any exemptions to disclosure may apply to such future requests.

Please note that for South Tyneside and Northumberland places, this information is not held by NENC ICB who commission for South Tyneside Council and Northumberland County Council to now manage their CHC cases. Their contact details are provided below:

foi@southtyneside.gov.uk
foi@northumberland.gov.uk

If you were to resubmit a revised request for information, we will treat this as a new FOI request, and the 20-working day limit will begin again. In accordance with s.17 FOIA 2000, this letter represents a refusal notice.

In accordance with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. A version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, you should write to the Senior Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your review, you do have the right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act 2000. Generally, the Information Commissioner cannot make a decision unless you

have exhausted the complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

www.ico.org.uk

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 www.legislation.gov.uk . This will not affect your initial information request.

Yours sincerely

Hilary Murphy

Hilary Murphy
Information Governance Officer