

Our Reference

North East & North
Cumbria ICB\FOI ICB116

NECS - Riverside House
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Newburn Riverside
Newcastle upon Tyne
NE15 8NY

Your Reference

29 November 2022

Tel: (0191) 217 2625
E-mail: Necsu.icbfoi@nhs.net

Via Email

Dear

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

Thank you for your request received by North of England Commissioning Support (NECS) on 31 October 2022 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.

For information Clinical Commissioning Groups ceased to exist on 30 June 2022. Services that were previously delivered by the CCG are now being delivered by the successor organisation NHS North East and North Cumbria (ICB). This covers the areas of County Durham, Newcastle Gateshead, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland and Tees Valley.

Details of Your Request and Our Response:

"Please could North East and North Cumbria Integrated Care Board (NENC ICB) provide the information requested in the numbered list below.

On 14 February 2020, Cumbria Health on Call (CHoC), Hilltop Heights, London Road, Carlisle, CA1 2NS, had a complaint upheld against it by the Ombudsman. As part of the Ombudsman's recommendations it was instructed to write an action plan, and send a copy to the complainant, to the Ombudsman, to the CQC, and to NHS Improvement. The action plan itself states that a copy was sent by email to enquiries@improvement.nhs.uk. NHS Improvement merged with NHS England earlier this year.

Earlier this year, I made a FOI request to NHS England asking it if it monitors and checks to see if action plans have been implemented. It stated that it does. (This is not the role of the Ombudsman.) I then made a second FOI request to NHS England with the questions listed below. It responded on 28/10/22 and stated that:

"We have carried out an extensive search of our records, and we have been unable to locate the action plan referenced in your request or any related information.". It recommended that I contact NENC ICB with my FOI request.

It can be the case that the monitoring of an action plan is dealt with by an ICB (formerly CCG). In CHoC's case, this would be NENC ICB, with the action plan having originally been sent, if that was the case, to North Cumbria CCG, before it was restructured into NENC ICB.

I would appreciate a timely response within 20 working days. My request relates to a complaint about a serious failing which, after an Ombudsman investigation, was upheld in full, on two counts (treatment provided by CHoC's clinician, and failure of CHoC to correctly handle the complaint, prior to the involvement of the Ombudsman)."

- 1. Does NENC ICB hold a copy of the action plan written by Cumbria Health on Call (CHoC), dated 15 May 2020 (CHoC Ref NM/CR/505)?**

No.

- 2. If NENC ICB does not hold a copy of the action plan, why does it not hold a copy?**

Not applicable – this question does not fall under the scope of the Freedom of Information Act 2000 which covers recorded information held by a public authority.

- 3. If NENC ICB does not hold a copy of the action plan, which NHS organisation, apart from CHoC, does hold a copy and which organisation has been tasked to monitor and check its implementation by CHoC?**

Information not held.

NENC ICB are unable to confirm which NHS organisation will hold a copy of the requested action plan and which organisation has been tasked to monitor and check its implementation by CHoC.

NENC ICB does not have access to provider action plans, the providers investigate complainants and where consent is in place, the ICB would request a copy of their response; however, it is not usual practice to request copies of action plans.

You may wish to contact CHoC directly to request the information.

- 4. If NENC ICB holds a copy of the action plan, was a timescale for its implementation agreed with CHoC, and if not why not?**

Information not held.

- 5. If a timescale was agreed, what was it?**

Information not held.

- 6. Has NENC ICB (and previously North Cumbria CCG) checked that the action plan has been implemented?**

Information not held.

- 7. If NENC ICB/North Cumbria CCG has not checked whether the action plan has been implemented, why not?**

Not applicable – this question does not fall under the scope of the Freedom of Information Act 2000 which covers recorded information held by a public authority.

- 8. In what ways has NENC ICB/North Cumbria CCG checked that the action plan has or is being implemented (meetings with, and/or correspondence with CHoC, etc)?**

Information not held – NENC ICB do not hold a copy of the requested Action Plan.

In the spirit of NHS openness and transparency, the ICB can confirm that the Outcomes and Quality Assurance Committee (OQAC) in the CCG (prior to CCG close-down and ICB establishment), did receive a Quality Assurance Report, covering the period 1st October 2019 – 30th June 2020, from CHoC, which identified provider complaints which were escalated to the Ombudsman. This Quality Report was anonymised and therefore, the ICB are unable to confirm or deny if this is in relation to the same complaint. The OQAC Committee were given assurance by the ChoC Representative, that actions had been completed following the Ombudsman recommendations; however, a copy of the Action Plan was not provided or requested by the ICB (CCG at the time of the Quality Report).

- 9. On what dates did NENC ICB/North Cumbria CCG make checks and monitor progress of the implementation by CHoC of the action plan?**

Information not held.

- 10. Has the action plan been implemented by CHoC, either in part or in whole, and if not in whole, which parts have not been implemented, and what are the provider's reason(s) for not having fully implemented it?**

Information not held.

- 11. In what way has the action plan been implemented by CHoC? Has it done what it said it would do in the action plan, and has NENC ICB/North Cumbria CCG been shown evidence of this and if so, what evidence?**

Information not held.

- 12. Has CHoC failed to implement any part of its action plan?**

Information not held.

- 13. If the action plan has not been implemented, either in part or in whole, are there penalties for CHoC for not doing so, who is informed of the lack of implementation, and what action(s) will NENC ICB take to ensure the action plan is fully implemented, and are these actions that it can take stipulated in any regulations? If so, which regulations?**

Information not held.

"By 'implemented', above, is meant action taken to do what is stated in the action plan.

Regarding questions 2 and 3, above, if NENC ICB does not hold a copy of the action plan, I emphasise that I request NENC ICB inform me why that is the case, and which organisation has been tasked with checking and monitoring the action plan's implementation.

As you may understand, if NENC ICB does not hold a copy, it would appear that no checks or monitoring have taken place, something that I understand is required, and was the reason why CHoC was instructed by the Ombudsman to send a copy to NHS Improvement.

The CQC is not required to check and monitor action plans, with its remit being inspections and knowing the number of complaints, if any, an organisation has received."

With regards to the above points, this does not fall under the scope of the Freedom of Information Act 2000, which covers recorded information held by a public authority.

In line 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. Therefore, 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 make a complaint or 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 complaint, you may apply directly to the Information Commissioner for a decision. 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.gov.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

Sophie Parker

Sophie Parker
Governance and Assurance Manager