

Our Reference

PC\North East & North
Cumbria ICB\FOI ICB144

NECS - Riverside House

Goldcrest Way

Newburn Riverside

Newcastle upon Tyne

NE15 8NY

Your Reference

13 December 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 22 November 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

I would be grateful if the ICB could clarify the following statement you provided in your letter of 22nd November 2022:

“When the ICB was established, all contracts issued by CCGs in the North East and North Cumbria were transferred to the ICB which included existing contract terms and conditions. The ICB has identified that a minority of contracts do not have standard clauses relating to UK law and regulations. As a result of this, the ICB is reviewing its processes to ensure all new contracts issued by the ICB include clauses to comply with UK law and regulations.”

1. In addition to wasting cash that could be better directed towards reducing waiting lists, supporting social care etc. etc., it is essential the ICB ensures each and every contract requires the supplier to comply with relevant UK laws and UK government regulations as to minimise the risk of litigation and catalyse ‘best

practice'. Please could the ICB clarify what the term 'minority' is in both numerical and percentage terms?

2. Given that the management incompetence that led to legal compliance being ignored, what is the target date for the first 20% and then the rest of the contracts to be amended, assuming you will be prioritising the riskiest and most expensive contracts first?
3. It was good hear that the ICB is now "reviewing its processes" and applying a range of business analysis tools to diagnose the shortcomings in the current procurement situation. However, you don't need a 5 Whys' and other analysis tools to realise a major contributing factor is the lack of professional training for staff. Please could the ICB thus advise (a) How many ICB staff currently hold CIPS qualifications (Certificate, Diploma etc.), and (b) How many staff will hold a CIPS Level 4 Diploma in Procurement and Supply by the end of July2024?

Our Response

The ICB Contract Register has over 250 IT and corporate contracts listed which we would need to review for Q1. We would need to identify who holds those contracts and ask those individuals to review all the documentation.

We estimate that it would take around 1 hour to review each contract to understand whether the contracts comply with UK law and UK regulations.

As such we estimate that it would cost over £6,250. This is because most contracts would have terms and conditions linked to company websites rather than being with the actual contract etc. It would also rely on identifying the right people from ex-CCGs who previously held such contracts which would likely make the estimate even higher.

For this reason, the ICB estimates that the cost of complying with your request would exceed the appropriate limit as set out in section 12(1) (cost limit) of the Freedom of Information Act 2000. Currently this is set at £450 for the ICB, which equates to 18 hours or more of an officer's time.

Therefore, this document acts as a written refusal notice.

Please contact us on necsu.icbfoi@nhs.net if you wish to be advised on how to make your request more manageable.

I can also advise that procurement is outsourced to NECS by the ICB as such procurement staff with appropriate skills and expertise are employed by NECS not the ICB.

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

Pamela Coxon

Pamela Coxon
Information Governance Officer