

Our Reference North East and North Cumbria ICB\
FOI ICB 24–307

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By Email

15 November 2024

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 6 November 2024 for information held by NHS North East and North Cumbria Integrated Care Board (the ICB) under the provisions of the Freedom of Information Act 2000.

The ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley (which covers the five local authorities of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees).

Please find the information you requested on behalf of the ICB as follows.

Your Request

I am writing to you to request information under the Freedom of Information Act 2000.

As you will be aware Integrated Care Boards (ICBs) are classified as public bodies and as such are required to adhere to the guidance published by HM Treasury (HMT) relating to their expenditure on any company, individual or organisation which is greater than £25k (commonly known as “Spend over £25k” data).

For reference you can find the guidance – which is still extant – published here:

https://assets.publishing.service.gov.uk/media/5a82ea68ed915d74e6238468/guidance_for_arms_length_bodies.pdf

As part of a project to understand expenditure by ICBs on the private sector we have reviewed all 42 ICB websites to determine whether they publish full data for each month of the financial year 2023/24 in **CSV format** as is required by the guidance.

Based on our review of your website it does not appear that North and North East Cumbria ICB publishes its spend over £25k data in the **CSV** format which is required by **para 2.26** of the HMT guidance.

If this is the case, out of the 42 ICBs your ICB is just one of two ICBs which isn't compliant with the guidance in this respect.

I am therefore asking you to provide data on spend over £25k for the financial year 2023/24 broken down by month and provided in CSV format.

Given the fact that the ICB is an outlier in publishing financial transparency data in the correct format and is also in breach of HMT guidance, we consider it unlikely that the ICO would side with the ICB in the event that we were to refer the case to them for adjudication. Please do get in touch if you need any further clarification or assistance.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds the information you have requested. However, this is available within the NENC ICB publication scheme which can be accessed on the ICB website: [Invoices over £25,000 | North East and North Cumbria NHS](#)

In accordance with s.21 of the FOIA, we are not required to provide information in response to a request if it is reasonably accessible to you by other means.

As the information is already available under section 21 it is not incumbent on the ICB to provide this in another format as detailed in the ICO guidance [Means of communicating information \(section 11\) | ICO](#) as follows:

'There may be a case where the information is already available to the requester under your publication scheme but not in the form in which the requester would prefer to receive it. If so, you need not provide the information in the requester's preferred form under section 11. This is because, if the information is exempt, you have no duty to communicate it to the requester. However, if it is exempt under section 21, you should explain to the requester how they can access it.'

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. 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 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

S Davies

S Davies
Information Governance Officer