

Our Reference

PC\North East & North
Cumbria ICB\FOI ICB114

NECS - Riverside House

Goldcrest Way

Your Reference

Newburn Riverside

Newcastle upon Tyne

NE15 8NY

22 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 25 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

I would like to make this formal FOIA request to understand how the some of the Terms and Conditions that the ICB contractually imposes on the organisations it works with, namely:

1. Do the IC B contracts contain a clause requiring the other organisation(s) to comply with all relevant UK laws (England and Wales)?
2. Do the ICB contracts contain a clause requiring the other organisation(s) to comply with Best Practice Guidelines issued by the NHS and other UK government departments and agencies?

Our Reply

1. *The ICB uses the NHS Standard Contracting when contracting with providers of clinical and healthcare services. The NHS Standard Contract is mandated by NHS England for use by commissioners for all contracts for healthcare services other than primary care. The Contract requires providers to run services in line with recognised good clinical or healthcare practice, and providers must comply with national standards on quality of care – the NHS Constitution, for instance, and the Fundamental Standards of Care regulations set out in Service Condition 1 (SC1) of the NHS Standard Contract. <https://www.england.nhs.uk/wp-content/uploads/2022/03/03-full-length-standard-contract-22-23-service-conditions.pdf>*
2. *As per question 1*

Your further request

Your response only deals with the providers of healthcare services such as hospital trusts and GPs. The ICB also has contracts with suppliers of services and products such as IT services and catering. In accordance with FOIA standards, pls could you clarify if the ICB requires the providers of these services to comply with both UK laws and UK government regulations?

Our Reply

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.

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