

Our Reference North East and North Cumbria ICB\
FOI ICB 24–252

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By Email

27 September 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 13 September 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 would like to submit a Freedom of Information request to understand the level of early UDA repayments agreed between your ICB and the holders of dental services contracts, as well as information on contract rebasing.

Please provide the requested information for the financial years ending March 2019, March 2020, March 2023, March 2024. If the number of periods requested is a barrier to providing the information, please provide data for years ending March 2023 and March 2024 (i.e. the last 2 years).

Please provide the following for each of these periods:

Mid-year repayments

1. *Contracts eligible for mid-year repayments:*

- a. The number of contracts which are potentially eligible for mid-year repayments to be made (i.e. contracts where <30% of annual contracted UDAs have been delivered by 30 September, and therefore for which an action plan is requested).

- b. The total annual value (£) of these contracts which are potentially eligible for mid-year repayments.
- c. The total value (£) of the amount that is potentially eligible to be reclaimed through mid-year repayments (i.e. the estimated value of the UDAs that would not be delivered based on activity levels)

2. *Mid-year repayments enforced:*

- a. The number of contracts which are eligible for mid-year repayments and for which the action plan has been rejected by the ICB, and therefore early repayments are enforced (i.e. withholding contract payments during the latter part of the financial year)
- b. The total annual value (£) of the contracts eligible for mid-year repayments for which no action plan has been accepted and for which early-repayments are enforced.
- c. The total value (£) of the amount that could be eligible to be reclaimed through mid-year repayments, for the contracts for which the action plan has been rejected.
- d. The total value (£) of the mid-year repayments that have been enforced / collected for contracts for which the action plan has been rejected (NB. If there is no difference between the value in 2c and 2d, please still include both).

End of year contract re-basing

3. *Contract rebasing:*

- a. The number of contracts which have been re-based (i.e. the number of UDAs changed) after the 96% UDA delivery target has not been reached for a period of 3 consecutive years.
- b. The number of contracts which have been re-based unilaterally (i.e. enforced by the ICB, rather than through mutual agreement with the provider).

Clarification: The FOI request asks about mid-year re-payment, while the regulatory process allows for a withholding of contract payments under certain circumstances. To clarify the request, I am referring to withholding contract payments.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does hold the information requested.

	2022/23	2023/24	Supporting Comments with Response
Question 1: Contracts eligible for mid-year repayments			
a. The number of contracts which are potentially eligible for mid-year repayments to be made (i.e. contracts where <30% of annual contracted UDAs have been delivered by 30 September, and therefore for which an action plan is requested).	86	66	
b. The total annual value (£) of these contracts which are potentially eligible for mid-year repayments.	40,183,264	36,187,115	The value of the UDA element of the contract as taken from the Year End data.

<p>c. The total value (£) of the amount that is potentially eligible to be reclaimed through mid-year repayments (i.e. the estimated value of the UDAs that would not be delivered based on activity levels)</p>	<p>19,410,160</p>	<p>19,193,802</p>	<p>As per the Policy Book for Primary Dental Services the calculation to determine the maximum withhold is the amount that is payable under the contract in respect of the number of UDAs or UOAs required to be provided in a financial year; less the amount that would be payable under the contract as a relevant proportion of that amount if the Contractor provided in the whole of the financial year only twice the number of units of dental activity or orthodontic activity that was provided between 1 April and 30 September.</p>
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Question 2: Mid-year repayments enforced			
<p>a. The number of contracts which are eligible for mid-year repayments and for which the action plan has been rejected by the ICB, and therefore early repayments are enforced (i.e. withholding contract payments during the latter part of the financial year)</p>	<p>0</p>	<p>0</p>	<p>The response reflects that there was no enforced withholding of payments. There were however 4 Contractors (23/24) that mutually agreed to have their contract payments withheld.</p> <p>21 contractors (22/23) and 34 contractors (23/24) that were under 30% at Mid-Year that agreed to start early recovery of underperformance.</p>
<p>b. The total annual value (£) of the contracts eligible for mid-year repayments for which no action plan has been accepted and for which early-repayments are enforced.</p>	<p>0</p>	<p>0</p>	
<p>c. The total value (£) of the amount that could be eligible to be reclaimed through mid-year repayments, for the contracts for which the action plan has been rejected.</p>	<p>0</p>	<p>0</p>	
<p>d. The total value (£) of the mid-year repayments that have been enforced / collected for contracts for which the action plan has been rejected (NB. If there is no difference between the value in 2c and 2d, please still include both).</p>	<p>0</p>	<p>0</p>	

Question 3: Contract rebasing

a. The number of contracts which have been re-based (i.e. the number of UDAs changed) after the 96% UDA delivery target has not been reached for a period of 3 consecutive years.	0	0	The response reflects that there have been no contracts rebased following 3 consecutive years of under delivery below 96%. However, 1 contract (22/23) and 1 contract (23/24) mutually agreed to a UDA contract reduction totalling 4800 UDAs.
b. The number of contracts which have been re-based unilaterally (i.e. enforced by the ICB, rather than through mutual agreement with the provider).	0	0	

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 faithfully

S Davies

S Davies
Information Governance Officer