

Our Reference North East and North Cumbria ICB\
FOI ICB 25-056

North East and North Cumbria ICB
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By Email

3 June 2025

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 on 19 May 2025 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, Newcastle Gateshead, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley.

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

Your Request

Because it is a legal requirement for relevant NHS providers to produce an annual report on complaints and to send a copy of that report to the relevant integrated care board, I had expected the NHS North East and North Cumbria Integrated Care Board would have an effective system for monitoring receipt of such reports so that it could determine if any NHS providers were breaking the law, and because of the legal requirement, I had expected the number of NHS providers that may have broken the law to be very low. However, it appears from your response that the NHS North East and North Cumbria Integrated Care Board does not have an effective system for monitoring receipt of such reports.

In your response, you stated that "complaints are a standard meeting agenda item and the ICB would need to verify that a complaint had been received to provide a response"; however, this is not relevant to my request as I did not ask what the NHS North East and North Cumbria Integrated Care Board had done regarding each complaint received by the relevant responsible bodies; the request specifically concerned what the NHS North East and North Cumbria Integrated Care Board had done regarding relevant responsible bodies that had not sent a copy of the annual complaint report to the NHS North East and North Cumbria Integrated Care Board, and had therefore broken the law.

As a simplification of my original request, in accordance with the Freedom of Information Act 2000, I now request that I be provided with the following information:

1. For 2023-2024, the names of the relevant NHS foundation trusts from which the NHS North East and North Cumbria Integrated Care Board has not received the annual complaint report specified in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
2. The action that has been taken by the NHS North East and North Cumbria Integrated Care Board in respect of each relevant NHS foundation trust from which it has not received the annual complaint report for 2023-2024 specified in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009.
3. In general, how the NHS North East and North Cumbria Integrated Care Board acts on the information provided in the annual complaint report specified in the Local Authority Social Services and National Health Service Complaints (England) Regulations 2009 sent to it by relevant NHS providers.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does not hold the information requested.

1. NHS North East and North Cumbria ICB does not have a record of having received the 2023/24 annual complaints reports for the following NHS Foundation Trusts:
 - County Durham and Darlington NHS Foundation Trust
 - Cumbria, Northumberland, Tyne and Wear NHS Foundation Trust
 - Gateshead Health NHS Foundation Trust
 - Newcastle Upon Tyne Hospitals NHS Foundation Trust
 - North East Ambulance Service NHS Foundation Trust
 - Northumbria Healthcare NHS Foundation Trust
 - South Tees Hospitals NHS Foundation Trust
 - Tees, Esk and Wear Valleys NHS Foundation Trust
2. No specific action has been taken in respect of each relevant NHS Foundation Trust from which the North East and North Cumbria ICB has not received an annual complaints report for 2023/24. This is due to:
 - Complaints/patient experience is a standing agenda item for discussion at Trust Quality Assurance Committees, at which the ICB is represented.
 - Provider Annual Quality Accounts include complaints information and are sent to the ICB to produce a statement in response prior to publication.
 - The NHS Standard contract which the ICB uses to monitor NHS Foundation Trusts, does not make specific reference to providers having to send an annual complaints report to commissioners. The NHS Standard contract does however include the requirement for providers to produce an annual quality account.
3. As previously mentioned, complaints are part of ongoing discussions in Trust Quality Assurance Committees throughout the year at which the ICB is represented. This is often triangulated with other patient experience metrics including incidents, patient survey results,

friends and family test results, Patient Advice and Liaison Service feedback and audit data. Patient stories are also included as standing agenda items for information and discussion.

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 ICB's complaints procedure.

The Information Commissioner can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or 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

Information Governance Support Officer

**Information Governance Support Officer
North East and North Cumbria Integrated Care Board**