

Our Reference North East and North Cumbria ICB\
FOI ICB 25-060

North East and North Cumbria ICB
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By Email

9 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 22 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

We would like to request the following information:

1. The name of the prescribing decision support solution(s) currently in place within your ICS.
2. If more than one, which localities/places have which tool.
3. Award value of the contract.
4. Commencement date of contract.
5. Duration of initial term and extension term of the contract.
6. Whether any procurement exercise has been launched to re-procure any or all of the contract(s).

Our Response

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

1. The prescribing decision support solution(s) currently in place is First Databank (FDB)'s Analyse Rx.

Please note that Optimise Rx is classed as a prescribing decision support tool. Also, depending on the definition, Ardens is used in Northumberland but that is only funded by the Local Delivery Team in Northumberland. Additionally, the Clinical Digital Resource Collaborative (CDRC) is available across NENC.

2. Analyse and Optimise are NENC wide contracts. Ardens is Northumberland only. Other areas have solutions, but they are funded via federations and PCNs etc. CDRC is a NENC wide offer but there is varying take up.
3. NENC ICB and FDB hold the contract values for OptimiseRx and AnalyseRx.

The OptimiseRx contract value is per the framework stated price; this is £943,804.80. NHS SBS (Shared Business Solution) national framework allows us to directly award AnalyseRx and Optimise Rx through Lot 1 and 2: Data Population Health Medicine Optimisation System. All the various information governance (IG), information technology (IT) and due diligence around contracting have been reviewed to ensure ICBs are fully supported when selecting a provider service.

For reference, the link to the Medicines Optimisation Prescribing Decision Support Systems Framework Agreement is <https://www.sbs.nhs.uk/services/framework-agreements/medicines-optimisation-prescribing-decision-support-systems-3/>

CDRC is a collaborative with Health Innovation North East and North Cumbria (HiNENC) and NHS North of England Commissioning Support (NECS). The ICB are invoiced by Community Based Care Health Ltd for a contribution to CDRC.

The Freedom of Information Act (FOIA) 2000 contains a number of exemptions that allow a public authority to withhold certain information from release. Some of the requested information is exempt under s.43(2) of the FOIA2000 as disclosure is likely to prejudice the commercial interests of a person as defined by the Act.

The s.43(2) exemption applies to part of question 3, the information relating the value of the contract with Analyse Rx.

S.43(2) of the Freedom of Information Act protects against the disclosure of information where it would be likely to prejudice the commercial interests of either a third party or the public authority itself. We are of the opinion the release of the specific details would, or would be likely to, prejudice the commercial interests of FDB. FDB have given the ICB below market costs and have requested this cost is not shared. FDB did not want the contract value to be shared, as the price agreed is below the national framework price and so sharing the costs would prejudice FDB's business costs in the future.

The Information Commissioners Office has established a multi criteria test for assessing whether a section 43(2) exemption is applicable to the requested information. The first criteria is to determine if the information relates to or could impact on a commercial activity, the second criteria is if the commercial activity is conducted in a competitive environment, and finally if that information is commercially sensitive.

The application of this exemption requires an examination of the public interest in disclosure in comparison as opposed to that in non-disclosure.

The factors in *favour of disclosure* would include:

- Transparency of costs incurred in this contract.

Factors in favour of *withholding the information* are largely laid out in the explanation for the use of the exemption above but would include:

- The AnalyseRx contract value is below the national framework costs; if the price is shared, this would impact FDB's service costs and commercial activity in the market.
- Sharing the contract value would prejudice FDB's business costs in the future.
- Sharing the contract value would impact on ICB procurement costs in the future and may cause the ICB a disadvantage when going out to re-tender for this next time.
- The ICB's purchasing position may be impacted, putting the ICB at a financial disadvantage.
- FDB would be put at a competitive disadvantage when seeking other tenders with other contracts with other public authority organisations.

In summary, to disclose the contract value would impact on future costs incurred by NENC ICB if and when a prescribing decision support solution(s) contract is retendered. This may disadvantage the ICB and FDB. After consideration of the above factors, we believe, on balance, the public interest lies in maintaining the exemption.

4. Commencement dates are:
Analyse Rx: 1 November 2024.
Optimise Rx: 1st April 2023.
5. Duration of contracts:
Analyse Rx: 29 months until March 2027.
Optimise Rx: 3-year contract until March 2026.
6. Please refer to the response to question 3 regarding the national framework on SBS with executive sign off regarding tender waver process.

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, Wycliff 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**