

Our Reference North East and North Cumbria ICB\
FOI ICB 24-232

NECS – John Snow House
Durham University Science Park
Durham
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Tel: 0191 301 1300
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By Email

13 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 6 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 am writing to formally submit a Freedom of Information (FOI) request concerning the procurement and award of contracts under Lot 1 of the Workforce Alliance RM6281 framework for providing temporary nurses and clinical staffing. I kindly request your assistance in addressing the following inquiries:

1. *Compliance with Public Contracts Regulations 2015*: Please provide information on how the Trust ensures that the awarding of contracts under Lot 1 of the Workforce Alliance RM6281 framework adheres to the Public Contracts Regulations 2015.
2. *Non-discrimination and Fairness*: How does the Trust ensure that it does not discriminate or act unfairly towards suppliers when selecting contractors under this framework?
3. *Supplier Invitation*: Does the Trust invite all approved suppliers under the framework to bid or supply services, as stipulated by the framework's rules? If so, could you provide evidence or examples of this process in practice?
4. *Supplier Selection Process*: Please outline the legal justification the Trust uses when selecting certain suppliers while excluding others under the Workforce Alliance RM6281 framework.
5. *Compliance with Selection Criteria*: Could you explain the process by which suppliers are selected under the framework, particularly concerning ensuring compliance with the selection

criteria set out in the Workforce Alliance RM6281 framework and the Public Contracts Regulations 2015?

6. *Further Competition Process*: Could you describe the process your Trust follows for further competition under the Workforce Alliance RM6281 framework? Specifically, do you use direct awards, or do you invite suppliers for further competition for Lot 1? Please provide evidence to support your response.
7. *Evidence of Compliance*: Kindly provide any documentation or evidence demonstrating how the Trust ensures compliance with the aforementioned regulations and framework rules when awarding contracts under Lot 1 for the provision of temporary nurses and clinical staffing.
8. *Legal Queries and Proceedings*: Please provide contact details (department and individual, if available) for submitting legal queries or initiating legal proceedings related to procurement processes under this framework.

I would appreciate a response within the statutory 20 working days, as outlined in the Freedom of Information Act 2000. If any clarification is required or any part of this request is unclear, please do not hesitate to contact me using the details provided.

Our Response

On this occasion it is not possible to provide the requested information. In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm the ICB does not hold any of the information requested for questions 1-7. However, we have determined that the information is held by the acute and mental health hospital NHS foundation trusts (FTs) within the North East and North Cumbria region.

In accordance with our duty under s.16 of the FOIA to provide reasonable advice and assistance to an individual requesting information, we have provided the FOI email addresses for those hospitals to make your request.

NENC Acute Hospital FTs	Email
County Durham and Darlington NHS FT	cdda-tr.cddftfoi@nhs.net
Gateshead Health NHS FT	ghnt.foi.enquiries@nhs.net
North Cumbria Integrated Care NHS FT	foirequest@cumbria.nhs.uk
North Tees and Hartlepool NHS FT	foi@nth.nhs.uk
Northumbria Healthcare NHS FT	foi@northumbria.nhs.uk
South Tees Hospitals NHS FT	foi@stees.nhs.uk
South Tyneside and Sunderland NHS FT	stsft.freedomofinformation@nhs.net
The Newcastle upon Tyne Hospitals NHS FT	nuth.freedom.information@nhs.net

NENC Mental Health Hospital FTs	Email
Cumbria, Northumberland, Tyne and Wear NHS FT	foi@cntw.nhs.uk
Tees, Esk and Wear Valley NHS FT	tewv.foi@nhs.net

In response to question 8, please direct legal queries to necsu.icblegal@nhs.net

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