

Our Reference North East and North Cumbria ICB\
FOI ICB 26–227

North East and North Cumbria ICB
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By Email

2 September 2026

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 5 August 2026 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

I am writing to request recorded information held by NHS North East and North Cumbria Integrated Care Board relating to the Corporate Adult Attention Deficit Hyperactivity Disorder (ADHD) Policy, reference ICBP031, version 1.0, issued 7 July 2026, and to the indicative activity plans applied to Right to Choose and accredited providers of adult ADHD assessment.

Please provide the following.

1. The Equality Quality Impact Assessment dated 03.06.2026 referred to on the cover page of ICBP031, in full. If any part is withheld, please identify the exemption relied upon and the public interest reasoning.
2. The minutes, papers, reports and decision logs of the NENC ICB Leadership Committee, the Value Based Commissioning Group, and the mental health and all age continuing care commissioning sub-committee, for the period 1 January 2026 to 7 July 2026 inclusive, in so far as they relate to ICBP031 or to the setting of waiting times for Right to Choose and accredited providers.
3. Any recorded modelling, analysis, financial appraisal, options appraisal or advice held by the ICB that supports the figure of 78 weeks specifically, as set out at paragraph 5.3 of ICBP031, including any consideration of alternative waiting time thresholds.

4. Any recorded guidance, instruction, briefing note, standard operating procedure, internal or external FAQ, or correspondence with providers or GP practices, that sets out how paragraph 5.3 of ICBP031 applies to referrals made before 7 July 2026. I am particularly interested in any recorded information addressing (a) whether the 78 week period is calculated from the date of the original referral, and (b) the position of patients whose referral was declined, returned or not accepted by a provider between 1 January 2026 and 30 June 2026.
5. All correspondence, contract variation notices and activity management notices issued by the ICB, or by NECS on the ICB's behalf, to Right to Choose or accredited providers between 1 December 2025 and 31 July 2026 concerning the acceptance of referrals from NENC registered patients, or the pausing, deferral or capping of adult ADHD assessments.
6. The indicative activity plans agreed under paragraph 5.1 of ICBP031 for adult ADHD assessment for financial years 2025/26 and 2026/27, showing the commissioned volume of initial diagnostic assessments for each provider. Where the ICB considers that unit prices or tariffs are exempt under section 43, please redact those figures and disclose the volumes and totals, which I do not accept are commercially sensitive.
7. The number of adult ADHD Right to Choose referrals made by NENC registered GP practices between 1 January 2026 and 30 June 2026, together with any management information the ICB holds on how many of those referrals were accepted, declined or returned by providers. If the ICB does not hold this information, please confirm that under section 1(1)(a) and state what activity and waiting list reporting the ICB does receive from Right to Choose and accredited providers under the indicative activity plan arrangements.
8. The number of complaints, concerns and MP enquiries received by the ICB relating to access to adult ADHD assessment via Right to Choose between 1 January 2026 and the date of this request, and the number of those to which the ICB provided a signposting response rather than a personalised response.
9. Any recorded advice, assessment or correspondence held by the ICB on whether ICBP031, or the introduction of the referral management hub described at paragraphs 3.30 to 3.32, constitutes a substantial variation in service for the purposes of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013, together with any correspondence with local authority health overview and scrutiny committees or with Healthwatch organisations about the policy.

If you consider that complying with this request in full would exceed the appropriate limit under section 12, I ask that you contact me under your section 16 duty to advise and assist before issuing a refusal. To assist you, my priority order is items 1, 4 and 5, followed by 2, 3 and 6, followed by 7, 8 and 9, and I am content for the request to be treated as narrowed to the higher priority items rather than refused in full.

Where information is withheld under a qualified exemption, please set out the public interest balancing exercise you have carried out. Where information is withheld under section 21 as reasonably accessible by other means, please provide the specific URL rather than a general reference to the ICB website.

Please provide the information electronically, in PDF or spreadsheet format as appropriate. I understand the response is due within 20 working days of receipt under section 10.

Our Response

1. Please find the Equality Quality Impact Assessment attached.
2. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested. However, it is exempt from disclosure because it

is intended for future publication. It is considered that it is reasonable to withhold the requested information prior to publication. An ADHD and Autism Update and the Draft Adult ADHD Commissioning Policy was discussed at the June 2026 ICB Leadership Committee. The minutes of this meeting will be published as part of the papers for the Board meeting scheduled for 30 September 2026.

We believe that following the established date of publication is sensible, in line with accepted practices, and fair to all concerned. It is acceptable to manage the availability of this information by planning and controlling its publication, as the timetable for publication enables internal consideration of the information prior to its public release.

When considering the application of this exemption we are required to assess the public interest in withholding or disclosing the requested information. There is evidently a public interest in this report, however, this is best served by preventing the disclosure of that information ahead of the ICB's predetermined timescale. It is considered that the public interest is to enable the ICB to finalise, approve and publish this information in the near future. We would therefore argue the public interest is adequately served by the existing publication date, pursuant to the ICB's existing intentions.

Therefore, on this occasion, we consider the public interest in withholding the requested information outweighs the public interest in providing the requested data at this time.

For your reference, confirmed minutes and decision logs for the Leadership Committee meetings can be found in the public Board papers on our website; [Previous Board meetings | North East and North Cumbria NHS](#)

No discussions or decisions have taken place in the Value Based Commissioning Group January 2026-July 2026 in relation to ICBP031 or setting of waiting times for Right to Choose and accredited providers.

At the meeting of the Mental Health and All Age Continuing Care subcommittee on 19 May 2026, a slide deck was shared post meeting regarding Adult Neurodiversity, in relation to the strategic aims of the NENC ICB (Minute excerpt enclosed).

At the meeting of the Mental Health and All Age Continuing Care subcommittee 18 August 2026, the subcommittee received the recently drafted Neurodevelopment Commissioning Framework for approval. The minutes from this meeting are unavailable until they are ratified in September 2026.

3. We can confirm, as per Section 1(1) of the Freedom of Information Act (FOIA) 2000, the ICB does hold the requested information. However, it is exempt from disclosure under s.40(2) of the FOIA2000 as it would constitute personal data as defined by Article 4(1) of the UK General Data Protection Regulation (UK GDPR); these documents include patient data. The modelling used waiting-list information held by providers known to the ICB at the time and considered patients' waiting times across a range of weeks. The modelling was used to estimate the potential financial impact of commissioning services against a number of alternative waiting-time thresholds. These thresholds included 78 weeks, 52 weeks, 21 weeks, 18 weeks, and 12 weeks.
4. The document 'Supporting information Right to Choose Referrals' is attached.
5. NENC ICB has not asked providers to pause, defer or cap adult ADHD assessments. We do not contract with RTC providers directly, they are independent providers we fund. The

correspondence with RTC providers is limited to Indicative Activity Plans and invoices to NHS NENC ICB.

6. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does hold the requested information. However, on this occasion, it is not possible to satisfy all elements of your request.

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 FOIA 2000 as disclosure is likely to prejudice the commercial interests of a person as defined by the Act.

The s.43(2) exemption applies to question 5 in its entirety. 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 both the ICB and RTC providers.

The Information Commissioner's 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.

NENC ICB funds over 40 independent providers contracted to offer ADHD and Autism assessments under Right to Choose pathways, on NHS contracts with ICBs elsewhere in the country. We do not directly commission with these organisations which are all commercial businesses. The number of providers we fund fluctuates and not all IAPs are agreed for this financial year. Disclosing this information may jeopardise the ongoing agreement discussions.

The factors in *favour of disclosure* would include:

- Encourage and promote good competition and value for money
- Transparency of functions; procurement and services to NHS

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

- Disclosing the IAPs and values for over 40 RTC providers would prejudice the bargaining position of the ICB in any future procurement processes and influence the pricing within the market and to disclose the budget allowance, and the pricing could impact the provider's competitive position.
- The information requested is not routinely shared publicly and is considered sensitive due to its potential to reveal operational strategies and business decisions. The RTC providers we fund would reasonably expect this information to remain confidential.

To summarise, disclosing this information may impact on our purchasing position. Tariffs and specifications are set by the host commissioning organisation and releasing this information may cause disparity. All RTC independent providers offer commercially competitive services

and rates, not determined by NENC. There is significant potential to create unfair market competition and/or disadvantage patients if providers are able to compare proportionate ICB allocation.

After consideration of the above factors, we believe, on balance, the public interest lies in maintaining the exemption.

7. 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. NENC ICB does not receive information from providers regarding drop off or declines. We also do not have the information from GP referrals as all we receive is an invoice which does not correlate to any timeframe.

In accordance with our duty under s.16 of the FOIA to provide reasonable advice and assistance to an individual requesting information, should you wish to redirect your request, a list of practices is available on the NHS Digital website: GP and GP practice related data – NHS England Digital. The GP Practices full file name is epraccur and for your reference, NENC ICB's Organisation Data Service (ODS) code is QMH.

8. Seventeen (17) MP queries relating specifically to the indicative activity plan and ADHD during the identified period. Of those, two (2) were general signposting and fifteen (15) were 15 personalised. The ICB has received 61 complaints and concerns regarding Adult ADHD assessments between 1 January 2026 and the date of this request. All 61 complaints and concerns were signposted to the NENC ICB Attention Deficit Hyperactivity Disorder (ADHD) and Autism webpage.
9. 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.

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 Information 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**