

Our Reference North East and North Cumbria ICB\
FOI ICB 26–240

North East and North Cumbria ICB
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By Email

26 August 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 11 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

Please treat this as a request for information under the Freedom of Information Act 2000.

I am requesting detailed information regarding NHS Right to Choose (RTC) neurodevelopmental assessments commissioned by North East and North Cumbria ICB for the period 1 April 2026 – 31 March 2027. Please provide the following:

1. The total number of adult neurodevelopmental (ADHD/autism) RTC assessments commissioned by NENC ICB for 2026/27.
2. The number of these commissioned assessments allocated specifically to Psychiatry UK.
3. The number of adult neurodevelopmental RTC referrals currently on the Psychiatry UK waiting list that are funded by NENC ICB.
4. The number of referrals submitted to Psychiatry UK by NENC ICB GP practices between 1 April 2026 and today's date.
5. The number of referrals approved, paused, or rejected by NENC ICB for Psychiatry UK during this period.
6. Any commissioning instructions, activity caps, or restrictions issued by NENC ICB to Psychiatry UK relating to RTC neurodevelopmental assessments for 2026/27.
7. The number of assessment slots remaining for NENC ICB for the 2026/27 financial year.

8. The number of patients whose expected assessment date is projected to fall beyond 31 March 2027.

If possible, please provide the above information broken down by quarter.

Our Response

1. 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 do not commission by volume of assessments.
2. 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.
3. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB on this occasion is not able 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. However, we have determined that the information is held by the 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 contacts for those foundation trusts.

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

4. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB on this occasion is not able 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. However, we have determined that the information is held by the individual GP practices within the North East and North Cumbria region.

For your reference, 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**.

5. We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB on this occasion is not able 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 do not manage referrals on behalf of any provider.
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 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 question 6 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 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.

NENC ICB funds Indicative Activity Plans 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 do not commission assessments by volume or slots.
8. 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 do not manage waiting lists for providers.

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**