

Our Reference North East and North Cumbria ICB\
FOI ICB 24–135

NECS – John Snow House
Durham University Science Park
Durham
DH1 3YG

Tel: 0191 301 1300
E-mail: necsu.icbfoi@nhs.net

By Email

2 July 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 27 June 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).

We have dealt with your request in accordance with your “right to know” under section 1(1) of the Freedom of Information Act 2000 (subsequently referred to as FOIA2000) which entitles you to be provided with information “held” by a public authority unless an appropriate exemption applies.

Your Request

I make the following request under Freedom of Information Act 2000. My request relates to information held by NHS England, in respect of the Independent Review by Marianne Griffiths into the North East Ambulance Service NHS Foundation Trust.

The review was published in July 2023, the information I seek is specifically in relation to Chapter 8: Terms Of Reference 8, regarding the trusts use of Settlement Agreements and Confidentiality Clauses.

This can be found at page 71 to page 74 of the review document reports contents.

Earlier freedom of information requests, made to NHS England, which are in the public domain, revealed the costs associated with the NHS England review into the NEAS Deaths scandal.

One such previous information request has revealed that the sum of £9,491,70 was spent by the review team on legal advice. Freedom of information requests have also revealed that this advice was provided by the law firm – Hill Dickinson LLP.

The information I request is as follows:

1. Regarding the evidence, findings and conclusions outlined in 'Chapter 8: Terms of Reference 8' of the NHS England report by Marianne Griffiths, did Hill Dickinson LLP provide legal advice to the Marianne Griffiths review team, regarding the Settlement Agreements and confidentiality clauses covered in this section of the published report?
2. If Hill Dickinson LLP did not provide the above legal advice regarding Settlement Agreements and confidentiality clauses to the review team, then which firm, solicitor or barrister provided this legal advice?
3. The findings regarding the Settlement Agreements and confidentiality clauses were published in the NHS England review by Marianne Griffiths in July 2023.
 - a. Were any concerns regarding the Settlement Agreements or confidentiality clauses mentioned in the review, raised with the legal regulators, the Solicitors Regulation Authority by either Marianne Griffiths or her review team?
 - b. Were any concerns regarding the Settlement Agreements or confidentiality clauses mentioned in the review, raised with the legal regulators, the Solicitors Regulation Authority by NHS England?
 - c. Were any concerns regarding the Settlement Agreements or confidentiality clauses mentioned in the review, raised with the legal regulators, the Solicitors Regulation Authority by Hill Dickinson LLP or any of its employees?
 - d. Were any concerns regarding the Settlement Agreements or confidentiality clauses mentioned in the review, raised with the legal regulators, the Solicitors Regulation Authority by anyone else connected with the NHS England review and not mentioned in the questions above?

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. However, we have determined that the information is held by North East Ambulance Service NHS Foundation Trust and NHS England.

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 public authorities to make your request.

North East Ambulance Service NHS FT: publicrelations@neas.nhs.uk

NHS England: england.contactus@nhs.net (Please write “Freedom of Information” in the subject line)

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 sincerely

S Davies

S Davies
Information Governance Officer