

Our Reference North East and North Cumbria ICB\
FOI ICB 25–200

North East and North Cumbria ICB
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By Email

9 September 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 19 August 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

Please can I request the following under the Freedom of Information Act 2000:

1. Any/all documents or other data pertaining to the ICB's (and any other organisation involved) decision to decommission the Gateshead Adult Mental Health Peer Support Service (AMHPSS) (South Tyneside and Sunderland NHS Foundation Trust).
2. Any/all assessments/analysis of the AMHPSS's effectiveness/efficiency since the service was first commissioned.
3. Any/all assessment/analysis of measurable outcomes utilised by the AMHPSS.
4. Documents or other data surrounding the original decision to commission the AMHPSS.
5. Documents of the same nature as the above but in relation to the Gateshead Children and Young People's Primary Care Mental Health Service.

Our Response

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.

1. 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 questions 1, 2 and 3 in their 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 South Tyneside and Sunderland NHS Foundation Trust (STSFT) or NENC ICB. We are of the opinion the release of the specific details would, or would be likely to, prejudice the commercial interests of STSFT.

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 about the 2 services – Gateshead Adult Mental Health Peer Support Service and Gateshead Children and Young People’s Primary Care Mental Health Service – being decommissioned.
- Value for money.

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

- Reputational damage of the trust
- Public confidence in the trust
- Commercially confidential
- Impact on place in market
- Evaluation could be misinterpreted

To summarise, disclosure of documents pertaining to NENC ICB’s decision to decommission the service would significantly impact the commercial interests of STSFT for the following reasons:

- *Erosion of trust:* Service users/stakeholders may perceive STSFT as not providing quality across their other services across the South of Tyne ICB area.
- *Negative publicity:* Media or social media coverage could damage the STSFT brand equity.
- *Impact on Future Commissioning/Loss of Place in Market:* Attracting negative attention could impact future tenders STSFT submit.
- *Preserving candour:* Stakeholders must be able to provide honest and critical feedback during service reviews. Disclosure may deter future openness, compromising the integrity of future evaluations.

- *Protecting sensitive deliberations:* The evaluations contain information about service performance. Releasing this information could damage working relationships and morale.

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

2. Please refer to the response to question 1.
3. Please refer to the response to question 1.
4. 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 your reference, the original decision to commission the AMHPSS was taken prior to the inception of NENC ICB.
5. 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 your reference, the original decision to commission the Gateshead Children and Young People's Primary Care Mental Health Service was taken prior to the inception of NENC ICB.

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**