NHS
North East and North Cumbria

Our Reference North East and North Cumbria ICB\ FOI ICB 26–339

North East and North Cumbria ICB
Pemberton House
Colima Avenue
Sunderland Enterprise Park
Sunderland
SR5 3XB

Tel: 0191 535 4288
E-mail: nencicb.foi@nhs.net

By Email

27 October 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 29 September 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 requesting a copy of the submission this ICB made to NHS England as part of the exercise to inform the deconstruction of block contracts for mental health and community trusts, due by 17 September 2026. This exercise estimated contract values for local mental health and community trusts based on activity x price assumptions, rather than existing block contracts.

Please include:

- The submission itself, showing the calculated activity-based value, current block contract value, and resulting gap for each affected provider.
- Any accompanying report or analysis or discussing these findings.

Please let us know without delay if any clarification is required.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB does hold the information requested.

The ICB considers that this information is exempt under Freedom of Information Act 2000, Section 36(2)(c) as its disclosure would prejudice the effective conduct of public affairs.

Section 36(2) requires a public authority to consult a relevant qualified person before the exemption is engaged. It further necessitates that the qualified person has the reasonable opinion that the harm referenced in the exemption would, or would be likely to, arise through disclosure. The qualified person in this case is David Chandler, Director of Finance.

In the qualified person's opinion Section 36(2)(c) is engaged. Section 36 is a qualified exemption and before the information can be withheld the wider public interest needs to be balanced against the harm specified in the exemption.

Considerations in favour of disclosure

- The ICB acknowledges that there is a clear public interest in accountability and transparency regarding health services commissioned by the ICB.
- There is a strong public interest in knowing how public monies are managed by the ICB.

Considerations against disclosure

- The information provided to NHS England was provided as a draft submission.
- Significant further work is ongoing to validate the information, with the submission to NHSE not representing an agreed rebased contract position between the ICB and relevant provider trusts.
- The draft plan is intended for future review following review by NHS England.
- There is an inherent public interest in not disclosing information which could be misleading to the public and may not accurately reflect the final information.
- There is an inherent public interest in allowing free and frank discussion and formulation of opinion which could be negatively impacted by the disclosure of potentially misleading information which is subject to change.
- The availability of other information to scrutinise the decisions made.

Conclusion

The ICB recognise that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them in relation to public spend. However, there is also a public interest in the ICB being able to provide preliminary figures to NHS England which could be negatively impacted by the disclosure of potentially misleading information which is subject to change whilst the ICB explore sustainable options. This would prejudice the ICB's ability to offer an effective public service or to meet its wider objectives or purposes due to the disruption caused by the disclosure.

The ICB previously stated that the submission to NHS England does not include final figures.

There is significant further work needed to validate numbers etc, with final impact to then be considered as part of updating contract values for financial year 2027/28. If the ICB were to disclose this information, then this would be misleading to the public. All parties (ICB and relevant provider trusts) have confirmed in the submission to NHSE that this is not a locally agreed rebased contract position and should not be used in isolation to infer overfunding, underfunding or a change to contractual values.

The ICB recognise that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for monies spent by the ICB. However, there

is also a public interest in the ICB being able to provide accurate information to the public, following NHS England approval.

If the funding submission were made public, it would / would be likely to prejudice the effective conduct of public affairs under section 36 section 36(2)(c)]. This information is therefore exempt from disclosure under section 36 of the Freedom of Information Act 2000 (FOIA).

Having undertaken the balancing exercise, the ICB have concluded that the public interest in maintaining the exemption outweighs the public interest in disclosing the requested information having regard to the effect that the disclosure of the information would not be in the public interest.

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, 4th Floor, No. 3 Circle Square, 5 Hawkshaw Street, Manchester, M1 7BL 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