

Our Reference North East and North Cumbria ICB\  
FOI ICB 24–247

[NECS – John Snow House](#)  
Durham University Science Park  
Durham  
DH1 3YG

Tel: 0191 301 1300

E-mail: [necsu.icbfoi@nhs.net](mailto:necsu.icbfoi@nhs.net)

By Email

18 September 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 11 September 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).

Please find the information you requested on behalf of the ICB as follows.

**Your Request**

I am writing to request information with regards to the ICS/B's right to choose policy as far as children and adult neurodevelopmental assessments are concerned (ADHD/ASD). Can you confirm the following:

- Who is currently responsible for the neurodevelopmental (ND) right to choose process?
- Who is responsible for signing off the invoices in relation to work performed by an accredited right to choose provider?

**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 [NHS Choice Framework](#) sets the choices available to patients/parents in the NHS rather than NHS Integrated Care Boards (ICB). In some circumstances patients (of all age) have legal rights to choose (RTC) and you must be given these choices by law. In other circumstances patients do

not have a legal right to choose, but should be offered choice about their care, depending on what is available locally. Please follow the link for an understanding on right to choose.

In summary and for ease, patients/parents have legal rights to choose based on the following criteria, however more detail on each element can be found in the links above to help inform your decision:

- The patient has an elective referral for a first outpatient appointment (second opinions do not qualify as a legal right)
- A GP must refer the patient, self-referrals or consultant referrals do not apply.
- The referral is clinically appropriate for the presenting needs of the patient, deemed by the referring GP.
- The receiving service and team are led by a consultant or a mental healthcare professional.
- The receiving provider has in place a signed NHS Standard Contract with NHS England or any NHS ICB in England for the required service AND
- The receiving provider can offer the clinically appropriate service earlier than the commissioned provider, where the commissioned provider is breaching national waiting times (most providers make this information available on their website)

The above process is one method of payment/decision making under patient choice legislation, often referred to as the non-contracted activity route.

Where a provider does not already hold a contract with the North East and North Cumbria ICB (NENC ICB) or another ICB in England, the accreditation process can be followed instead for any qualified provider wishing to deliver services within the NENC ICB footprint (the second route). This could be a new provider who is not currently contracted by an ICB or an existing provider looking to expand their service offering.

In both cases, it is the responsibility of the North East and North Cumbria ICB finance and contracting directorates to approve invoices, whether via the non-contracted route or contracted route.

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](http://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](http://www.legislation.gov.uk) . This will not affect your initial information request.

Yours faithfully

*S Davies*

**S Davies**  
**Information Governance Officer**