

Our Reference North East and North Cumbria ICB\  
FOI ICB 24-119

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By Email

15 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 17 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).

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

**Your Request**

I am writing to you to make a Freedom of Information request regarding the commissioning processes within the North East and North Cumbria ICB where public and private healthcare are mixed.

Various local NHS ICBs have published their own guidance on the boundaries between NHS and private healthcare [2,3,4,5,6], a set of similar publications with dates ranging between 2009 and 2023 which I understand are based on the same NHS Commissioning Board Interim Commissioning Policy: NHSCB/CP/12.

From my understanding of these policies, the mixing of public and private healthcare is permitted, provided this is not within the same “episode of care”- a commonly used phrase within these policies. An episode of care is defined in [2] as:

*“A period of engagement between an NHS commissioned healthcare intervention and the patient in which NHS commissioned care is provided to the patient. The following are examples of episodes of care:*

- *A single visit to the GP*
- *An outpatient appointment*
- *A series of diagnostic tests relating to the same person at an NHS hospital on the same day*
- *A day case operation with all the supporting clinical activity before and after the operation on that day*
- *The initial assessment and prescription of a cancer drug. If the drug is required to be given at a series of outpatient appointments, then each attendance will be a separate episode of care.”*

I have been unable to source a copy of a policy implementing NHSCB/CP/12 for the North East and North Cumbria ICB, my local integrated care board.

In responding to this Freedom of Information request, please could you:

1. Provide me with a copy of your local ICB policy implementation on the mixing of public and private care if this exists, preferably via email.
2. Please confirm whether the above definition of “episode of care” is also adopted within the North East and North Cumbria ICB region.
3. Alternately, if a different approach is adopted at the local level, please can you explain how patient choice and the mixing of public and private healthcare is implemented, with reference to relevant national policy (including [1]) if necessary.

I look forward to hearing from you. I would be most grateful if you could acknowledge receipt of this email and indicate how long you would expect to require to service this request. If you require any further information, please do not hesitate to contact me.

## References

[1] Guidance on NHS patients who wish to pay for additional private care. Department of Health. 2009. Online:

<https://assets.publishing.service.gov.uk/media/5a74ccb340f0b61df4778971/patients-add-priv-care.pdf> via <https://www.gov.uk/government/publications/nhs-patients-who-wish-to-pay-for-additional-private-care>

[2] Defining the Boundaries between NHS and Private Healthcare. Derby and Derbyshire Integrated Care Board. 2023. Online:

<https://www.derbyshiremedicinesmanagement.nhs.uk/assets/Clinical-Policies/Governance Policies/Defining the Boundaries between NHS and Private Healthcare.pdf>

[3] Commissioning Policy (EMSCGP005V2) Defining the boundaries between NHS and Private Healthcare. East Midlands Specialised Commissioning Group. 2009. Online:

<https://notts.icb.nhs.uk/wp-content/uploads/sites/2/2022/04/EMSCG-Defining-the-boundaries-between-NHS-and-Private-Healthcare-Policy-ICB.pdf>

[4] Defining the Boundaries Between NHS and Private Healthcare Policy. Bedfordshire and Milton Keynes. 2022. Online: <https://bedfordshirelutonandmiltonkeynes.icb.nhs.uk/our-publications/uncategorized/defining-the-boundaries-between-nhs-and-private-healthcare/>

[5] Defining the Boundaries between NHS and Private Healthcare. Shropshire Clinical Commissioning Group. 2012. Online: <https://www.shropshiretelfordandwrekinccg.nhs.uk/wp-content/uploads/defining-boundaries-nhs-private-healthcare.pdf>

[6] Decision support framework for defining the boundaries between privately funded treatment and entitlement to NHS funding, under a range of circumstances. NHS Leeds North Clinical Commissioning Group, NHS Leeds South and East Clinical Commissioning Group, and NHS Leeds West Clinical Commissioning Group. 2016. Online: <http://www.healthandcareleeds.org/wp-content/uploads/2014/07/NHS-vs-private.pdf>

## **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.

1. NENC ICB does not hold a commissioning policy that covers NHS and Private Care.
2. NENC ICB can confirm that these definitions are adopted.
3. NENC ICB does not do anything different to national policy.

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 sincerely

*S Davies*

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