

Our Reference North East and North Cumbria ICB\
FOI ICB 25–402

North East and North Cumbria ICB
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By Email

19 January 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 2 January 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

1. Could you please let me know which active primary care rebate schemes your organisation are currently signed up to?
2. Could you please provide the start and end dates of the contracts.

Our Response

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.

1. The table below lists all active rebate schemes NENC ICB are currently signed up to and the associated company.

Name of Drug	Company	Initial Start Date	End Date
Slenyto	Flynn Pharma	01/07/2025	30/06/2028
Freestyle Libre Plus 2	Abbott	01/12/2025	30/11/2026
Xaggitin XL	Ethypharm	01/08/2024	31/07/2026, then rolling until termination

Clenil Modulite	Chiesi Limited	01/07/2024	30/06/2026
Fostair pMDI	Chiesi Limited	01/04/2024	31/03/2026
Fostair NEXThaler	Chiesi Limited	01/10/2023	31/03/2026
Staladex	Aspire Pharma	01/01/2026	31/12/2027
Monopost	Thea Pharma	01/01/2026	31/12/2027
Invita D3 800	Consilient Health	Please refer to the response to question 2	Please refer to the response to question 2

2. 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 part of question 2.

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 either a third party or NENC ICB itself. We are of the opinion the release of the specific details would, or would be likely to, prejudice the commercial interests of both NENC ICB and Consilient Health.

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.

NENC ICB and Consilient Health (Managed by Free Radical Network) have signed a commercial agreement. The contract stipulates not to share start and end dates of the contracts. This FOI was discussed with Consilient Health. They have advised that the start and end date of the contracts are commercially sensitive and must not be shared. 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 of functions; procurement and services to NHS.

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

- NENC ICBs' financial purchasing position would be affected. The prescribing budget would be negatively impacted.
- Procurement processes – due diligence.
- If start and end dates of this specific contract are disclosed, the ICB may lose competitive advantage gained by contracting with this company, as we would be in breach of the contractual agreement we have with them.
- The contractual agreement with Consilient Health stipulates not to share start and end dates as this is considered commercially sensitive.
- Disclosing the information requested would breach the contract that the ICB has signed with Consilient Health.

To summarise, we are not denying that the information is held, but we cannot share the start and end date of the requested contractual information, which is a stipulation in the ICB contract with Consilient Health.

We have considered the financial damage, which could impact on the ICB prescribing budget. This may mean that there would be less budget for primary care prescribers to prescribe drugs for patients. This may impact on patient care.

In addition, NENC ICB would be breaching a contract stipulation with Consilient Health. This would damage the ICB NENC reputation and so other drug manufacturers may not contract with the ICB. This would then impact on the ICB prescribing budget negatively, as it would mean prescribing costs would rise from a limited pot of money to finance all NENC prescribing.

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

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**