

Our Reference North East and North Cumbria ICB\
FOI ICB 24-413

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By Email

6 February 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 by North of England Commissioning Support (NECS) on 27 January 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).

We have dealt with your request in accordance with your “right to know” under section 1(1) of the Freedom of Information Act 2000 (subsequently referred to as FOIA2000) which entitles you to be provided with information “held” by a public authority unless an appropriate exemption applies.

Your Request

Under the Freedom of Information Act, I would like to request the following information.

Details of any material contracts (meaning contracts with an annual value of £250,000 or more) that have been entered into by the ICB or any NHS body within it in the last 5 years that include any “gain share” or “risk share” commercial or pricing mechanisms (by which terms I mean any contracts where some or all of the sums paid to the relevant supplier vary according to how much money/time/resources the supplier has been able to save for the relevant NHS body). For example, I am aware of contracts like this which exist around medicines management so that suppliers are paid more depending on how much money they can save through medicines optimisation processes.

I am particularly interested in any contracts that include gain share or risk share mechanisms related to productivity gains and those that exist between the NHS and information technology suppliers (for example, if a supplier were to undertake to reduce the amount of time spent on an appointment so that healthcare professionals could do more in each day and so fewer staff are

needed, would the supplier be paid a variable amount based on any savings realised by the relevant NHS body).

I note that there is a body referred to as NHS Oversight, see: <https://www.england.nhs.uk/system-and-organisational-oversight/assuring-and-supporting-complex-change/certain-significant-service-contracts/> and it states that it needs to review certain complex commercial contracts being entered into by any NHS body, including those that include gain/risk sharing mechanisms (i.e. “Such contracts could include: significant contracts between trusts and non-NHS organisations that have risk/gain share arrangements”). Please can you flag any contracts that you may have submitted to NHS Oversight for review within the last 5 years that fall within that definition.

I would like you to provide the information in the following format to me via email:

- Details of the contracts, including relevant parties and values.
- Soft copies of the relevant contracts.

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.

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

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 sincerely

S Davies

S Davies
Information Governance Officer