

Our Reference North East and North Cumbria ICB\
FOI ICB 25–110

North East and North Cumbria ICB
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By Email

14 July 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 on 22 June 2025 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

Under the Freedom of Information Act 2000, I would like to request the following information relating to Personal Health Budgets (PHBs) issued or managed by your ICB.

Please provide this information broken down by individual financial year (e.g. 2020/21, 2021/22, 2022/23, 2023/24, 2024/25 to date), for each of the past five financial years or as many as you have data for:

1. The number of fraud concerns or cases involving Personal Health Budgets that were:
 - a. Alleged or reported
 - b. Under investigation
 - c. Proven or substantiated
 - d. Unfounded or dismissed
2. The financial value (£) associated with:
 - a. Proven or substantiated fraud cases
 - b. Any financial recoveries made by the ICB as a result
3. Where held, please indicate whether each case involved:
 - a. Direct payments to individuals

- b. Third-party managed budgets
 - c. Notional budgets
4. If available, please include brief anonymised summaries of the types of fraud involved (e.g. falsified receipts, ineligible spending), while ensuring no personal or identifying information is disclosed.

If possible, please supply the information in a spreadsheet or other structured format.

Our Response

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

For questions 1, 2, 3 and 4, the ICB considers this information exempt from disclosure under Freedom of Information Act 2000, Section 31 (1) (a) (the prevention and detection of crime). The release of the requested information could allow potential perpetrators to judge if their activity has been detected, could increase the vulnerability of the organisation's processes and systems and may aid a potential fraudster.

Section 31 is a prejudice-based exemption and is subject to the public interest test. This means that not only does the information have to prejudice one of the purposes listed, but before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

Public interest test

Considerations in favour of disclosure:

- The inherent public interest in openness and transparency of public authority dealings
- The public interest that officials are spending public money wisely and getting best value, without fear or favour

Considerations against disclosure:

- The release of this information could prejudice existing or future legal actions
- The release of this information could increase the vulnerability of the organisation's processes and systems
- The information may aid a potential fraudster

Conclusion

The ICB recognises 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. However, there is also a public interest in security of information held by the ICB which is put to the wider public interest. Having undertaken the balancing exercise, the ICB has 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.

Particular weight has been placed on the severity of the prejudice which may be caused if this information were released. The ICB considers given that the definition of "public" under the Act is

considered to be the public at large, rather than just the individual applicant or a small group of people and that “public interest” is not necessarily the same as what interests the public, it is considered that to release this information into the public domain is likely to result in prejudice to current or future investigations within the organisation which is not outweighed by the wider public interest for disclosure.

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 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**