



Lincolnshire
Integrated Care Board

Lincolnshire Integrated Care Board

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FREEDOM OF INFORMATION – DECISION NOTICE

Dear Requester

FOI Reference Number: 71878

I refer to your email of 08 November 2023 requesting information in relation to the cost of care conditions relating to Mental Health, Neuropsychiatry and Brain injury.

I can confirm on behalf of NHS Lincolnshire Integrated Care Board (ICB) and in accordance with S.1 (1) of the Freedom of Information Act 2000 (FOIA) that we do hold some of the information that you have requested. A response to each element of your request is detailed below and in the attached file.

I am currently researching the cost of care for conditions relating to Mental Health (MH) conditions, Neuropsychiatry (NP) disorders, and Acquired Brain Injury (ABI) conditions in an inpatient setting. The areas I am interested in are mental health patients in a rehab and recovery unit, patients occupying a bed for specialist neuropsychiatry disorders, and patients with an acquired brain injury occupying a level 3 neuro-rehab facility bed. I have attached an Excel document that details the information I am looking to obtain and explains the care type and funding condition for which I want to gather the information. The funding conditions are as follows:

Spot Purchase Price - In Area – This is classified as the prevailing (latest 2023) daily fee that you pay as an ICB to the relevant trust for care provided to an individual who is occupying a bed within the ICS region under an immediate requirement and is not contracted for and is made 'on the spot'.

Spot Purchase Price – Out of Area – This is classified as the prevailing (latest 2023) daily fee that you pay as an ICB to the relevant trust for care provided to an individual

who is occupying a bed outside of the ICS region but is the responsibility of your ICS to provide funding for them under an immediate requirement and is not contracted for and is made 'on the spot'. (a.k.a as an out-of-area placement)

Block contract – This is classified as the average amount spent per individual under a contract that is agreed upon by you as an ICS with the relevant trusts in your ICS region, to provide care for an individual needing an inpatient bed for either a severe MH condition, neuropsychiatry condition, or ABI bed in a level 3 neuro-rehab facility.

If the data is unavailable in the format requested, please provide the information in the following format.

Overall Average (in £) – The overall average cost of a patient that occupies a bed in the unit or condition specified in the Excel attached (i.e., rehab and recovery MH patient, specialist neuropsychiatry patient or level 3 neuro-rehab ABI patient).

Please see the attached file and note below.

*It is our opinion that the spot purchase prices for both in area and out of area in-patient beds is exempt from disclosure at this time pursuant to section 43(2) of the Freedom of Information Act 2000 (FOIA). Section 43(2) relates to information that is exempt from disclosure that could have a detrimental effect on the commercial interests of "...any person." The ICB considers that at this time the commercial interests of the ICB, current service providers and overall the NHS would be detrimentally impacted upon.

As this section is a qualified exemption, we are obliged to apply the public interest test as below:

Public Interest Test

We recognise that the disclosure of the information sought with regards to the spot purchase prices for both in area and out of area in-patient beds would provide transparency in the use of public funds by the ICB and by the NHS in general. It would also assist the general populace with transparency in decision making by the ICB and their transactions with third parties.

Conversely to the factors demonstrated above in favour of disclosure, it is our opinion that the ICB, current service providers and overall the NHS would be disadvantaged should the details of the spot purchase prices be made available.

This is because the pricing structure would be made publicly available. Providers compete with one another in a competitive environment and to provide this information would permit competitors to gain an unfair commercial advantage when bidding for future contracts, and therefore prejudice the commercial interests of the current service providers. This may harm working relationships between the ICB and the commissioned service providers which

ultimately could affect direct patient care. This would undermine the confidentiality principle implicit in a competitive tendering process and may damage the reputation of the current service provider and lead to loss of confidence with the ICB.

Any disclosure by the ICB would in future discourage the provision of commercially sensitive information necessary to respond properly to the ICB's Invitation To Tender and would be likely to affect and undermine the ICB's position in any future procurement process or negotiations. Ultimately civil action could be taken against the ICB should information be disclosed that adversely affects the commercial interests of current and/or future suppliers.

As a result, it is our opinion that this sufficiently demonstrates the prejudice which could be caused through disclosure.

Balance Test

It is important to bear in mind that any disclosure under the FOI Act is a disclosure to the public at large and not just to the applicant. It is recognised that there is a general public interest in the ICB being open and transparent. However, it is not believed that this public interest is served in disclosure for damage that would be caused as outlined above.

Therefore, the ICB considers that releasing this information would not be in the public interest, as the public interest does not outweigh the prejudice as set out above.

hope that this answers your queries with the information we currently hold, but if I can be of any further assistance please do not hesitate to contact me.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to

Arden & GEM Greater East Midlands Commissioning Support Unit
FOI TEAM/Corporate Communications Team
1st Floor, St John's House
East Street
Leicester
LE1 6NB

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided the ICB.

The Information Commissioner can be contacted at: telephone 0303 123 1113,
email icocasework@ico.org.uk and <https://ico.org.uk/global/contact-us/>

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<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Yours faithfully

Lindsay Parker
Senior Freedom of Information Officer

On behalf of
NHS Lincolnshire ICB