



Lincolnshire
Integrated Care Board

Lincolnshire Integrated Care Board

Bridge House
The Point
Lions Way
Sleaford
NG34 8GG

Tel: 01522 573939
Email: licb.office@nhs.net

25 October 2023

FREEDOM OF INFORMATION – DECISION NOTICE

Dear Requester

FOI Reference Number: 71652

I refer to your email of 02 October 2023 requesting information in relation to Continuing Healthcare assessments and priority levels.

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 may hold some of the information that you have requested. A response to each element of your request is detailed below.

Under Freedom of Information, I am submitting a request for information. I have limited the request to one financial quarter to reduce the amount of work required to collate the information. Please note that I have obtained your email address via the NHS England website. I am not required to submit my request to a specific individual or address. As such, if necessary, please forward this request to the appropriate person in your organisation.

In Q1 of 2023-2024, in relation to NHS Continuing Healthcare assessments conducted in accordance with the Standing Rules s.21(2) and using the decision support tool:

Where at least one priority level was identified, how many assessments led to a recommendation of eligibility and how many did not?

Where at least two severe levels (but no priority level) were identified, how many assessments led to a recommendation of eligibility and how many did not?

Where one severe level (but no priority level) was identified, how many assessments led to a recommendation of eligibility and how many did not?

Where a number of domains with high and/or moderate needs (phrasing taken from the DST) but no severe or priority level identified, how many assessments led to a recommendation of eligibility and how many did not?

The information sought in this request may be held by the ICB for this time period but it is not held in an easily retrievable format.

Section 12(1) of the FOIA (together with Regulation 4 of the Fees Regulations) makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the 'appropriate limit'. For NHS Lincolnshire ICB this limit is set at £450, or 18 hours work estimated at a rate of £25 per hour.

When calculating the cost of compliance, a public authority may only include the time that would be required to determine whether the requested information is held, and to locate, retrieve and extract the information.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, Regulation 4(4)

<http://www.legislation.gov.uk/ukxi/2004/3244/regulation/4/made>

To assist you further, the Information Commissioner's guidance on Section 12 is available online at:

https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf

From a preliminary assessment, the ICB's decision is that, in this case, even the time needed to determine whether information is held for this request and retrieve that information would exceed the 'appropriate limit' set out above.

This letter therefore serves as a refusal notice under section 17(1) of FOIA for the information sought relating to NHS Lincolnshire ICB.

The cost of complying with your request

In this case, it would greatly exceed the appropriate limit to retrieve the data for the priority levels identified in NHS Continuing Healthcare assessments conducted between April and June 2023.

Unfortunately, the ICB does not record this information in an easily retrievable format. The information may be held in the patients records however it is not routinely recorded. In order for the ICB to check if this information is recorded it would be necessary to manually locate and assess approximately 265 Decision Support Tool (DST) assessments and collate domain scores from each file and note the eligibility recommendations. Based on a conservative estimate of 8 minutes per record this manual process would take approximately 35 hours.

The ICB is obliged, in compliance with section 16 of FOIA, to provide advice and assistance in refining the request to bring it within compliance of 18 hours.

In this instance it is challenging to provide advice regarding refining the request other than requesting a random sample of patient records to be reviewed. We estimate that a sample

of 135 patient records could be reviewed within the time allowed. However, as the information requested is not routinely recorded there is no guarantee that this refined request would return any meaningful results relevant to your request.

If you would like to make a request along this line, please let me know. We will then proceed to retrieve the requested information and to determine whether the information may be disclosed or whether an exemption applies.

I 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***