



Lincolnshire
Integrated Care Board

Lincolnshire Integrated Care Board

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1 December 2023

FREEDOM OF INFORMATION – DECISION NOTICE

Dear Requester

FOI Reference Number: 71727

I refer to your email of 16 October 2023 requesting information in relation to psychiatric beds.

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.

This is a request for information under the Freedom of Information Act 2000.

By each calendar year I mean 1 Jan to 31 Dec. For 2023, please give data from 1 Jan up to 31 August inclusive.

Section 1: Spending on private provision/ out of area placements:

- 1. How many psychiatric beds did your ICB have to pay private hospitals or providers for in the past five calendar years? Could you please break this down by:**

- a. Year, 2019 to 2023**

Please see the table below.

- b. Type of bed contracted, e.g. male, female, PICU, CAMHS**

It is our opinion that the breakdown of the type of beds contracted for each year requested coupled with the costs given in the table below 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 provider 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 of the type of beds contracted for each year requested 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 provider and overall the NHS would be disadvantaged should details of the type of beds contracted for each year requested 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 provider. This may harm working relationships between the ICB and the commissioned service provider 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.

- 2. How much did your ICB pay private hospitals for provision of psychiatric beds in the past five calendar years? Could you please break this down by:**
- a. Year, 2019 to 2023**

Please see the table below which shows a summary of the cost and total patient numbers into financial years which is how the ICB's data is managed.

Package Category	2019/20	2020/21	2021/22	2022/23
	000's	000's	000's	000's
Acute	5,425	3,831	365	412
PICU	1,361	1,480	2,417	3,482
Locked Rehab	4,421	4,938	6,427	5,291
MH Other	3,482	2,924	2,061	2,365
S117	3,895	7,682	9,708	9,922
Total spend	18,584	20,856	20,978	21,472
Total patients	653	627	484	593

Section 2: Waiting times:

- 3. What was the average waiting time for a psychiatric bed across your ICB in each calendar year, from 2019 to 2023**

This information is not held by the ICB. I would recommend you contact the local mental health provider [Lincolnshire Partnership NHS Foundation Trust](#) directly for the information you require.

- 4. How many patients waited more than 24 hours for a psychiatric bed across your ICB in each calendar year, from 2019 to 2023**

Please see response to Question 3

- 5. How many patients waited more than 3 days for a psychiatric bed across your ICB in each calendar year, from 2019 to 2023**

Please see response to Question 3

- 6. What is the longest period a patient has had to wait for a psychiatric bed across your ICB in 2023?**

Please see response to Question 3

Section 3: Discharge beds

7. How much has been spent by your ICB on discharging psychiatric patients to bed and breakfasts or hotels in each calendar year between 2019 and 2023?

Due to the nature of the information sought, including the sensitivity and low numbers held the ICB has engaged section 40 relating to personal data to withhold the information from disclosure "...to the world at large."

The ICB considers that this information is exempt under Freedom of Information Act 2000, Section 40(2) (personal information) as disclosure of this level of detail could lead to the identification of individuals, which would be in breach of Section 24(1) of the Data Protection Act 2018 and Article 21 of the UK General Data Protection Regulation. Although I cannot confirm the exact figure, I can confirm that the number in each of these categories is fewer than 5.

The FOIA introduces a broader concept of risk of personal identifiable information because its test for deciding whether personal data can be disclosed is whether disclosure to a member of the public would breach the data protection principles. This means that public authorities have to assess whether releasing apparently anonymised data to a member of the public would breach the data protection principles.

This is intended to ensure that public authorities take into account the additional information that a member of the public might have (information on the Web or in news reports, public libraries, court records etc.) that could allow data to be combined to produce information that relates to and identifies a particular individual - and that is therefore personal data.

Low statistical values increase the likelihood of seemingly anonymised information being combined with other information to identify an individual.

8. How many psychiatric patients have been discharged to bed and breakfasts or hotels by your ICB in each calendar year between 2019 and 2023?

Please see response to Question 7

9. What is the longest period of time a psychiatric patient discharged from one of your wards has stayed at a bed and breakfast or hotel after they were discharged in 2022 or 2023?

Please see response to Question 7.

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**