

Dear Requestor

RE: Freedom of Information Request

With reference to your request for information I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information that you have requested. A response to each part of your request is below.

In the request you asked:

1. Please confirm the organisations commissioned by the CCG to provide Vasectomy Services to your patients?

Nottingham Road Clinic (Agile Ltd)

2. Please confirm the end dates of currently commissioned contracts?

March 2023

3. Are any providers currently within an extension period of their contract?

No

4. Were contracts awarded through a competitive tender process?

Yes

5. What is the form of contract: AQP or sole provider?

NHS contracted provider

6. At what percentage of tariff is each provider delivering services?

It is a locally agreed tariff which is reviewed annually

7. What activity numbers were delivered by each provider, over the past 12 months?

On average it is approximately there are 1000 procedures delivered per month

8. Please confirm the annualised actual contract values for each provider for 2019/20?

Local prices have been agreed with the provider as part of a competitive procurement process, therefore, the CCGs are unable to share this information as it is deemed commercially sensitive under Section 43 (2) of the Act.

*Section 43 of the Act states that:*

*(1) Information is exempt information if it constitutes a trade secret.*

*(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

*(3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).*

*Section 43 is a qualified exemption and is subject to a **public interest test**. Even where you are satisfied that the information requested is a trade secret or that its release would prejudice someone's commercial interests, you can only refuse to provide the information if you believe that the public interest in withholding the information outweighs the public interest in disclosing it.*

A **public interest test** was undertaken on the 18 Sept 2020 in response to your request made under the Freedom of Information Act 2000.

The Information Commissioner's Office (ICO) sets out public interest factors in favour of and against disclosure. Some of the factors in favour were as follows:

- Ensuring that the public authority can be held accountable for its decisions, particularly as to how it spends public money.
- Ensuring that a tender process is open and transparent.
- Providing insight into the nature of a procurement process and winning bids, so that other companies are encouraged to take part in the process and improve future bids.

Public interest factors against disclosure (and in favour of the maintenance of an exemption) included:

- There is an inherent public interest in the maintenance of the exemption, and of upholding private companies' expectations that commercially confidential information will be protected from disclosure when they engage in public authority tenders.
- Avoiding the discouragement of prospective tenderers from tendering for public sector contracts, for fear of disclosure of their commercially sensitive information to competitors, and that this may adversely affect both the quality of tenders for public sector contracts, and public authorities' ability to negotiate them effectively.
- Maintaining a competitive market and driving competition as this benefits public authorities and consumers, and which could be threatened by disclosure of companies' commercial information.

On balance of the factors considered above, along with relevant case law, we considered that the CCGs would be entitled to withhold locally agreed tariff prices and that this would be not be superseded by public interest considerations.

9. Please confirm who (if any) providers are providing Vasectomy services to patients without a contract where a patient has exercised their right to choose a provider? What are the activity numbers delivered per provider?

N/A

10. What were the average wait times for providers over the past 12 months? (broken down by month)

Wait time from date of referral is less than 2 weeks. Wait times from pre-op assessment to procedure in within 6 weeks, depending on patient choice. (the CCG does not hold a month by month breakdown of average wait times)

11. Do any of the contracted providers sub-contract any parts of the service to an alternative provider? If so, who and what?

The CCG does not hold this information

12. Does Vasectomy feature on the CCGs commissioning intentions?

Yes

13. Do your current Vasectomy contracts include Post Vasectomy Semen Testing included in the tariff amount ?

Yes

14. Does your current vasectomy wait times exceed 18 weeks?

No

15. Who is the senior officer (outside of procurement) responsible for this contract

Acute Contracting Team

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Clinical Commissioning Group have an internal review procedure through which you can raise any concerns you might have. Further details of this procedure can be obtained by contacting Lucy Branson, Associate Director of Governance via [lucy.branson@nhs.net](mailto:lucy.branson@nhs.net) or by writing to NHS Nottingham and Nottinghamshire CCG, 1 Standard Court, Park Row, Nottingham, NG1 6GN.



If you remain dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether the organisation has complied with its obligations under the Act, and can require the organisation to remedy any problems. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by NHS Nottingham and Nottinghamshire Clinical Commissioning Group formerly known as NHS Mansfield and Ashfield Clinical Commissioning Group, NHS Newark and Sherwood Clinical Commissioning Group, NHS Rushcliffe Clinical Commissioning Group, NHS Nottingham West Clinical Commissioning Group, NHS Nottingham City Clinical Commissioning Group and Nottingham North and East Clinical Commissioning Group. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/for-the-public/>

Complaints to the Information Commissioner's Office should be sent to: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone 0303 123 1113 or report a concern: <https://ico.org.uk/concerns/>

Yours sincerely

Freedom of Information Officer on behalf of *NHS Nottingham and Nottinghamshire Clinical Commissioning Group formerly known as NHS Rushcliffe Clinical Commissioning Group, NHS Nottingham West Clinical Commissioning Group, NHS Nottingham City Clinical Commissioning Group, NHS Nottingham North and East Clinical Commissioning Group, NHS Mansfield and Ashfield Clinical Commissioning Group and NHS Newark and Sherwood Clinical Commissioning Group.*

[notts.foi@nhs.net](mailto:notts.foi@nhs.net)

*All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the license conditions must be met. You must not re-use any previously unreleased information without having the consent of the Greater Nottingham Clinical Commissioning Partnership. Should you wish to re-use previously unreleased information then you must make your request in writing (email will suffice) to the FOI Lead via [notts.foi@nhs.net](mailto:notts.foi@nhs.net). All requests for re-use will be responded to within 20 working days of receipt.*

