

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. We require the following hourly charge rates for all homecare packages of care that you commission (Not each individual package but in aggregate for each identified segment). We require the figures set out in the following way:-
 - Average hourly charge rates: £18.09
 - Lowest hourly charge rates: £17.32
 - Highest hourly charge rates: £18.55
 - Median hourly charge rates: £18.03

2. The rates above are required for the following home care provision settings :-
 - Domiciliary care packages
 - Complex care packages – split into adults and children
 - Live in care packages: The CCG has no contracted rate in place for live in care packages, such care is purchased on a spot contract basis.
 - Learning Disability packages

I can confirm that we do hold the information relating to local pricing in relation to care packages. However, NHS Nottingham and Nottinghamshire CCG has considered this request and has

decided to withhold this requested information pursuant to the exemption in Section 43(2) of the Freedom of Information Act 2000 (FOIA).

Section 43(2) relates to information that is exempt from disclosure that “would or would be likely to prejudice the commercial interests of any person (including the public authority holding it)”.

- The information requested relates to details of commercial arrangements the CCG has in place with independent providers.
- On this basis, NHS Nottingham and Nottinghamshire CCG consider that, at this time, the commercial interests of the CCG, third parties and overall the NHS would or would likely be prejudiced.

Public Interest Test

- Section 43(2) is a qualified exemption and, therefore, the CCG is required to apply the public interest test.
- NHS Nottingham and Nottinghamshire CCG recognise that the disclosure of the information sought in relation to local pricing in relation to care packages, would promote accountability and transparency in the use of public funds by the CCG and by the NHS in general and also with decision making by the CCG and their transactions with third parties.
- Conversely to the factors demonstrated above in favour of disclosure, NHS Nottingham and Nottinghamshire CCG and third party suppliers could be disadvantaged should the information be made available. Suppliers compete with one another in a competitive environment and to provide data to this level of detail would lead to loss of confidence by suppliers and customers and could cause significant harm to the CCG and suppliers.
- The disclosure could also adversely impact on any on-going or future procurement processes for the reasons outlined above. Any disclosure by the CCG could, in future, discourage the provision of commercially sensitive information necessary to respond properly to the CCG’s Invitation To Tender, and would be likely to affect and undermine the CCG’s bargaining position in any future procurement process or negotiations. Ultimately, civil action could be taken against the CCG 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 CCG 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.
3. The total number of clients you commission for all home care packages for the following categories :-
- Children: 74
 - Adults: 1451
 - Learning disabilities: 89
 - Live in care: The CCG does not hold this information
4. the total number of hours commissioned for the following client groups that you commission:-
- Children
 - Adults
 - Learning disabilities
 - Live in care

The CCG does not hold this level of detail.

5. The total cost / financial value of the home care commissioned for the following categories:
- Children: £18,964,040
 - Adults: £85,754,320
 - Learning disabilities: £21,475,573
 - Live in care: N/A

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 or by writing to NHS Nottingham

and Nottinghamshire CCG, Sir John Robinson House, Sir John Robinson Way, Arnold, Nottingham, NG5 6DA.

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. 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*.

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 NHS Nottingham and Nottinghamshire Clinical Commissioning Group. 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. All requests for re-use will be responded to within 20 working days of receipt.