



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:

We ask you to provide the information described below, including the prices paid to independent and voluntary sector Homecare Providers for the provision of regulated Homecare services delivered to people aged 65 years or above in their own home during the seven-day Reference Period which includes Monday, 19 April 2021.

The information requested is:

- a) The **lowest** rate per hour paid to any individual Homecare Provider during the Reference Period, expressed in pounds and pence per hour.

The lowest rate per hour paid to any individual Homecare Provider during the reference period is £17.26 – based on contracted CHC Homecare rates.

- b) The **highest** rate per hour paid to any individual Homecare Provider during the Reference Period, expressed in pounds and pence per hour.

The highest rate per hour paid to any individual Homecare Provider during the reference period is £20.24 – based on contracted CHC Homecare rates.

- c) The **average** (“arithmetic mean”) price per hour paid to all Homecare Providers for all hours of homecare services purchased during the Reference Period, expressed in pounds and pence per hour.

Section 12 (Cost Limit Exemption)

The CCG does hold the information in relation to the price per hour paid to all Homecare providers for all hours of homecare services purchased during the reference period, however, it is not possible to provide the information without undertaking an exercise to locate, retrieve and extract records for each patient in their individual patient file. This would equate to a significant amount of time to ensure the accurate extraction of information and exceed the appropriate cost limit of £450.

The Freedom of Information Act state that the appropriate limit to be applied to requests received by the CCG is £450 (equivalent to 18 hours of work at £25 per hour) in estimating the cost of complying with the request for information, the CCG can only take into account any reasonable costs incurred in:

1. Determining whether it holds the information,
2. Locating the information, or document which may contains the information,
3. Retrieving the information, or document which may contain the information, and
4. Extracting the information from a document containing it.

- d) The **total hours** of Homecare purchased from **all** Homecare Providers during the Reference Period.

Section 12 (Cost Limit Exemption)

The CCG does hold the information in relation to the total hours of Homecare purchased from all Homecare providers during the reference period, however, it is not possible to provide the information without undertaking an exercise to locate, retrieve and extract records for each patient in their individual patient file. This would equate to a significant amount of time to ensure the accurate extraction of information and exceed the appropriate cost limit of £450.

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1. Determining whether it holds the information,
2. Locating the information, or document which may contains the information,
3. Retrieving the information, or document which may contain the information, and
4. Extracting the information from a document containing it.

- e) The **total hours** of Homecare purchased from **all** homecare providers during a seven-day period which includes Monday, 20th April **2020** (i.e. the figure which provides a like-for-like comparison with item (d), above, for the previous year).

Section 12 (Cost Limit Exemption)

The CCG does hold the information in relation to the total hours of Homecare purchased from all Homecare providers during a seven-day period which includes Monday, 20th April 2020, however, it is not possible to provide the information without undertaking an exercise to locate, retrieve and extract records for each patient in their individual patient file. This would equate to a significant amount of time to ensure the accurate extraction of information and exceed the appropriate cost limit of £450.

The Freedom of Information Act state that the appropriate limit to be applied to requests received by the CCG is £450 (equivalent to 18 hours of work at £25 per hour) in estimating the cost of complying with the request for information, the CCG can only take into account any reasonable costs incurred in:

1. Determining whether it holds the information,
2. Locating the information, or document which may contains the information,
3. Retrieving the information, or document which may contain the information, and
4. Extracting the information from a document containing it.

- f) Your organisation's **total spend** on Homecare Services purchased from **all** Homecare Providers during the Reference Period.

The CCGs total spend on Homecare services purchased from all Homecare providers during the reference period is £127,837.

- g) In relation to contracts held with independent and voluntary sector Homecare Providers:

(i) Whether your organisation has imposed a contractual requirement that any Homecare Provider pay their workers an hourly rate above the prevailing rate of the statutory National Minimum Wage (including the statutory National Living Wage). Please answer "Yes" or "No".

No.

(ii) The minimum pay rate specified, in pounds and pence per hour, if the answer to question (g)(i), above, was "Yes".

Not applicable.

- h) In relation to how you have calculated the price(s) you pay for Homecare:

(i) Whether, in the financial years 2019-20, 2020-21 or 2021-22, you have undertaken a **numerical calculation** of the hourly cost of a homecare service to assure yourself that the price(s) you pay to independent and voluntary sector Homecare Providers covers their costs and expectations of a profit or surplus. Please answer "yes" or "no".

Yes.

(ii) If your answer to question (h)(i) was “yes”, please supply a copy of the **most recent numerical calculation** referred to in your answer, including the financial year to which it relates. For the avoidance of doubt, this question asks you to supply a numerical calculation, rather than a narrative description of the factors which you have considered in setting the prices paid.

I can confirm that we do hold the information relating to the most recent numerical calculation of the hourly cost of a homecare service. However, NHS Nottingham and Nottinghamshire CCG have 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 the most recent numerical calculation of the hourly cost of a homecare service, 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.

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

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, 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. 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.