

Date: 30 November 2021
Our reference: N/21/3404

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:

Could I please request information regarding the commissioning of community Dermatology services in your region. The specific things I am interested in are as follows:

- Who is the current provider?

Radcliffe on Trent Health Centre and Bilsthorpe Surgery.

- How long was the last contract award for?

Radcliffe on Trent Health Centre – 2 years

Bilsthorpe Surgery – 2 years

- When is the contract due for renewal?

Radcliffe on Trent Health Centre - 31 March 2022

Bilsthorpe Surgery - 31 March 2022

- What is the annual expenditure with that provider for the service in question?

For 2020/21 the annual expenditure with the above mentioned providers is as follows.

- Radcliffe on Trent Health Centre - £120,547 (Block Contract)

- Bilsthorpe Surgery – please see below exemption.

Local prices have been agreed with the provider as part of a competitive procurement process, therefore, the CCG 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 30 November 2021 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 CCG would be entitled to withhold locally agreed tariff prices and that this would be not be superseded by public interest considerations.

- What premises the provider delivers the services from?

Providers sites are based at the below addresses; however, they also provide non face to face services.

Radcliffe on Trent Health Centre

Radcliffe-On-Trent Health Centre
Main Road
Radcliffe-on-Trent
Nottingham

NG12 2GD

Bilsthorpe Surgery

35 Mickledale Ln
Bilsthorpe
Newark
NG22 8QB

- Who is the service manager or head of service in charge of this area?

The Contracting Team within NHS Nottingham and Nottinghamshire CCG can be contacted via the following email address - ncccg.nottssouthcontracts@nhs.net

- Who is the Clinical Lead (in the provider) responsible for this area of work?

The CCG does hold the names of the Clinical Leads in the providers responsible for this area of work however we are unable to provide the names of the individuals as this information is personal information/third party personal information. This information is exempt under section 40(2) of the Freedom of Information Act 2000.

As defined by the Data Protection Act, personal data constitutes as:

“Personal data” means any information relating to an identified or identifiable living individual.

“Identifiable living individual” means a living individual who can be identified, directly or indirectly, in particular by reference to -

- (a) an identifier such as a name, an identification number, location data or an online identifier, or
- (b) one or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the individual.

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.