

07/09/2022

NN-ICB/22/35

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 partially hold the information that you have requested. A response to each part of your request is below.

Please note that both NHS Nottingham and Nottinghamshire, and Bassetlaw Clinical Commissioning Groups ceased operation on 30 June 2022. They have been superseded by NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) which began operation on 1 July 2022.

In the request you asked:

I would like to request the number of employees within your Integrated Care Board whose job roles specifically require them to address issues of Equality, Diversity and Inclusion (EDI), including but not limited to all staff whose job title has 'EDI', 'Equality', 'Diversity' or 'Inclusion' in it.

All 15 members of the ICB's Board are responsible for advocating diversity, health equality and social justice to close the gap on health inequalities and achieve the service changes that are needed to improve population health. This is a specific requirement of all Board member job roles.

The 6 members of the ICB's Quality and People Committee are responsible for scrutinising arrangement for meeting the ICB's equality duties. This includes overseeing the development and implementation of equality improvement plans and the delivery of associated equality objectives.

More information about the ICB's Board and the Quality and People Committee can be found in the Governance Handbook which is publicly available on the ICB's website: <https://notts.icb.nhs.uk/wp-content/uploads/sites/2/2022/04/NHS-Nottingham-and-Nottinghamshire-ICB-Governance-Handbook-v1.0-FINAL-VERSION-1.pdf>

We are currently in the process of recruiting a Head of Equality, Diversity and Inclusion.

It should be noted that not all of the above are classified as employees; for example Non-Executive Directors.

I would also like to request all remuneration costs for these roles.

Individual remuneration is classified as personal information. Providing it would constitute a breach of the Data Protection Act 2018, therefore, this information is exempt from disclosure under section 40(2) of the Freedom of Information Act 2000 on the grounds that it is personal information.

However, we can confirm that the Head of Equality, Diversity and Inclusion is an NHS Agenda for change Band 8B (£54,764 - £63,862 per annum).

I can confirm that we do hold the information relating to Board member remuneration. However, given the intended future publication of this information, Nottingham and Nottinghamshire ICB has considered this request and is withholding the information requested at this present time in line with exemption in Section 22(1) of the Freedom of Information Act 2000 (FOIA).

Section 22(1) relates to information that is exempt information if -

- a) **the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not),**
- b) the information was already held with a view to such publication at the time when the request for information was made, and
- c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

Public Interest Test

- Section 22(1) is a qualified exemption and subject to the public interest test.
- Nottingham and Nottinghamshire ICB recognises that the disclosure of the information sought in relation to the contract Board member remuneration, would promote accountability and transparency in the use of public funds by the ICB and by the NHS in general, however, transparency is also achieved by the ICB publishing this information on the ICB website.
- Conversely to the factors demonstrated above in favour of disclosing information that they hold that falls within the scope of an FOI request as quickly as possible, however, this needs to be balanced with the public interest in ensuring that the ICB maximise cost effectiveness and providing this information in response to an FOI request is not the most cost-effective way of placing this information in the public domain when it will be published.
- The exemption under Section 22 of the FOIA recognises that it must be reasonable to withhold the information until the date of publication. Given the necessary preparation and administration involved in publishing the information, we consider that our publication timetable is reasonable.
- 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.

In summary, our response is that the information you have requested will be published in the near future in the Annual Reports and Accounts 2022-23 and will be accessible on the organisation's website.

Does your Integrated Care Board have an EDI strategy, a diversity strategy, or any other strategy aimed at increasing the amount of female, BAME, LGBT+, or disabled employees?

The Integrated Care Board has adopted Nottingham and Nottinghamshire Clinical Commissioning Group's 2021/23 Equality Improvement Plan which can be found at Appendix D of the Annual Equality

Assurance Report within the October 2021 Governing Body papers (see page 71). The papers are publicly available here: <https://nottscg.nhs.uk/wp-content/uploads/2021/05/GB-Public-October-2021.pdf>.

What are the costs related to the development and implementation of these strategies?

Nottingham and Nottinghamshire ICB does not hold this information.

Is your Integrated Care Board involved in any other project or initiative aimed at promoting diversity, in terms of gender, ethnicity, nationality, sexual preference or ablebodiedness, and if so, what are the costs related to these projects or initiatives?

The ICB has due regard to the Public Sector Equality Duty, please see the Equality, Inclusion and Human Rights page of the ICB's website - <https://notts.icb.nhs.uk/about-us/safeguarding/equality-inclusion-and-human-rights/>.

The Integrated Care System (ICS) has four main goals, one of which is to reduce inequalities in people's health across our area. More information can be found in the ICS's Health Inequalities Strategy which is 'designed to help establish a shared commitment and vision for addressing health inequalities across the health and care system'. The Strategy is publicly available here <https://healthandcarenotts.co.uk/wp-content/uploads/2022/04/Notts-ICS-HI-strategy-06-October-v1.8.pdf>.

There is also an ICS Citizen Intelligence Strategy 2022 – 2025 which outlines our approach to inclusivity, with a focus on health inequalities. The Strategy is publicly available at https://nottscg.nhs.uk/wp-content/uploads/2021/05/Working-with-people-and-communities-strategy_final-003.pdf

You might also find the ICS's People and Culture Strategy 2019 – 2029 of interest, this is publicly available at [people-and-culture-november-2019.pptx \(live.com\)](https://notts.nhs.uk/people-and-culture-november-2019.pptx).

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Integrated Care Board (ICB) 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 FOI Team at NHS Nottingham and Nottinghamshire ICB, Sir John Robinson House, Sir John Robinson Way, Arnold, Daybrook, Nottingham NG5 6DA.

If you remain dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office (ICO), 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 ICB. 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 via <https://ico.org.uk/concerns/>

Yours sincerely

Freedom of Information (FOI) Officer on behalf of *NHS Nottingham and Nottinghamshire Integrated Care Board*

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 Integrated Care Board. 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.