

28/07/2025

NN-ICB/25-1232

Dear Mr White,

RE: Your Freedom of Information request dated 2 July 2025

This letter is in response to your request received on 2 July 2025, which has been considered under the reference NN-ICB/25-1232 in accordance with the Freedom of Information Act 2000 (FOIA).

Your request

You requested as follows:

"I am writing to request, under the Freedom of Information Act 2000, a copy of the document submitted to NHS England on 30th May 2025 outlining a proposed cluster between Leicestershire, Nottinghamshire and Lincolnshire ICBs to meet the proposed funding envelope of £18.76 per head, an approach which has since received approval.

Specifically, but not exclusively, I am requesting:

- 1. Any documentation – in any format – submitted to NHS England or prepared internally which outlines:*
 - Which teams or service areas are identified as being in and out of scope to be affected by the proposed cluster*
 - The number of whole-time equivalent (WTE) roles in each affected team/service before and after the proposed cluster changes*
 - Any associated narrative or commentary explaining the rationale for how reductions were determined*
- 2. Any high-level summary, slide deck, spreadsheet, or correspondence that contains modelling or assumptions used to calculate:*
 - The scale of WTE reduction required and how many voluntary and compulsory redundancies are required in the ICB*
 - Which teams, departments or functions are in or out of scope*
 - Percentage reductions across services (e.g. 30% in X, 50% in Y)*

Please include WTE figures at the most granular level at which they were modelled (e.g. by team, sub-team or function)."

Information held

Please note that Leicestershire Integrated Care Board is not part of the proposed cluster involving Nottingham and Nottinghamshire ICB ("the ICB"). However, we have assumed the in-scope information relates to the proposed cluster between Derby and Derbyshire, Nottingham and Nottinghamshire and Lincolnshire ICBs.

We have now completed our searches for the information you requested. Relevant documents are held by the ICB in relation to your request. The relevant information held consists of a letter to NHS England, discussion slides and a spreadsheet containing financial information.

The ICB's decision

Having considered the reasonable opinion of the ICB's Qualified Person whose opinion was that disclosure of the above documents would likely prejudice the effective conduct of public affairs, and having considered the public interest, the ICB has taken the decision to withhold the information under section 36(2)(c) of FOIA ("the section 36 exemption").

The section 36 exemption

The ICB's Qualified Person is of the opinion that disclosure would likely prejudice the effective conduct of public affairs. Several factors were considered in giving the opinion. In summary:

- The documents shared with NHS England were, and remain at the time of this letter, in draft form and based on assumptions that are yet to be validated. There are ongoing processes and detailed considerations that need to be undertaken to inform the more detailed proposals and decision making of the ICB, and the matter is still in developmental stages.
- Disclosure of these draft documents would pre-empt and likely disrupt the ICB's management of proposed change as well as any formal staff consultation processes that may potentially need to be undertaken. This would impact the substantive decision making in this matter, which is currently live, and would consume additional significant resource unnecessarily within the ICB. This would have repercussions more widely on the exercise of the functions of the ICB.
- While the information in its current draft form will not be published in future, the substance of the proposal – informed by validated data and tested assumptions – will be made public in due course. To disclose the information at this time would likely have a prejudicial impact on the processes that are required to be undertaken by the ICB in the interim period to reach a final decision as to how it intends to proceed. The impact and prejudice to the ICB of the disclosure of draft material would likely give rise to queries or concerns about the proposed changes, which the ICB would have to mitigate in conjunction with continuing the ongoing Management of Change process.

The ICB is satisfied that the Qualified Person's opinion that disclosure would be likely to prejudice the effective conduct of public affairs is reasonable and, therefore, the section 36 exemption is engaged.

Public Interest Test

The section 36 exemption is a qualified exemption and the ICB has therefore carried out a public interest test to decide whether the public interest in maintaining the section 36 exemption outweighs the public interest in disclosure. The ICB has set out below the consideration of the public interest and the factors deemed to be in favour and against disclosure of the requested information.

The ICB recognises that there is a general public interest in promoting transparency, accountability, public understanding and involvement in decision making. The ICB is also aware that clustering has been reported on in the media, and it is acknowledged there is public interest in this issue. It is also understood that, due to the ICB's role in planning and coordinating health services for local populations, the public have an interest in any proposed changes that may affect the delivery of those services.

However, disclosure of the requested information would be likely to result in the prejudice to the effective conduct of public affairs described above, and the level of that prejudice would likely be substantial.

Disclosure would likely cause unnecessary concern among staff, which would disrupt the management of the proposed changes. The likely effects on staff morale and the Management of Change process would have implications for public funds in the management of the downstream effects of disclosure. This would have an adverse effect on the ability of the ICB to offer an effective public service and meet its wider objectives and purpose.

In assessing the weight of arguments for disclosure, the ICB has considered how far disclosing the requested information would further the public interest of promoting transparency, accountability, public understanding and involvement in decision making. The ICB does not believe that disclosing the requested information would greatly advance that public interest or add to public understanding of the subject matter. As the proposals are currently in draft form and, at this stage, based on assumptions, disclosure may lead to misleading speculation about the proposal that do not reflect its future final content. The position in the current draft documentation does not reflect any final position and may not be the outcome ultimately reached. Public understanding would not therefore be furthered by the disclosure of draft documents early in the Management of Change process that have not be informed by the validated data.

The ICB has additionally considered whether the age of the information requested favours disclosure. The issues which are the subject of the request are very much live and the substance of them liable to change as decision makers undertake further work and the ICB goes through the Management of Change process. The age of the requested information, which is extremely topical and sensitive, increases the likelihood and severity of the prejudice of disruption to the ICB's management of the proposed change.

Furthermore, while similar information relating to the proposed cluster is not already in the public domain, the ICB intends to make public in due course the substance of the proposal when it is at a more developed stage. Additionally, where the ICB has obligations to engage the public in elements of the process it will do so in the usual way.

Having considered the relative weight of the arguments for and against disclosure, including having taken into account the opinion of the ICB's qualified person, the ICB considers that the

public interest in maintaining the section 36(2)(c) exemption is greater than the public interest in disclosure.

Review Procedure

If you are unhappy with the way in which your request has been handled, the ICB has 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, Director of Corporate Affairs 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 FOIA 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 FOIA 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

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