

21/01/2025

NN-ICB/25-1045

Dear Requestor

Re: Freedom of Information Request

Thank you for your request for information, received on 2 January 2025, regarding prescription appliance management services - stoma and continence care). We have processed your request in accordance with the Freedom of Information Act 2000 (FOIA).

Under the FOIA, public authorities like ours are required to respond to requests for information within 20 working days. In response to your request, I can confirm that we partially hold the information requested. However, please note that some of the information you requested has been withheld. Under the FOIA, certain exemptions may apply to protect sensitive information.

Please find below our response to your request:

Relating to Appliance Prescription Services for stoma and continence [Y03963 Continence; Y05430 Stoma; Y04402 Continence]:

1. Name(s) of the awarded contract(s) and awarded suppliers.

Y05430 Stoma – awarded supplier is Fittleworth Medical Limited.

2. Duration of contract award(s) and projected contract(s) end date(s).

Contract Term is 3-year with a 2-year extension. Start date 1st April 2022.

3. Total estimated annual value of the awarded contract(s).

The ICB is 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 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 17 January 2025, 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 ICB would be entitled to withhold the total estimated annual value of the awarded contract(s) and that this would not be superseded by public interest considerations.

4. Estimated or projected annual service costs payable to the awarded supplier(s).

All costs are within the annual value of the contract.

5. Estimated or projected number of patients receiving the service, split by stoma and catheter.

Stoma only, case load is approximately 3700.

6. Format of the contract(s). For example, is it based on (i) a fee per activity delivered, (ii) a fee per annum per patient, or (iii) block contract(s).

(ii) a fee per annum per patient.

7. Please include a copy of the contract(s) in your response, particularly the specification against which the supplier(s) has been awarded the contract(s) and the service specification the supplier(s) is providing to the ICB during the contract(s) term.

See the attached Stoma Support Service Specification.

8. Outline how the suppliers' performance is being assessed during the contract(s) term in the areas of cost savings and patient satisfaction measures.

The contract includes a set of key performance indicators to measure performance in year. A report is submitted monthly by the provider.

9. Outline the percentage of patients that switch product manufacturers within 3 months of being enrolled into the appliance prescription service(s).

Not applicable.

10. Provide an outline of any evidence on the delivered value (economic, patient, workforce) this service has delivered to the ICB/ICS.

Not applicable.

11. Which job role manages this contract(s) on behalf of the ICB?

Contract Support Officer for contractual issues and Associate Chief Pharmacist for clinical issues

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Integrated Care Board (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 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

nnicb-nn.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 nnicb-nn.foi@nhs.net. All requests for re-use will be responded to within 20 working days of receipt.