

19/06/2025

NN-ICB/25-1094

Dear Requestor

Re: Freedom of Information Request

Thank you for your request for information, received on 5 May 2025, relating to contractual arrangements that include a "shared benefit" or "gainshare", which followed your previous FOI request relating to the outsourcing of NHS Continuing Healthcare (CHC) services. We have processed your request in accordance with the Freedom of Information Act 2000 (FOIA). Apologies for the delay.

In response to your request, I can confirm that we do not hold the information requested.

In your correspondence, you stated: *My initial request included a question about whether contracts were structured as "cost per case or a shared benefit agreement." While I have received responses indicating a "cost per case" model in some instances, I am seeking further clarification on the potential use of a "shared benefit" or "gainshare" approach within NHS contracts or frameworks for CHC-related services provided by private entities.*

In light of the principles outlined in the National Framework for NHS Continuing Healthcare, which emphasize that eligibility decisions are based on clinical need and are independent of financial considerations, and acknowledging the requirements of public procurement regulations (such as the Public Contracts Regulations 2015) regarding transparency and value for money in contracting with private providers, I am seeking to understand how contractual arrangements that include a "shared benefit" or "gainshare" element are applied or permitted within the NHS for these services.

And then requested information regarding:

1. As such arrangements existed, for what specific types of CHC-related outsourced services is a "shared benefit" or "gainshare" approach used? **We do not hold this information; the ICB has not had any contractual arrangements which included 'gainshare' or 'shared benefit' elements for CHC-related outsourced services. For context, the contract in place with Liaison was for review of the health elements of joint-funded packages of care, commissioned by Local Authority partners.**
2. What are the specific terms and conditions that define how the "shared benefits" or "gains" are calculated and distributed between the NHS body and the private service provider in these contracts? **Not applicable, as per question 1.**
3. Please provide copies of any relevant contract clauses, framework documentation, or internal guidance that outlines or governs the use of a "shared benefit" or "gainshare" approach in contracts with private companies for NHS CHC services. **Not applicable, as per question 1.**

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

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