

28/11/2025

NN-ICB/25-1391

Dear Requestor

**Re: Freedom of Information Request**

Thank you for your request for information, received on 7 November 2025, regarding Indicative Activity Plans under Right to Choose work. 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 do hold the information requested.

**Please find below our response to your request:**

I am making this request under the Freedom of Information Act 2000 in relation to the use of Indicative Activity Plans (IAPs) in connection with Right to Choose (RtC) referrals for Autism and ADHD assessments.

For the purposes of this request, "IAPs" refers to any indicative activity plans, caps, ceilings or similar mechanisms used to control, limit or manage the volume of RtC activity for particular Autism and/or ADHD assessment providers.

1. Please confirm whether your ICB has introduced, applied, discussed or is planning to introduce any IAPs (or equivalent arrangements) that affect, directly or indirectly, the number or flow of RtC referrals for Autism and/or ADHD assessments to specific providers.

Nottingham and Nottinghamshire ICB has not introduced, applied, discussed or has plans in place to introduce any IAPs in relation to Right to Choose activity for Autism and/or ADHD assessment providers.

If so, please identify which providers these arrangements apply to and the date on which they were first introduced or agreed.

Not applicable.

2. If such IAPs (or similar mechanisms) have been introduced, proposed or discussed, please provide all documentation relating to their introduction, development and governance.

This should include, but not be limited to, meeting agendas, minutes, action notes, internal correspondence (including emails), briefing papers, slide decks, business cases and any other relevant records.

Please also provide any documents setting out the legal basis or policy justification for using IAPs in this way, including any legal advice (internal or external), NHS England or DHSC guidance relied upon, and any internal legal or governance papers explaining how these IAPs are considered compatible with the NHS Constitution and with NHS Choice / Right to Choose regulations and guidance.

Please further provide any correspondence with NHS England (including regional teams) concerning the permissibility, design or operation of such IAPs in the context of RtC for Autism and ADHD.

Not applicable.

3. Please provide copies of any impact assessments carried out in relation to the introduction or operation of IAPs affecting RtC Autism/ADHD providers.

This includes Equality Impact Assessments, Quality Impact Assessments or any similar assessments.

Please also provide any analysis, reports or reviews showing how these IAPs have affected waiting lists for Autism and ADHD assessments (for example, changes in waiting times, backlog, or access patterns), and any documentation setting out how the ICB has assured itself that these arrangements do not compromise patient safety, do not unlawfully restrict patients' RtC, and do not worsen health inequalities or inequities of access.

Not applicable.

4. There is significant public concern that activity caps or similar mechanisms may be used to constrain RtC access in a way that was not endorsed nationally.

I refer in particular to the campaign described here:

<https://gbr01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fadhd.uk.co.uk%2Fnhs-right-to-choose-changes%2F&data=05%7C02%7Cnnicb-nn.foi%40nhs.net%7Cfe5eabfb45ad41efd8c308de1df6042b%7C37c354b285b047f5b22207b48d774ee%7C0%7C0%7C638981139629329216%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIYiOiwLjAuMDAwMCIsIiAiOjJXaW4zMilsIkFOljoiTWFpbCIsIldUljoyfQ%3D%3D%7C0%7C%7C%7C&sdata=IjY6%2BEqR1T%2BcYqRXXPLykJHDzJpsoytuj%2FeJN9U4i9gA%3D&reserved=0>, which highlights that caps on RtC were not approved as part of the 2025/26 NHS consultation and planning process.

In that context, please provide any internal discussion papers, briefing notes or emails which consider this national position and explain how your ICB's use (or proposed use) of IAPs is considered compatible with the outcome of that consultation and with national RtC policy.

Please also provide any documents that consider whether the use of IAPs could in practice operate as a de facto cap or restriction on RtC access for Autism/ADHD, and how that risk has been addressed or mitigated.

Unless otherwise stated, please treat this request as covering the period from the earliest discussions about such IAPs up to the date of your response.

Not applicable.

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