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Request for Information Reference: 04.24.16

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Email only

2nd May 2024

Dear

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 8th April 2024 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to Insourcing and Outsource Expenditure and I am providing the following information in response to your specific questions:

HSJ's request relates to information about how much the trust has spent on clinical insourcing and outsourcing in the last two financial years and 2019-20 (a pre-covid baseline year).

Question 1 (tab 1): total expenditure on outsourcing for pre and post covid
In tab 1 on the attached Excel spreadsheet please provide in Row 2 (a) the total funding spent, and (b) the total volume (number of procedures) this expenditure paid for in terms of all clinical outsourcing by the trust per year for the three financial years below:

- For 2019-20 (a pre-covid baseline)
- 2022-23
- 2023-24 (year to date if necessary).

Question 2 (Tab 1): total expenditure on insourcing for pre and post covid
Still in tab 1 on the Excel spreadsheet, please provide in Row 3 (a) the total funding spent, and (b) the total volume (number of procedures) of this expenditure paid for in terms of all clinical insourcing by the trust per year for the three financial years below:

- For 2019-20 (a pre-covid baseline)
- 2022-23
- 2023-24 (year to date if necessary).

Tab 2: A breakdown of insourcing by providers

In tab 2 in the Excel sheet please provide for all years the names of the insourcing providers used (e.g. Medinet, 18 Week Support, Remedy, HBS UK, etc. all LLPs) in column A alongside the total expenditure (£) paid to them and volume (numbers of procedures) they carried out in the three financial years requested in the spreadsheet (the same three years as for questions 1 and 2).

Tab 3: A breakdown of insourcing by providers

In tab 3 in the Excel sheet, please provide for all years the names of all the outsourcing providers used in Column A with the total expenditure (£) paid to them and the volume (numbers of procedures) they carried out in the three financial years requested in the spreadsheet (the same three years as for questions 1 and 2).

Please see the attached document showing the costs.

The Trust are unable to provide the information as requested on the grounds that this information is commercially sensitive and has, therefore, been withheld pursuant to Section 43 of the Act.

Section 43 (2) exempts from disclosure the following:

(2) Information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person including those of the public authority holding the information.

Our supplier has made clear representation that pricing and activity figures together is commercially sensitive information, the disclosure of which would be likely to prejudice their commercial interests, as it would provide alternative bidders with an understanding of their costs (which would not be reciprocated) with respect to similar contracts in the NHS, thereby undermining their ability to tender, on fair and equal terms, for such contracts. The Trust considers that there is potential for such harm to arise with reasonable proximity and, therefore, that the exemption under Section 43(2) of the Act is engaged.

The Trust acknowledges the public interest in publication of the information; specifically the interest in transparency with respect to expenditure on services, as a means of assisting the taxpayer in evaluating their value for money. However, there is a competing public interest in preserving fair market competition and the ability of public authorities to obtain value for money when sourcing services. In previous rulings the Information Commissioner has made clear that the Freedom of Information Act is not intended to distort fair market competition. In this case, the Trust therefore considers

that the public interest in preserving fair competition outweighs the general public interest in transparency and is therefore applying the exemption under Section 43(2).

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via cdda-tr.cddffoi@nhs.

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; www.ico.gov.uk.

Yours sincerely

Corporate Records and Freedom of Information Facilitator