

Our Reference     North East and North Cumbria ICB\  
FOI ICB 24–370

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By Email

17 January 2025

Dear Applicant

**Freedom of Information Act 2000 – Request for Information – NHS North East and North Cumbria Integrated Care Board (NENC ICB)**

Thank you for your request received by North of England Commissioning Support (NECS) on 20 December 2024 for information held by NHS North East and North Cumbria Integrated Care Board (the ICB) under the provisions of the Freedom of Information Act 2000.

The ICB covers the areas of County Durham, Gateshead, Newcastle, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley (which covers the five local authorities of Darlington, Hartlepool, Middlesbrough, Redcar and Cleveland and Stockton-on-Tees).

Please find the information you requested on behalf of the ICB as follows.

**Your Request**

For the last 2 financial years, I would like to request the total amount (as a single cost figure, e.g. £100,000) of clawbacks and refunds your ICB has requested from care providers, specifically those providing care for the elderly including residential homes, nursing homes and domiciliary care providers.

Clawback amounts frequently appear on remittance advice to care providers; they instruct providers to use credit the ICB has with the provider as payment towards other outstanding invoices. I am hoping to use this information to understand the amount overpaid to care providers (and later reclaimed) before trying to identify the reasons behind overpayments.

If possible, I would like to receive the information by email and as an attached spreadsheet (for example a Microsoft Excel or CSV file) containing 2 columns “Year” and “Clawback / refund amount”.

**Our Response**

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB holds some of the information you have requested. This relates to the ICB places County Durham, Newcastle Gateshead, North Cumbria and Tees Valley.

We can confirm, as per Section 1(1) of the Freedom of Information Act 2000, the ICB on this occasion is not able to provide the requested information for ICB places Northumberland and North Tyneside and Sunderland and South Tyneside. In line with your rights under section 1(1)(a) of the Act to be informed whether information is held, we confirm the ICB does not hold any of the information requested. However, we have determined that the information is held by the local authorities within these North East and North Cumbria places.

In accordance with our duty under s.16 of the FOIA to provide reasonable advice and assistance to an individual requesting information, we have provided the FOI email addresses for all local authorities in the North East and North Cumbria region.

<b>NENC Local Authorities</b>	<b>Email</b>
Cumbria County Council	information.governance@cumbria.gov.uk
Darlington Borough Council	freedomofinformation@darlington.gov.uk
Durham County Council	foi@durham.gov.uk
Gateshead Council	informationrights@gateshead.gov.uk
Hartlepool Borough Council	freedomofinformation@hartlepool.gov.uk
Middlesbrough Borough Council	foi@middlesbrough.gov.uk
Newcastle City Council	freedomofinformation@newcastle.gov.uk
North Tyneside Council	foiofficer@northtyneside.gov.uk
Northumberland County Council	foi@northumberland.gov.uk
Redcar & Cleveland Borough Council	informationgovernance@redcar-cleveland.gov.uk
South Tyneside Council	foi@southtyneside.gov.uk
Stockton-on-Tees Borough Council	foiandcomplaints@stockton.gov.uk
Sunderland City Council	freedom.information@sunderland.gov.uk

Automated schedule payments are generated from the All-Access Continuing Care (AACC) database and are paid in the month, for the month, based on approved packages of care at the time of processing; changes to care packages not recorded at that time are corrected the following month and may result in credits showing on remittance advices, not all of these all clawbacks.

For example, when a backdated change is made, the system closes the existing package and claws back any payments made after the date of change, a new package ID is generated and payments made backdated to the date of change, the overall payment is the net of the two packages, but a credit will show on the remittance.

Reasons for credits include:

- Client died after payment run had been generated, system will automatically recover payment for days paid after death.
- Client moved to a different care home which has not been notified and/or recorded in the system until after the payment run.
- Changes to joint funded packages, where the ICB are paying a direct contribution, which have not been notified by the Local Authority.
- Changes to eligibility.
- Following a reconciliation of a provider account in response to a query.

- At the request of a care provider who advises of an overpayment.
- Following application of backdated inflation.
- A package has been added incorrectly.

Due to the way in which the AACC System works credit package are often shown on a remittance that do not relate to a claw back but due to a backdated change in package where one has ended an another begins for example application of inflation.

Due to this, it would be necessary to review all credits to determine if it was an actual clawback or as a result of a change. Total credits for the period 1 April 2024 to 31 December 2024 (9 months) are 6,731; to manually review the reason would take between 30 and 60 seconds per record therefore between 3,366 and 6,731 minutes (56 – 112 hours), however the request is for 2 financial years so this would be more than doubled.

Based on the average number of hours (84) at a rate of £25 per hour the estimated cost of providing the information is £2,100. Should you wish to proceed we will be able to comply with your request upon receipt of payment. Alternatively, you may wish to reduce the scope of your request so that it comes in under the appropriate limit.

To assist you, we have determined that the total number of credits for December 2024 is 460, which would take between 3.8 and 7.6 hours to complete. For example, total credits for December 2024 for one ICB place, North Cumbria, are 55, which would take up to 55 minutes.

In accordance 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. Therefore, a version of our response which will protect your anonymity will be posted on the NHS ICB website <https://northeastnorthcumbria.nhs.uk/>.

If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me on the above telephone number or at the above address.

If you are unhappy with the service you have received in relation to your request and wish to request a review of our decision, you should write to the Senior Governance Manager using the contact details at the top of this letter quoting the appropriate reference number.

If you are not content with the outcome your review, you do have the right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act 2000. Generally, the Information Commissioner cannot make a decision unless you have exhausted the complaints procedure provided by the North of England Commissioning Support Unit.

The Information Commissioner can be contacted at:

Information Commissioner's Office  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF

[www.ico.org.uk](http://www.ico.org.uk)

Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example to publish it. If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 [www.legislation.gov.uk](http://www.legislation.gov.uk) . This will not affect your initial information request.

Yours sincerely

*S Davies*

**S Davies**  
**Information Governance Officer**