



North East and North Cumbria

Our Reference North East and North Cumbria ICB\
FOI ICB 25–137

North East and North Cumbria ICB
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By Email

23 July 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 on 8 July 2025 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, Newcastle Gateshead, North Cumbria, North Tyneside, Northumberland, South Tyneside, Sunderland, and Tees Valley.

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

Your Request

Please kindly forward a copy of the winning Getting Help tender within the standing still period.

Our Response

We can confirm, as per Section 1(1) of the Freedom of Information Act (FOIA) 2000, the ICB does hold the information requested. However, on this occasion, it is not possible to satisfy your request.

The Freedom of Information Act (FOIA) 2000 contains a number of exemptions that allow a public authority to withhold certain information from release. The requested information is exempt under s.43(2) of the FOIA2000 as disclosure is likely to prejudice the commercial interests of a person as defined by the Act.

The procurement of any service is undoubtedly a commercial activity which is carried out in a competitive environment. External companies are competing to deliver the required services at a competitive and cost-effective price. Those companies who completed the ICB's invitation to tender were all competing to secure the contract with us.

The application of this exemption requires an examination of the public interest in disclosure in comparison as opposed to that in non-disclosure.

NENC ICB is currently in a live tender, conclusion is scheduled for 28 August 2025, but this is subject to change if a decision-making committee is changed or due to circumstances outside our control. Once conclusion and approval are received an 'intention to award notice' will be published on Find a tender service; this will outline the start of an 8 working day standstill period, where representations in accordance with Regulation 11 (8)(a) 11 (8)(b) of PSR 2023. Deadlines for lodging of representations should be in accordance with Regulation 12 of PSR 2023.' NENC ICB would not release this commercially sensitive information within or outside of a formal tender standstill period.

The provider has declared that they consider all information submitted as part of this tender to be commercially sensitive and does not want any of this information to be shared with a third party. Releasing of information could lead to legal challenge and reputational damage. In addition:

- Release of this could cause commercial harm to the suppliers, reducing their competitiveness.
- The identification of details about companies would reduce the innovation of tendering parties' bids in future procurement processes, as this would be likely to inhibit competitive bids.
- Disclosing this information could weaken NENC ICB position as potential companies would not have confidence that NENC ICB would keep sensitive information about service delivery and costings private and cause reputational damage.
- Disclosing this information could prejudice NENC ICB ability to obtain best quality of service and value if future procurement processes are affected.

The factors *in favour of disclosure* would include:

- Transparency of functions; procurement and services to the NHS.
- Disclosure would encourage and instil trust and confidence.

Factors *in favour of withholding the information* are largely laid out in the explanation for the use of the exemption above but would include:

- The bidder has declared their bid submission as commercially sensitive and does not want any of the bid to be shared with a third party.
- Disclosing the information could prejudice the bidders' position and put them at competitive disadvantage.
- Disclosure could prejudice the ICB's purchasing position.
- NENC ICB being able to work within competitive markets where results in a financial or resource benefit is put to the wider public interest.
- Public interest in maintaining the exemption outweighs the public interest in disclosing the requested information.
- In any case, we cannot disclose any information within a live and confidential procurement process.

In summary, to disclose a copy of the winning Getting Help tender within the standing still period would impact on the contract bidders and the ICB and disadvantage both parties. After consideration of the factors above, we believe, on balance, the public interest lies in maintaining the exemption.

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 ICB's complaints procedure.

The Information Commissioner can be contacted at Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF or 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. This will not affect your initial information request.

Yours faithfully

Information Governance Support Officer

**Information Governance Support Officer
North East and North Cumbria Integrated Care Board**