



Our Ref: PW/AKB/FOI/0624/887

Stafford Education & Enterprise Park
Weston Road
Stafford
ST18 0BF

2nd July 2024

Telephone: 0300 123 1461

Sent by email

Dear

FOI-0624-887

Your request for information under the Freedom of Information Act 2000

Thank you for your request for information received on the 25th June 2024. We can confirm that the Staffordshire and Stoke-on-Trent Integrated Care Board can provide the following information.

An anonymised copy of this response will be made publicly available on the ICB website.

Please see our responses in blue below:

Brighter Futures: The American and The Observatory

I am writing to in regards to the two above services. As I am sure you are fully aware by now Brighter Futures will be closing these services on the 21st June 2024. There are now alternative provisions in place for customers and I wish to express my gratitude for all the help and support the ICB have given during this difficult time.

It has come to my attention that not so long back there was a review of The American Clubhouse completed and a 22-page report was done on the performance of the Clubhouse. I was wondering if it would be possible to obtain a copy of this report to use as a reference of the amazing work the network has done as Brighter Futures are not being very accommodating with this.

Please be advised that Exemption 43.2 of the Freedom of Information Act 2000 (FOIA) has been applied to your request as the report is deemed commercially sensitive. A Public Interest Test has been applied, a copy of which is attached for your information.

We have also detailed extracts below in respect of Exemption 43.2 taken from the Information Commissioner's Office (ICO) website:

Section 43(2) is a prejudice-based exemption which says that information is exempt if its disclosure under FOIA would, or would be likely to, prejudice the commercial interests of any legal person (including the public authority holding it).

What is a commercial interest?

A commercial interest relates to a legal person's ability to participate competitively in a commercial activity. The underlying aim will usually be to make a profit. However, it could also be to cover costs or to simply remain solvent.

What does prejudice mean?

In legal terms, the word 'prejudice' is commonly understood to mean harm. To say that disclosure would, or would be likely to, prejudice someone's commercial interests implies that it would (or would be likely to) harm those interests.

What is the prejudice test?

If you hold commercial information, it does not necessarily follow that this information is exempt from disclosure under section 43(2). You must be able to show how and why its disclosure has the potential to prejudice someone's commercial interests. This is known as the prejudice test.

In order to apply section 43(2), you must be able to show that the disclosure of the information would, or would be likely to, prejudice or harm your commercial interests, or those of an individual, a company or any other legal entity. In conducting this test, you need to identify what the harm is and why it may occur as a result of disclosure.

You must decide the likelihood of prejudice arising on the facts of each case. Establishing the appropriate level of likelihood is important because it affects the public interest test, later.

- *"would...prejudice" means that if you disclose the information, it is more probable than not that the harm you have identified would occur (ie there is a more than 50% chance of disclosure causing the prejudice, although it is not absolutely certain that it would do so).*
- *"would be likely to prejudice" is a lower threshold. It means that if you disclose the information, the probability of the harm occurring is less than 50%. However, the risk of prejudice occurring must be real and significant, and it must be more than hypothetical or remote.*

It is not sufficient for you to simply argue that because information is commercially sensitive, its disclosure would, or would be likely to, prejudice commercial interests. You must be able to demonstrate a causal relationship between the disclosure of the information in question and the prejudice you envisage.

Should you require any further information or clarification regarding this response please do not hesitate to contact us. If you are dissatisfied with the response, you are entitled to request an internal review which should be formally requested in writing and must be within two calendar months from the date this response was issued.

To request an internal review

You can request an internal review by contacting the Staffordshire and Stoke-on-Trent Integrated Care Board FOI team by emailing the team at StaffsStokeFOI@staffsstoke.icb.nhs.uk or by post to the address at the top of this letter.

If you are not content with the outcome of your internal review, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Generally, the ICO cannot make a decision unless you have exhausted the Staffordshire and Stoke-on-Trent Integrated Care Board's FOI complaints procedure.

The ICO can be contacted at:

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

www.ico.gov.uk

Yours sincerely

Paul Winter
Associate Director of Corporate Governance