

Our Ref: PW/SJR/FOI/0625/1297

Stafford Education & Enterprise Park
Weston Road
Stafford
ST18 0BF

5th June 2025

Telephone: 0300 123 1461

Sent by email

Dear

FOI/0625/1297

Your request for information under the Freedom of Information Act 2000

Thank you for your request for information received on 30th May 2025. 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 note the ICBs responses in blue.

I would like to request a copy of the ICB plan for change that has been submitted to NHSE today.

After careful consideration, we are exempting (withholding) the requested information under the following exemptions of the Freedom of Information Act 2000:

Section 41 - Confidentiality

The plan submitted to NHS England contains information that was provided in circumstances imposing an obligation of confidence. Disclosure would constitute an actionable breach of confidence. This exemption is absolute, and therefore not subject to the Public Interest Test.

Section 40 (2) – Personal Information

Some elements of the plan contain information from which individuals could be identified, either directly or indirectly. Disclosure of this personal data would be unlawful under the UK GDPR and Data Protection Act 2018. This exemption is also absolute and therefore not subject to the Public Interest Test.

Section 22 - information intended for future publication

The plan is a working draft and is not yet finalised. Once complete, it is our intention to publish elements of the document (i.e. staff structures, relevant Committee structures etc) on our website in due course – expected around the national December deadline. Please see the attached document for the Public Interest Test relating to the application of this exemption.

Section 43(2) – Prejudice to Commercial Interests

Disclosure of the draft plan at this stage could prejudice the interests of the ICB, particularly in relation to ongoing negotiations and strategic planning. Please see the attached document for the Public Interest Test relating to the application of this exemption.

Section 36(2)(b)(i) and (ii) – Prejudice to Effective Conduct of Public Affairs

In the reasonable opinion of a qualified person, disclosure of this draft plan would inhibit the free and frank provision of advice and exchange of views for the purposes of deliberation. Releasing the information prematurely could undermine the decision-making process and the ability of senior leaders to engage in open, constructive dialogue. Please see the attached document for the Public Interest Test relating to the application of this exemption.

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 ICB FOI team by emailing; staffsstokeFOI@staffsstoke.icb.nhs.uk or by post to the address at the top of this letter within 40 working days of the initial response.

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

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Public Interest Test

FOI 0625/1297	
FOIA Exemptions S.22, S.43(2) and S.36(2)(b)(i) and (ii)	
<i>Factors supporting disclosure</i>	<i>Factors supporting non-disclosure</i>
<ul style="list-style-type: none"> Disclosure would support transparency in how the ICB is planning and implementing organisational reform. Sharing the plan could help the public and stakeholders understand strategic priorities and planned reforms within the ICB. Open access to information builds public trust and demonstrates that decisions are being made in an accountable manner. 	<ul style="list-style-type: none"> The plan is not yet finalised and may be subject to further internal and external revision. Disclosure at this stage could lead to misinterpretation or confusion regarding incomplete or provisional elements. (S.22) Premature release would undermine the ICB's publication strategy and detract from the value of a controlled, accurate, and well-contextualised final release. (S.22) Elements of the plan may refer to changes that if disclosed prematurely, could negatively impact the ICB's commercial positioning. There is a risk that disclosure would weaken ongoing negotiations, ultimately compromising processes. (S.43(2)) Disclosure would inhibit the free and frank provision of advice and exchange of views. Releasing the plan before final endorsement could lead to undue pressure on Executive Leadership and decision-makers or deter open discussion in future development processes. (S.36 (2)(b) (i) and (ii)) The draft may contain options or deliberative content not intended for public release, and early disclosure risks undermining developments. (S.36(2)(b) (i) and (ii))
<p>Conclusion: While we acknowledge that there is a public interest in transparency and accountability, we have concluded that there are compelling arguments in favour of withholding the information at this time. Disclosure would likely prejudice the effectiveness of internal deliberations,</p>	

disrupt fair commercial processes, and compromise the intended strategic publication of this information.

The public interest in maintaining the exemptions outweighs the public interest in disclosure.

PIT Members:

Associate Director of Corporate Governance
Head of Governance

Date of Public Interest Test: 3rd June 2025