



**Staffordshire and
Stoke-on-Trent**
Integrated Care Board

Our Ref: PW/AKB/FOI-06-421

23rd August 2023

Stafford Education & Enterprise Park
Weston Road
Stafford
ST18 0BF

Sent by email

Telephone: 0300 123 1461

Dear

FOI-06-421

Your request for information under the Freedom of Information Act 2000

Thank you for your request for information received on the 30th June 2023. 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:

I am writing to you under the Freedom of Information Act 2000 to request information from NHS Staffordshire and Stoke-on-Trent ICB.

Information requested:

Please may you provide me, in Microsoft Excel or an equivalent electronic format, with a list of non NHS trade invoices that were not paid within 30 days for the last 6 financial years which would feed into the Regulation 113 Notice you are required to publish each year as part of your obligations under The Public Contracts Regulations 2015, with the following information for each invoice (where available):

- 1. The name of the Supplier**
- 2. Supplier email address**
- 3. Supplier postal address**
- 4. Supplier telephone number (if available)**
- 5. The date of the Invoice**
- 6. The invoice reference**
- 7. The gross value of the Invoice**
- 8. The date the Invoice should have been paid by**
- 9. The actual payment date of the Invoice**

As advised on the 6th July 2023 a Public Interest Test together with a Prejudice Test have been undertaken in respect of your request the results of which are below. The signed Tests are provided for your records.

Chair: David Pearson MBE

Interim Chief Executive Officer: Peter Axon

Under Section 43 (2) of the Freedom of Information Act 2000 re 'Commercial Interest' has been applied. The exemption covers the following situation:

- The procurement process must be seen to be fair and that commercial interests of the suppliers of services are not unduly prejudiced by the release of commercially sensitive information. It is important to maintain the confidence of our suppliers in order to achieve best value for the tax payer.
- The pricing aspects outlined in the existing contract may be construed as a "trade secret" in that it is a strategy owned and developed by the contractors. If the pricing was made available to competitors in the market place it would undermine the commercial interests of the contractors when bidding for other contracts by reducing their competitive edge.
- To reveal the details of the cost would seriously undermine our ability to negotiate the best value for money for the public purse on future contracts as the rates and methodology are still current.
- The contractors object to the release of their bid information on the grounds that it contains commercially sensitive information in terms of "trade secrets" and rates' and such a release would be actionable.

Please be advised that Exemption 21 has been applied to this FOI request as the information is reasonably accessible by other means. Detailed below is the link to the National Archives where the following can be found for the former Clinical Commissioning Groups:

Cannock Chase CCG
East Staffordshire CCG
North Staffordshire CCG
South East Staffordshire and Seisdon Peninsula CCG
Stafford and Surrounds CCG
Stoke-on-Trent CCG

[Browse our A-Z list of websites - UK Government Web Archive \(nationalarchives.gov.uk\)](https://nationalarchives.gov.uk)

The Annual Reports (includes section relating to Annual Accounts, Expenditure over £25k and the Contracts (Procurement) Register can be found following the search function detailed below:

- a. Search under National Health Service – the respective CCGs are named.
- b. Click on the link which will take you to the website.
- c. Click on relevant year i.e. 2015 onwards which will take you to the CCG's main page.
- d. Click on News and Events – Publication Schemes. Scroll down the page on the right hand side which will provide the link to the to the Annual Reports, Expenditure over £25k and the Contracts Register (Procurement).

Please note the following regarding the annual accounts published within the Annual Report:

The summary information requested can be found within the statutory annual accounts which is published within the Annual Report.

It is presented within the accounts under the section entitled 'Better Payment Practice Code' (BPCC). This demonstrates the individual CCG or ICB's performance against paying more than 95% of invoices by value and volume within 30 days of receipt. The information is further broken down between BPCC performance against invoices received from Non-NHS suppliers and NHS suppliers.

Detailed below is the link to the ICB website:

[Home - Staffordshire and Stoke-on-Trent ICB](#)

Please be advised that the ICB Annual Report for 2022/2023 will be made available on the ICB website once it has been ratified at the Staffordshire and Stoke-on-Trent Annual General Meeting later this year.

Detailed below are the links to the Expenditure over £25k and the Procurement Registers for the ICB:

[Expenditure over £25k - Our publications and policies - Staffordshire and Stoke-on-Trent \(icb.nhs.uk\)](#)

[Procurement Register – Our publications and policies - Staffordshire and Stoke-on-Trent \(icb.nhs.uk\)](#)

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:



**Staffordshire and
Stoke-on-Trent**
Integrated Care Board

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