

Our Ref: PW/SJR/FOI/0625/1341

Stafford Education & Enterprise Park
Weston Road
Stafford
ST18 0BF

11th July 2025

Sent by email

Telephone: 0300 123 1461

Dear

FOI/0625/1341

Your request for information under the Freedom of Information Act 2000

Thank you for your request for information under the Freedom of Information Act 2000, received on the 30th June 2025. We can now 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. Responses are highlighted in blue.

Please can you provide me with:

- 1. The number of staff employed from 2020 -2025 who asked for reckonable service to be considered when returning from a healthcare provider to a full NHS service**

We do not keep a record of requests made for these requests, so we are unfortunately unable to respond to this question.

- 2. The number of those who asked (as question 1) and were given those years as reckonable in the same time period**

Please see our answer to the first question.

- 3. For those who were granted the reckonable service the name of the providers they were leaving**

We do not keep a record of requests so are unable to respond to this question.

- 4. The number of any approvals of requests for consideration of reckonable service which have been approved since 1st January 2025 and today's date across the entirety of the ICB**

Whilst ESR captures any changes made to reckonable (aggregate) service, it does not capture the reason e.g. approvals of requests for consideration of reckonable service. Reasons for updates to reckonable service could include but are not limited to employees / managers requesting records be checked and amended, incorrect/missing data identified by the employers or MLCSU. However, the total number of 'Aggregate Service Year updates' made to ESR records during this period was 26.

- 5. For any that meet the criteria for number 4 please provide length of service with non-NHS provider and type of non-NHS provider as well as staff grade.**

We cannot release this for the reasons supplied in Q1. And also will exempt any information that the ICB does hold on staff personnel files under the 'Absolute Exemption' FOIA Section 40(2) as personal information belonging to the individuals who might be re-identified if released. No Public interest Test is required to support this.

6. The ICB policy (previous CCG) in place in 2021 regarding questions to ask at recruitment to ensure recruiting staff are aware they can ask staff if they need reckonable service considering

The ICB does not hold the prior CCG's Policies and did not legally exist as an NHS Body subject to FOIA principles back in 2021, so is not liable for holding or releasing this policy. All CCG policies were fully rescinded and replaced at ICB Establishment with brand new, ICB-applicable policies (for HR and all other Corporate areas).

These policy documents are therefore no longer active, available or applicable documents, having expired when CCGs were legally abolished in June 2022.

Our ICB Recruitment & Selection Policy is publicly available on the ICB's website, which explains the ICB applicable policy lines:

staffsstoke.icb.nhs.uk/your-nhs-integrated-care-board/our-publications/governance-handbook/all-policies/hr-policies/recruitment-selection-policy-v4/?layout=file

This sets out the broad policy lines for records management and interview / recruitment checks principles that guide what is recorded and retained at interview and pre-employment check phases of ICB recruitment. This is also guided by the NHS Terms & Conditions of Service Handbook, from NHS Employers.

7. The current ICB policy regarding asks for reckonable service to be considered and decisions to be made

The ICB has no specific policy that sets this out, so we are unable to release anything for this question. Please see the previous answer.

8. Appropriately redacted minutes of executive meeting where the above policy was approved and then ratified

The Executive Team meetings are not minuted meetings, so minutes are not held and cannot be released. Action Notes only are taken, as the meeting in question does not approve ICB policies. Only ICB Board Assurance Committees and the Board itself approve ICB policies. These are minuted meetings, and Board minutes are available on the ICB website (for this particular policy, from the first ICB Board meeting in July 2022, adopting all ICB policies at the point of establishment).

Furthermore, the Action Notes contain confidential information and make reference to a small number of cases which could be person identifiable and so are not able to be shared under the S.40(2) exemption applied to question 5.

This information is also ruled exempt under Section 36(b) of FOIA, by the ICB's Chief Executive Officer acting as our "Qualified Person" in that disclosure "*would, or would be likely to, inhibit (i) the free and frank provision of advice, or (ii) the free and frank exchange of views for the purposes of deliberation*" at private Executive meetings. And also under Section 36(c), in that it "*would otherwise prejudice, or would be likely otherwise to prejudice, the effective conduct of (the ICB's) public affairs.*"

A completed Public Interest Test is duly appended to support this particular S.36 FOIA Qualified Exemption. The purpose of this is to support the ICB's decision that the public interest in maintaining the exemption outweighs the public interest in disclosure for this particular question and the nature of it.

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

Request for FOI-0625-1341 Information (minutes of Executive Team meetings)	
FOIA Exemption S.36 (b) / (c) – Prejudice to effective conduct of public affairs	
<i>Factors supporting disclosure</i>	<i>Factors supporting non-disclosure</i>
<ul style="list-style-type: none"> • There is some weight of public interest in the public examining the work of the ICB to encourage the discharging of public functions in the most efficient and effective way; • There is some weight of general public interest in the work of public bodies being open to scrutiny to increase due diligence in decision-making; • There is some weight of general public interest in disclosing certain items of corporate information that supports the transparency in the spending of public money and that the ICB as a public body is getting value for money when using its available Running Costs budget. 	<ul style="list-style-type: none"> • The Executive Meeting is not formally minuted nor is a meeting held in public. It only records Action Notes for any important discussions, as it is not a formal decision-making part of ICB Governance. It is thus not subject to ICB Standing Orders (Constitution) requirements of ICB business meetings; • The interpretive policy aspects sought under this part of the FOI request are already provided for within the publicly available ICB HR Policy and NHS Employers based NHS Terms & Conditions Handbook as to reckonable service calculations or policy lines; • A reasonable opinion has been expressed by ICB’s CEO as the “Qualified Person” adjudging a high risk and likelihood from disclosure of Executive Team Action Notes causing genuine prejudice to the ICB’s leadership freedoms to act. There would be an inhibition of ICB Executives being able to have free and frank exchanges of when providing advice or giving their views as part of the process of deliberation on important ICB operational issues they are the leaders of and publicly accountable for. This ability to act would be severely impacted by disclosure as no views would likely be exchanged if such deliberations were freely made public. Disclosure would, inhibit the ability of ICB staff and others to express themselves openly, honestly and completely, or to explore extreme options. The rationale for this is that inhibiting the provision of advice or the exchange of views would impair the quality of the process of operational deliberation.

<i>Factors supporting disclosure</i>	<i>Factors supporting non-disclosure</i>
	<ul style="list-style-type: none"> • The deliberation in question relates to an ongoing process of NHS Reset, required by the Secretary of State. As such, the deliberation and discussion about ICB staff employment matters remains live and continuing at the time of the request. It is therefore deemed reasonable for the ICB's Qualified Person to maintain that disclosure would limit their fellow Executives being able to deliberate on closely related live issues – aka the “chilling effect” argument far outweighs the public’s right to see notes of still-live discussions. • The public do not have a general right to access information pertaining to ICB as NHS Employer discussions or decisions – e.g. meetings of the Remuneration & Terms of Service Committee are highly restricted owing to employer / employee sensitivities and data protection rights. The public has no common law right to see this information under transparency expectations, so a far greater weight lies behind non-disclosure. • Section 36(2)(c) is concerned with the effects of making the information public, where the public interest would be more damaged by disclosure of confidential business information into the public domain also subject to (but not exercised in this case) the confidential nature of the information being sought. This was imparted in an environment where confidentiality is fundamental to deliberations. The prejudice envisaged here is different to that other exemption, meaning the PIT Panel decided the greater weight lies behind non-disclosure. A ‘safe space’ afforded to Executive discussion is fundamental to developing ideas, debating live issues, and reaching operational decisions away from external interference and distraction likely to arise from disclosure.

Conclusion:

There are stronger, more compelling arguments which support withholding the information which outweigh those supporting release.

PIT Members:

FOI Administrators
Governance Manager
Head of Governance

Date of Public Interest Test:

10th July 2025