



Great Yarmouth and Waveney  
North Norfolk, South Norfolk  
Norwich, West Norfolk  
Clinical Commissioning Groups

2 November 2018

## FREEDOM OF INFORMATION – DECISION NOTICE

Dear Requester

### FOI Reference Number: 18750

I refer to your email, copy attached, of 10 October requesting information in respect of continuing healthcare sought from Great Yarmouth and Waveney, North Norfolk, South Norfolk, West Norfolk and Norwich CCGs (the CCGs). The CCGs have processed your request under the terms of the Freedom of Information Act 2000 (FOIA).

Section 12(1) of the FOIA (together with Regulation 4 of the Fees Regulations) makes provision for public authorities to refuse requests for information where the cost of dealing with them would exceed the 'appropriate limit'. For the NHS, this limit is set at £450, or 18 hours work estimated at a rate of £25 per hour.

When calculating the cost of compliance, a public authority may only include the time that would be required to determine whether the requested information is held, and to locate, retrieve and extract the information.

The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, Regulation 4(4)

<http://www.legislation.gov.uk/ukxi/2004/3244/regulation/4/made>

To assist you further, the Information Commissioner's guidance on Section 12 is available online at:

[https://ico.org.uk/media/for-organisations/documents/1199/costs\\_of\\_compliance\\_exceeds\\_appropriate\\_limit.pdf](https://ico.org.uk/media/for-organisations/documents/1199/costs_of_compliance_exceeds_appropriate_limit.pdf)

This means that if retrieval of any of the information for this request would exceed the appropriate limit, then the request may be refused; this allows the requestor to choose the particular part of the information that they are most interested in. The public authority should not 'select' and respond to certain parts only, as this *"ultimately denies the requestor the right to express a preference as to which part or parts of the request/s they may wish to receive which can be provided under the appropriate limit."*

From a preliminary assessment, the CCG's decision is that, in this case, even the time needed to determine whether information is held for this request and retrieve that information would exceed the 'appropriate limit' set out above.

This letter therefore serves as a refusal notice under section 17(1) of FOIA for this request. I will explain this further below, and will also provide advice and assistance about how you may consider narrowing your request.

### **The cost of complying with your request**

In this case, it would greatly exceed the appropriate limit even to retrieve the information for the information sought in questions 3, 4, 9 and 10.

The CCGs do not intrinsically record diagnosis in relation to determining whether a patient is eligible/not eligible for Continuing Healthcare. It may be recorded on the Decision Support Tool that is completed at the time of assessment and sometimes it is not recorded at all.

In order for the CCGs to check if the diagnosis information is held it would be necessary to manually assess the individual records; this would take in excess of 18 hours.

Continuing Healthcare is a process of identifying whether a patient has a Primary Healthcare Need (PHN) by following the National Framework for NHS Continuing Healthcare and NHS-Funded Nursing Care guidelines. There could be mention of the diagnosis term within the notes of the Decision Support Tool document for each individual patient which is completed by the Nurse Assessor as part of the decision making process, but would, if at all, only be mentioned when giving a brief medical history of the patient.

Information on the numbers of CHC packages processed by the CCGs can be found within the statistics published by NHS England at the following links:

[https://www.gov.uk/government/statistics?keywords=continuing+healthcare&topics%5B%5D=all&departments%5B%5D=all&from\\_date=&to\\_date](https://www.gov.uk/government/statistics?keywords=continuing+healthcare&topics%5B%5D=all&departments%5B%5D=all&from_date=&to_date)

<https://data.gov.uk/dataset/f259a7b7-6c97-4632-93d0-38b93afb324f/nhs-continuing-healthcare-activity>

<https://www.england.nhs.uk/statistics/statistical-work-areas/nhs-chc-fnc/2017-18/>

I will now make some suggestions as to how you could move your request forwards by reducing the size and scope of the information you are looking for.

### **Next Steps**

Our suggested way forward would be to suggest the following.

As detailed above the information is not recorded by a patient's diagnosis, however it is recorded within the following:

- **Learning Disabilities**
- **Mental Health** (please note that within this category patients would have a dementia diagnosis but some Physical Disabilities would also have Dementia alongside say Parkinson's etc. which would further compound searches)
- **Physical Disability**

Please consider refining your request to one or more of the categories outlined above and please note that statistics are published by NHSE.

If you would like to make a request along these lines, please let me know. We will then proceed to retrieve the requested information and to determine whether the information may

be disclosed or whether an exemption applies, e.g. section 21 to information already easily accessible.

I hope that this answers your queries with the information we currently hold, but if I can be of any further assistance please do not hesitate to contact me.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to

Arden & GEM CSU  
FOI Team, Room 18  
Scarsdale  
Newbold Road  
Chesterfield  
S41 7PF

Email [agcus.foi.norfolkwaveneycggs@nhs.net](mailto:agcus.foi.norfolkwaveneycggs@nhs.net)

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided the CCG.

The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF, telephone 0303 123 1113, email [casework@ico.org.uk](mailto:casework@ico.org.uk)

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<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>

Yours faithfully

Philip Humphreys

**FOI Manager, Arden & GEM CSU**

**On behalf of  
Great Yarmouth and Waveney,  
North Norfolk, South Norfolk  
Norwich and West Norfolk CCGs**