



Freedom of Information request & West Norfolk CCG response

WN-2016-00152 – Mental Health Rehabilitation Services

1. Do you purchase mental health rehabilitation services on a block contract or as a spot purchase? Please tick appropriate box.

- Block contract (if yes, please see questions 2)
- Spot purchase (if yes please see question 3)

2. If services are bought on a block contract, please provide the number of bed days commissioned and £ spent on mental health rehabilitation services for following years financial years (FY), defined as April- March.

The CCG confirms that it holds the information requested but are withholding it under section 43(2) of the FOIA. Section 43 of the Act provides an exemption for information, the disclosure of which would or would be likely to prejudice the commercial interests of any person (including the interests of a public authorities, such as CCGs).

The Information Commissioner's relevant guidance states that:

"...a commercial interest relates to a person's ability to participate competitively in a commercial activity, i.e. the purchase and sale of goods or services"

It is considered that the commercial interests of the providers would be likely to be prejudiced if we disclose the information requested, as it would alert their competitors to their pricing strategies.

As this is a qualified exemption we must consider whether the public interest in withholding the information outweighs the public interest in disclosing it.

Factors in favour of disclosure of the information are as follows:

1. *Furthering the understanding of and participation in the public debate of issues of the day.*
2. *Promoting accountability and transparency by public authorities for decisions taken by them and in the spending of public money.*
3. *Allowing individuals and companies to understand decisions made by public authorities affecting their lives.*

Factors in favour of non-disclosure are as follows:

1. *There is a strong public interest in ensuring that the commercial interests of the companies providing the services are not prejudiced. If such prejudice occurs it would enable competitors to undercut the organisations when bidding for contracts of a similar nature.*
2. *Disclosure of the withheld information into the public domain could decrease the differentiation between suppliers, as processes, practices and commercial offerings may become homogenised, thus endangering true and fair competition. This would further hinder the ability of suppliers to act competitively within the market. Internal processes that allow such suppliers to create and maintain a competitive advantage would be lost as they become public knowledge, creating unfair competition and stifling innovation and creativity.*
3. *Losing the trust of potential suppliers could damage the CCG's reputation with suppliers and therefore undermine their ability to procure specialised services. This would be to the detriment of the public interest in seeing that our services are developed with the best advice and services, and at favourable rates.*

The CCG considers that there is a public interest in disclosure of the withheld information as it promotes openness and transparency around surrounding public spending within the NHS.

However, equally, the CCG does not consider that it would be in the public interest to damage their suppliers' commercial position by disclosure of current commercially sensitive pricing information which would be relied upon by their competitors/bidders to obtain a commercial advantage in upcoming procurements.

On balance the CCG considers that the public interest in favour of disclosure is outweighed by the public interest in favour of maintaining the exemption in this case. Section 43(2) FOIA was therefore correctly applied to withhold the requested information.

3.
 - a. **If services are spot purchased on a sport contract, please provide the day rates, in £, of the latest 20 service users you have placed in a mental health rehabilitation service; further please state if the provider in which the service was place an independent (private or charity) or NHS provider.**

Please see the response to question 2.

- b. **If any of the service users from 3.a have received any further payments (in the forms of top-ups/ additional observations/ specialing) please indicate the latest available weekly cost; please use the service user number from 3.a as a reference/index. Indicate if when a service user did not get further payments with "n.a".**

Please see the response to question 2.

- 4. Do you purchase Learning Disability rehabilitation services on a block contract or as a spot purchase? Please tick appropriate box.**

Block contract (if yes, please see questions 5)

Spot purchase (if yes please see question 6)

- 5. If services are bought on a block contract, please provide the number of bed days commissioned and £ spent on Learning Disability rehabilitation services for following years financial years (FY), defined as April- March.**

Please see the response to question 2.

6.

- a. If services are spot purchased on a sport contract, please provide the day rates, in £, of the latest 20 service users you have placed in a Learning Disability rehabilitation service; further please state if the provider in which the service was place an independent (private or charity) or NHS provider.**

Please see the response to question 2.

- b. If any of the service users from 3.a have received any further payments (in the forms of top-ups/ additional observations/ specialing) please indicate the latest available weekly cost; please use the service user number from 3.a as a reference/index. Indicate if when a service user did not get further payments with "n.a".**

Please see the response to question 2.