

Hugh Risebrow
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FOI
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Kent House
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Ashford
TN23 1PP

3rd October 2016

E-mail: foi@nhs.net
www.ashfordccg.nhs.uk

Our Ref: FOI.16.ASH146

Dear Mr Risebrow

RE: FREEDOM OF INFORMATION REQUEST

Thank you for your request for information under the Freedom of Information Act 2000 received on 14th September 2016 by NHS Ashford Clinical Commissioning Group. The information you have requested is listed below together with the response:

Please advise whether you currently pay for GP direct access pathology:

- on a block contract basis; or,
- an average price per test overall; or,
- an average price per test by specialty (eg £x for chemistry, £y for microbiology); or,
- a specific price per test.

I can confirm NHS Ashford Clinical Commissioning Group (CCG) pays for GP direct access pathology on the basis of a specific price per test.

If the latter, please advise the price currently paid for each of the following tests:

Full blood count
U&E profile*
Liver function test profile*
Parathyroid hormone
Ferritin, or TSAT
Hepatitis B Surface Antigen
Hepatitis C
HIV
Aluminium
Cholesterol
HBa1c
Folate deficiency
Vitamin B12
Vitamin D
Blood culture
IV antibiotic tests



*** if parameters priced separately:**

Urea

Electrolytes

Creatinine

Bicarbonate

Calcium

Phosphate

Alkaline Phosphatase

Albumin

I can confirm that NHS Ashford CCG does hold this information. The CCG considers that this information is exempt under Section 43(2) (Commercial Interests) of the Freedom of Information Act 2000 (the FOIA) as disclosure of this information would reveal the unit price currently paid by the CCG for this service.

Releasing the unit price paid may reduce the competitive nature and innovation in pricing when services are put out to tender as it could identify the upper or lower limit the CCG is willing to pay. This may cause future more economically efficient providers to raise their prices in line with that previously paid by the CCG. This would likely prejudice the CCG's ability to obtain best quality of service and value for money when negotiating contracts. It is considered that the CCG paying more for services would not be in the public interest.

Section 43(2) is a qualified exemption and is subject to the public interest test. This means that not only does the information have to prejudice one of the purposes listed, but before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

Public Interest Test

Considerations in favour of disclosure:

- The public need to know that officials are spending public money wisely and getting best value, without fear or favour
- The need for public authorities to be transparent in their dealings

Considerations against disclosure:

- Disclosing this information could cause providers to raise prices in future tendering opportunities
- It is not in the public interest for the CCG to pay more for services
- It could weaken the CCG's position as potential companies would not have confidence that the CCG would keep sensitive financial data private
- This could prejudice the CCG's ability to obtain best quality of service and value
- The inherent public interest in avoiding the prejudice specified in the exemption

Conclusion:

NHS Ashford CCG recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them. However, there is also a public interest in the CCG being able to work within competitive markets where that results in a financial or resource benefit which is put to the wider public interest. Having undertaken the balancing exercise, the CCG has concluded that the public interest in maintaining the exemption outweighs the public interest in disclosing the



requested information having regard to the effect that the disclosure of the information would not be in the public interest.

Given that the definition of 'public' under the Act is considered to be the public at large, rather than just the individual applicant or a small group of people and that 'public interest' is not necessarily the same as what interests the public, it is considered that to release this information into the public domain is likely to result in prejudice to the commercial interests of both the CCG and the supplier organisation which is not outweighed by the wider public interest for disclosure.

We hope that this has dealt with your request for information however, should you remain dissatisfied, you have the right to request that we conduct an internal review of the way we have handled your request. If you would like us to conduct such a review please contact us within two months of this letter:

Email foi@nhs.net or

FOI-Internal Review Request

SECSU

Kent House

4th Floor

81 Station Road

Ashford. TN23 1PP

Your request for an internal review will then be processed in accordance with our Freedom of Information Policy.

If you are still dissatisfied following the internal review, you have the right under Section 50 of the Freedom of Information Act (2000) to appeal against the decision by contacting the Information Commissioner. The Information Commissioner provides full and detailed guidance on the Freedom of Information Act and on when and how to complain.

Please find below the link to their website page and their helpline number.

<https://ico.org.uk/for-the-public/official-information/>

Helpline number: 0303 123 1113 or 01625 545745

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response, which will protect your anonymity, will be posted on the NHS Ashford Clinical Commissioning Group website.

Yours sincerely

Freedom of Information Team

South East CSU



This Freedom of Information request has been processed by South East Commissioning Support Unit (South East CSU) on behalf of

NHS Ashford Clinical Commissioning Group

Inca House

Trinity Road

Eureka Science Business Park

Ashford

Kent. TN25 4AB

South East CSU is hosted by NHS England. South East CSU provides a number of administrative functions including managing Freedom of Information Requests.

