

Dear Dave

Reference: FOI.17.WFT044

20 June 2017

RE: Freedom of Information Request

Thank you for your request under the *Freedom of Information Act 2000* (the Act). This response is provided on behalf of NHS Waltham Forest Clinical Commissioning Group (CCG). Your request along with the CCG's response is detailed below.

1. How many adults in your CCG currently receive NHS Continuing Healthcare?

313

Please note:

- Data consist of all adults with an open package including Fast Track (FT), Jointly Funded (JF) plus Funded Nursing Care (FNC).
- Data does not include learning disabled patients (excluded from 2017/18 onwards).

- ### **2. How many adults in your CCG currently receive each of the following:**
- Fully funded NHS Continuing Healthcare packages of care?**
 - Joint funded Local Authority / NHS Continuing Healthcare packages of care?**
 - NHS funded nursing care?**
 - "Care at Home" NHS Continuing Healthcare packages care?**

Please see the table below.

Question	Data	Comment
a)	180-185	FT patient numbers included
b)	1-5	
c)	125-130	
d)	63	All adults (including JF and FT)

I can confirm that NHS Waltham CCG holds information relevant to your question, however, the CCG is withholding the exact data for questions a) – c) because the CCG considers the information exempt from disclosure under the Freedom of Information Act 2000, Section 40 (Personal information) and Section 41 (Information provided in confidence). We consider the data exempt on the following grounds:

Section 40(2) – Personal information

The CCG considers that disclosure of the information risks identifying individuals. The reason for this is that the number of patients who are jointly funded is very low (five or less). This and the fact

that the data requested relates to the Waltham area only and therefore relates to patients treated in a specific location (rather than covering a larger geographical area), increases the risk of identification or self-identification.

Questions a) - c) together equals the total number of patients provided in question 1, therefore, to prevent the number of patient(s) who are jointly funded being identifiable we have had to mask the exact number of patients receiving fully funded packages of care (a)) and funded nursing care (c)) as well as the jointly funded (b)). Rather than refusing to provide any data, we have provided ranges to enable you to have an understanding of the split between the categories.

The CCG's view is that s.40(2) is applicable because disclosure of information which could lead to a patient being identified would be a breach of the patient's rights under the Data Protection Act. The grounds for exemption of this information are as follows:

In the context of your request, this data is third party information. The CCG categorises the information about our patients' health as information falling within paragraph (e) of the definition of "sensitive personal data" in s.2 of the Data Protection Act 1998. As such s.40(2) FOIA applies to this information, as does the CCG's duty of confidentiality, and therefore under s.2(3)(f)(ii) FOIA 2000 there is an absolute exemption from disclosure on the grounds that it would contravene the First Data Protection Principle. The First Data Protection Principle states that: *Personal data shall be processed fairly and lawfully.*

Section 41(1) – Information provided in confidence

The courts and the Information Commissioner have long recognised the strong public interest inherent within keeping confidential medical information confidential. Therefore, the CCG is also relying on s.41 to withhold information that may lead to patients being identified. The CCG holds the view that s.41(1) applies for the following reasons: the information was obtained by the CCG from a third party; the information has the necessary quality of confidence (being neither generally accessible nor trivial); the information was imparted in circumstances importing an obligation of confidence. Accordingly, disclosure of this information to an FOI applicant would give rise to an actionable breach of confidence.

3. What was the total NHS Continuing Healthcare budget for adults in your CCG in 2015-16?

£13,253,194

Please note:

- Data consists of all adult (including FT and JF) and FNC

4. What was the actual amount spent on NHS Continuing Healthcare for adults by your CCG in 2015-16?

£16,274,595

Please note:

- Data consists of all adult (including FT and JF) and FNC

5. For each of the following categories, what was the actual amount spent by your CCG in 2015-16 for those adults in receipt of:

- Fully funded NHS Continuing Healthcare packages of care?**
- Joint funded Local Authority / NHS Continuing Healthcare packages of care?**
- NHS funded nursing care?**
- "Care at Home" NHS Continuing Healthcare packages of care?**

Please see the table below.

Question	Data	Comment
a)	£15,298,334	Includes FT
b)	£0	
c)	£976,261	
d)	£3,925,573	All Adults (including JF and FT)

6. What was the total NHS Continuing Healthcare budget for adults in your CCG in 2016-17?

£18,064,406

Please note:

- Data consists of all adult (including FT and JF) and FNC

7. What was the actual amount spent on NHS Continuing Healthcare for adults by your CCG in 2016-17?

£17,586,948

Please note:

- Data consists of all adult (including FT and JF) and FNC

8. For each of the following categories, what was the actual amount spent by your CCG in 2016-17 for those adults in receipt of:

- Fully funded NHS Continuing Healthcare packages of care?**
- Joint funded Local Authority / NHS Continuing Healthcare packages of care?**
- NHS funded nursing care?**
- “Care at Home” NHS Continuing Healthcare packages of care?**

Please see table below.

Question	Data	Comment
a)	£16,359,856	FT patient numbers included
b)	*	Five or less patients
c)	£1,226,970	
d)	£5,600,034	Day, Domiciliary & Home care. All Adults (including JF and FT)

*I can confirm that NHS Waltham CCG holds information relevant to your question, however, the CCG is withholding the data for question b) because the CCG considers the information exempt from disclosure under the Freedom of Information Act 2000, Section 40 (Personal information) and Section 41 (Information provided in confidence). Please see question 2 above for details.

9. What is your CCG’s total NHS Continuing Healthcare budget for adults for each of the years 2017-18, 2018-19 and 2019-20?

Our two year operating plan reflects values of £20.5M for 2017/18 increasing to £21.2M for 2018/19 but we do not hold a planning value for 2019/20 as yet. These values cover adult Continuing Health Care (CHC), Children’s CHC, Learning Disabilities CHC and Free Nursing Care.

10. If your response to Question 9 shows you propose to maintain your NHS Continuing Healthcare budget at current levels or reduce your NHS Continuing Healthcare budget for adults in your CCG, please provide a full explanation of how you will achieve this without making unlawful decisions about eligibility or reducing the size of packages of care.

Not applicable

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Waterloo
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SE1 7NT

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If you remain dissatisfied, you can ask us to review our decision by making a written request for an internal review. In order to assist with the review, you should include your address, a description of the original request and the reasons why you are dissatisfied. Please send this to:

Email

NELCSU.foi@nhs.net

Postal Address

NEL CSU
1 Lower Marsh
Waterloo
London
SE1 7NT

Website Address

www.nelcsu.nhs.uk

The review will be handled by more senior staff who were not involved in the original decision. Although this will not apply to Section 36 claimed exemptions in accordance with Department of Health Directive, your request will still be reviewed. We aim to complete all internal reviews within 20 working days. If you then wish to appeal you should contact the Information Commissioner for an independent review at the following address:

Telephone

01625 545745

Postal Address

The Information Commissioner
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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www.ico.gov.uk

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Your feedback is welcome to help us improve the service we provide. Please send comments or suggestions to our address.

Yours sincerely

Freedom of Information Team

NEL CSU