

Please contact: Access to Information
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21 February 2024

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Re: Your request for information under the Freedom of Information Act 2000
Ref no: FOI-3805-LSC

Thank you for your request dated 29 January 2024.

We can confirm that the ICB does hold the information you requested.

Please find our response to your questions below:

1. I would like to submit an URGENT freedom of information request on behalf of all the 5500 patients registered at Withnell Health Centre.

I would like to know which two contracts you are comparing when you argue that the direct award method is unavailable to you and I would like to know the value of both contracts.

A little background if you will allow me, for the benefit of the MP's based elsewhere.

The practice is currently trapped in over 12 months of uncertainty. Staff are suffering with their mental health due to the stress and anxiety, patients have no confidence regarding the security of their healthcare and the Lancashire and South Cumbria Integrated Care Board remain determined to advertise the health centre via procurement rather than directly awarding the contract to Dr Robinson despite thousands of patient letters, emails, surveys and protests asking for her to remain.

Direct award of a contract becomes an unavailable method when the value of the previous contract is both 25% more and 500K more than the future contract.

The temporary contract the practice is currently under is a result of the failure of the first procurement, a decision that was cancelled due to the patients not being adequately consulted by the ICB.

Due to the nature of a temporary contract it will always be more valuable than the 15 year contract that now needs to be allocated to a suitable provider.

Therefore I would argue that it is incorrect to compare a temporary contract to a 15 year contract in order to argue the financial threshold for the Direct award method has been breached. It is not a like-for-like comparison as one is a short term contract and one is a long term contract.

In order to make this fair and legal for all parties involved I believe that Lancashire and South Cumbria Integrated Care Board should be comparing the last long term contract, the one that existed before the original tendering process was triggered, to the value of the future long term contract.

Only then should the Direct award method be allowed or denied based on the value when comparing two like-for-like long term contracts.

I would appreciate a swift response to this email as this situation is causing a lot of upset for the patients and the wonderful NHS staff at our practice.

Thank you for contacting us about the future of Withnell Health Centre. We know this is a difficult time for patients and staff at the practice and local residents. Lancashire and South Cumbria Integrated Care Board are committed to securing the best result we can within the rules we have to follow. We have published a page on our website where you can access more details about the procurement process for the GP Practice in Withnell including a 'Frequently Asked Questions' section. You can view it here [LSC Integrated Care Board :: Withnell Health Centre \(icb.nhs.uk\)](https://www.lsc.nhs.uk/withnell-health-centre).

You asked us to treat your email to us as a Freedom of Information request. We received several emails asking for the same information and this is provided below. We will also publish this on the dedicated page on our website so they are available for everyone to view. This will be completed within the next few days.

The Primary Care Commissioning Committee considered the procurement route at their meeting on 18 January 2024 but decided to defer the decision until further advice had been received. This will return to the committee at a future meeting, and we will confirm the date as soon as we can.

In response to your request regarding which two contracts are being used to apply the new national guidance, the new Provider Selection Regime regulations, which came into effect on 1 January 2024, state that direct award process C can only be used if 'the proposed contracting arrangements are not changing considerably the existing contract'. The threshold for considerable change is breached as the lifetime value of the proposed new contract is both more than £500,000 higher and 25% higher. The current understanding of the guidance is very clear that we must compare the existing contract which was put in place in 2023. The ICB is required to follow and adhere to national guidance and legislation.

A decision on the approach to be taken in relation to the procurement option has not been decided. On 18 February, the primary care commissioning committee agreed to defer a formal decision on the procurement route until further advice is sought. This will be considered at a future Primary Care Commissioning Committee meeting.

In regard to the reasons for a temporary contract being in place, this is as a result of the GMS contract, held by Drs Siddiqui and Robinson, being terminated in December 2021 when Dr Siddiqui dissolved their partnership and left the practice. An interim APMS contract then commenced on 4 December 2021 whilst we procured a new contract and expired on 3 December 2022 which included a maximum extension of a further six months.

Following the abandonment of the previous procurement exercise, a new APMS contract commenced on 1 April 2023 and expires on 30 September 2024. This included a maximum extension of 12 months, making the contract's maximum duration 30 months. The associated value of this contract is £1,545,000. The value of the contract now being procured, which will have a 10-year term with an option to extend for a further five years, is £9,225,000 – an increase of £7,680,000 or 597%.

We know this is not an ideal situation, but we would like to reassure the local population and staff at Withnell Health Centre that we are still on track with the time frames that were originally set with the community and the GP and practice manager when the new contract was agreed in April 2023.

We remain committed to securing the best outcome for Withnell Health Centre and its patients within the legal guidance we are required and permitted to consider.

More information, frequently asked questions and key updates will be shared on the Withnell Health Centre page on our website here: [LSC Integrated Care Board :: Withnell Health Centre \(icb.nhs.uk\)](https://www.lsc.nhs.uk/withnell-health-centre)

Right of Appeal

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 40 working days from the date this response was issued.

To request an internal review

You can request this by contacting the FOI team by email at MLCSU.FOITeam@nhs.net or by post to Leyland House, Lancashire Business Park, Leyland, PR26 6TR, specifying why you require a review.

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 CCGs FOI complaints procedure. The ICO can be contacted at:

Information Commissioner's Office, Wycliff House, Water Lane, Wilmslow, Cheshire, SK9 5AF
www.ico.gov.uk

Yours sincerely

**On behalf of Kevin Lavery
ICB Chief Executive**