

Ref: FOI1421

Newcourt House
Newcourt Drive
Old Rydon Lane
EXETER
Devon
EX2 7JQ
d-ccg.foi@nhs.net

Tel: 01392 205205

06 September 2017

Dear,

Re: Request for information under Freedom of Information Act 2000

Thank you for your request under the Freedom of Information Act 2000, which was received on 9 August 2017

The CCG is confirming in accordance with Section - (1) (a) of the Act, it holds the information requested and (b) is supplying it unless otherwise specified.

You requested the following information.

Request 1

Please confirm if Northern, Eastern and Western Devon CCG holds a plan submitted to NHS England and NHS Improvement as part of the capped expenditure process

If confirm, please release any plan(s) submitted to NHS England and NHS Improvement by Northern, Eastern and Western Devon CCG as part of the capped expenditure process

NHS England and NHS Improvement have requested a balanced plan for Devon 2017-18 – through the capped expenditure process. All NHS organisations are required to finalise budget plans, as part of the 2017/18 Government Mandate.

The Devon Sustainability and Transformation Partnership (STP), which includes health and care organisations as well as local authorities have been working together to develop this plan.

The capped expenditure process requires all organisations to focus on efficiency in areas such as buying supplies, estates, management costs and support services, to maximise spend on clinical care.

Like other local systems around the country, we're currently working with NHS England and NHS Improvement to bring down spending levels to what they need to be.

The Devon STP has submitted its latest response to NHS England and NHS Improvement and is awaiting feedback. Once that feedback is received it will be considered by the CCG Governing Bodies and provider Boards. Any proposals for significant service change would be subject to engagement or consultation as appropriate, before any decisions are made.

As these plans remain in draft form and have not yet been approved by NHS England and NHS Improvement, NHS Northern, Eastern and Western Devon Clinical Commissioning Group exempt the release of draft guidelines for process, proposed consultation documents, timelines and memos under section 22 of the Freedom of Information Act, information intended for future publication.

Request 2

Please confirm or deny if Northern, Eastern and Western Devon CCG holds any communications relating to the capped expenditure process between Northern, Eastern and Western Devon CCG and NHS England, NHS Improvement or the Department of Health

If confirm, please release all communications relating to the capped expenditure process between Northern, Eastern and Western Devon CCG and NHS England, NHS Improvement or the Department of Health

NHS Northern, Eastern and Western Devon Clinical Commissioning Group can confirm that it holds communications relating to the capped expenditure process between the CCG, NHS England and NHS Improvement.

As this plan is yet to be formally approved by NHS England and NHS Improvement, it remains in draft. NHS Northern, Eastern and Western Devon Clinical Commissioning Group therefore exempt the release of any correspondence between senior members of staff who have been involved in formulating the draft plan under section 36 of the Freedom of Information Act, prejudice to the effective conduct of public affairs.

Chair: Dr Tim Burke
Chief Officer: Dr Nick Roberts

Newcourt House, Old Rydon Lane, Exeter, EX2 7JQ
Tel. 01392 205205
www.newdevonccg.nhs.uk

This exemption is made in line with advice from the Information Commissioners Office (ICO) contained within the ICO document - The Public Interest Test. As the discussions with NHS England are ongoing and no final agreement has been reached and plans are yet to be approved, releasing the information would be misleading. This is because it consists of communications that no longer reflect the current situation and are therefore out of date.

In addition, under section 36 (2) (b) the Freedom of Information Act allows public servants space to formulate ideas and policy decisions. We believe that release of the correspondence requested would, *(i) inhibit the free and frank provision of advice or exchange of views; or (ii) the free and frank exchange of views for the purposes of deliberation*. It is also likely to inhibit the free and frank provision of future ideas and advice between officers, which enables them to consider ways in which they could make improvements to the services commissioned and provided for the people of Devon.

Request 3

Please confirm or deny if Northern, Eastern and Western Devon CCG holds any impact assessment undertaken as part of the capped expenditure process (whether by Northern, Eastern and Western Devon CCG or a third party), including on a) patient safety b) financial performance of statutory NHS bodies c) NHS standards and obligations as set out in the NHS Constitution and Mandate

If confirm, please release any impact assessments undertaken as part of the capped expenditure process (whether by Northern, Eastern and Western Devon CCG or a third party), including on a) patient safety b) financial performance of statutory NHS bodies c) NHS standards and obligations as set out in the NHS Constitution and Mandate

NHS Northern, Eastern and Western Devon CCG can confirm that the no impact assessments have been undertaken in relation to the capped expenditure process.

The plan remains in draft and once formally approved by NHS England and endorsed by CCG and provider Boards an impact assessment will be undertaken. Any proposals for significant service change would be subject to engagement or consultation as appropriate.

Chair: Dr Tim Burke
Chief Officer: Dr Nick Roberts

Newcourt House, Old Rydon Lane, Exeter, EX2 7JQ
Tel. 01392 205205
www.newdevonccg.nhs.uk

Request 4

Please confirm or deny if Northern, Eastern and Western Devon CCG hold information on any cases where Northern, Eastern and Western Devon CCG has reduced clinical activity to reduce expenditure

If confirm, please release (ai) the level of savings generated in the financial years 2016/17 and 2017/18 to date by reducing clinical activity in England, (aii) the relevant clinical activity reduced (bi) the level of savings forecasted in the total 2017/18 financial year from reducing clinical activity in England, (bii) the relevant clinical activity planned to be reduced.

NHS Northern, Eastern and Western Devon Clinical Commissioning Group routinely reviews the services it commissions, to ensure it delivers the best health outcomes for the population of Devon with the money it has to spend.

Any decisions taken on the commissioning/decommissioning of services will be made by the CCG Governing Body after thorough examination of the evidence and impact assessment.

Details of these decisions are available

<https://www.newdevonccg.nhs.uk/governing-body/governing-body-meetings-100205>, and <https://www.newdevonccg.nhs.uk/our-spending/our-spending-2013-16-100836>. We therefore exempt the release of this information under section 21 of the Freedom of Information Act, information accessible by other means.

NHS Northern, Eastern and Western Devon Clinical Commissioning Group publishes details of expenditure and accounts in its annual report and accounts, which are available on the CCG website:

<https://www.newdevonccg.nhs.uk/about-us/annual-report-101072>. We therefore exempt the release of this information under section 21 of the Freedom of Information Act, information accessible by other means.

Request 5

Please confirm or deny if Northern, Eastern and Western Devon CCG holds any advice, legal or otherwise on the use of the following measures as part of ongoing cost saving initiatives:

- a. Restrictions on patient choice**
- b. Introduction of treatment thresholds**
- c. Restrictions on prescribing**
- d. Cessation of discretionary funding**
- e. Reductions in planned clinical activity**

Chair: Dr Tim Burke
Chief Officer: Dr Nick Roberts

Newcourt House, Old Rydon Lane, Exeter, EX2 7JQ
Tel. 01392 205205
www.newdevonccg.nhs.uk

If confirm, please release any advice, legal or otherwise Northern, Eastern and Western Devon CCG has received, commissioned or generated on the use of the following measures as part of ongoing cost saving initiatives:

- a. Restrictions on patient choice**
- b. Introduction of treatment thresholds**
- c. Restrictions on prescribing**
- d. Cessation of discretionary funding**
- e. Reductions in planned clinical activity**

NHS Northern, Eastern and Western Devon Clinical Commissioning Group may seek legal advice on a range of commissioning issues. The release of legal advice sought by the CCG is confidential and we therefore exempt the release of this information under section 42 of the Freedom of Information Act, legal professional privilege.

Request 6

Please confirm or deny if Northern, Eastern and Western Devon CCG holds information on the total savings generated in 2016/17 and 2017/18 (to date) financial years through:

- a. Restrictions on patient choice**
- b. Introduction of treatment thresholds**
- c. Restrictions on prescribing**
- d. Cessation of discretionary funding**
- e. Reductions in planned clinical activity**

If confirm, please release the total savings to date that Northern, Eastern and Western Devon CCG has made through each of the following measures in the 2016/17 and 2017/18 (to date) financial years through:

- a. Restrictions on patient choice**
- b. Introduction of treatment thresholds**
- c. Restrictions on prescribing**
- d. Cessation of discretionary funding**
- e. Reductions in planned clinical activity**

NHS Northern, Eastern and Western Devon Clinical Commissioning Group publishes details of expenditure and accounts in its annual report and accounts, which are available on the CCG website:

<https://www.newdevonccg.nhs.uk/about-us/annual-report-101072>. We therefore exempt the release of this information under section 21 of the Freedom of Information Act, information accessible by other means.

Chair: Dr Tim Burke
Chief Officer: Dr Nick Roberts

Newcourt House, Old Rydon Lane, Exeter, EX2 7JQ
Tel. 01392 205205
www.newdevonccg.nhs.uk

Request 7

Please confirm or deny if Northern, Eastern and Western Devon CCG holds information on the external consultancy expenditure that Northern, Eastern and Western Devon CCG has spent in the 2016/17 and 2017/18 (to date) financial years.

If confirm, please release the external consultancy expenditure that Northern, Eastern and Western Devon CCG has spent in the 2016/17 and 2017/18 (to date) financial years

NHS Northern, Eastern and Western Devon Clinical Commissioning Group publishes details of expenditure on external consultancies in its annual report and accounts, which are available on the CCG website:

<https://www.newdevonccg.nhs.uk/about-us/annual-report-101072>

You can also find information on our, *what we spend your money on* webpage; <https://www.newdevonccg.nhs.uk/our-spending/our-spending-2013-16-100836>.

We therefore exempt the release of this information under section 21 of the Freedom of Information Act, information accessible by other means.

Request 8

Please confirm or deny if Northern, Eastern and Western Devon CCG holds information on plans created by Northern, Eastern and Western Devon CCG to involve a) patients b) the public as part of the capped expenditure process

If confirm, please release any information on plans created by Northern, Eastern and Western Devon CCG to involve a) patients b) the public as part of the capped expenditure process

The submission made as part of the capped expenditure process has yet to be signed-off by both NHS England and NHS Improvement.

Any proposals for significant service change would be subject to an impact assessment, and engagement or consultation as appropriate.

Satisfaction

I trust this matter has been dealt with to your satisfaction but if there is anything which you need further clarification, please do not hesitate to contact the office on 01392 205205 or by email at d-ccg.foi@nhs.net Please remember to quote the reference number at the top of this letter in any future communications.

Chair: Dr Tim Burke
Chief Officer: Dr Nick Roberts

Newcourt House, Old Rydon Lane, Exeter, EX2 7JQ
Tel. 01392 205205
www.newdevonccg.nhs.uk

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you can write to the office and arrangements will be made for an independent review. You of course can write directly to the CCGs Chief Officer if you prefer using the “contact us” details displayed on the CCG website.

If you remain dissatisfied with the outcome of the appeal, you have the right to appeal again to the Information Commissioner at:
Information Commissioner’s Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Tel: 01625 545 700

Fax: 01625 524 510

Legal information pertaining to the release of this information

Please note that the information being provided to you is for information only and remains subject to existing intellectual property rights; no license for the re-use of this information is given or implied through its provision to you.

Yours sincerely,

**The Freedom of Information Office
NHS Northern, Eastern & Western Devon Clinical Commissioning Group**

Chair: Dr Tim Burke
Chief Officer: Dr Nick Roberts

Newcourt House, Old Rydon Lane, Exeter, EX2 7JQ

Tel. 01392 205205

www.newdevonccg.nhs.uk