

Please contact: Access to Information Team

Email: MLCSU.FOITeam@nhs.net

Direct tel: 01782 916875

4 April 2025

Dear,

Re: Your request for information under the Freedom of Information Act 2000
Ref no: FOI-260-SHTW

Thank you for your request dated 21 March 2025.

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

Please find our response to your questions below:

1. Under the Freedom of Information Act 2000, I am writing to request full disclosure of the bid submission from Medvivo, the successful bidder for the GP Out of Hours contract. Specifically, I request the following:

Complete documentation pertaining to all Quality Components of Medvivo's bid submission. This includes, but is not limited to, detailed service delivery plans, proposed staffing models, clinical governance arrangements, patient safety protocols, and any evidence submitted to demonstrate the quality and sustainability of their proposed service.

NHS Shropshire, Telford and Wrekin ICB are not obliged to provide information which relates to an ongoing procurement process. In this case, we believe that the information would, or would be likely to, prejudice the commercial interests of the ICB (section 43(2) of the Act).

In line with the terms of these exemption in the Freedom of Information Act, we have also considered whether it would be in the public interest for us to provide you with the information, despite the exemptions being applicable. In this case, we have concluded that the public interest favours withholding the information.

You can find out more about Section 43 by reading the extract from the Act and some guidance points we consider when applying this exemption along with more information by reading the full text of the Act, available at:

<http://www.legislation.gov.uk/ukpga/2000/36/section/43>

When assessing whether or not it was in the public interest to disclose the information to you, we took into account the following factors:

Public interest considerations favouring disclosure

- The FOIA requires that public sector organisations are open and transparent in relation to their business making decisions.
- Public have an interest in knowing how public funds are spent and know that funds are being used appropriately.

Public interest considerations favouring withholding the information

- The information requested forms part of a providers bid submitted as part of a competitive procurement process under the Provider Selection Regime (PSR). This information is commercially confidential and includes the providers delivery and financial model which if released would give other bidders/providers an unfair advantage in any future procurement processes which would not be in the public interest. In addition, this would leave the ICB open to being challenged legally in sharing information, which was provided as part of a confidential, legally binding procurement process.
- At present, we remain at the representation phase within a live procurement process which could result in a referral to the NHS England panel. NHSE have the ability to review and could advise that the ICB re-run the procurement OR go back to an earlier phase. To release any information at this stage whilst the procurement is live would give other bidders an advantage.
- Disclosure of the information may allow others to undercut competitors that would impact on future quality and service that the ICB receives. This would also apply for other commissioners looking to competitively procure for these services.
- Release of this information would mean that the ICB is unable to undertake its legal and statutory duties by conducting a fair and transparent procurement process to secure services in the best interest of the population.
- Disclosure of the information may allow others to undercut competitors that would impact on future quality and service that the ICB receives.
- It would be likely to damage the third parties abilities to win new business because other parties would be aware of the margins of its delivery model alongside the operational delivery model and its digital innovations.
- There would also likely be an impact on the ICB's future ability to run a fair and transparent procurement process for the service.

Having considered the arguments for and against disclosure, NHS Shropshire, Telford and Wrekin ICB decided that the public interest in this case is best served by maintaining the exemption and by not disclosing the information requested.

NHS Shropshire, Telford and Wrekin ICB considers that the link between disclosure and prejudice has substance and would have effect on the applicable interest which the third party organisation have confirmed as being likely to

damage their ability to win new business and potentially deprive them of income and be harmful to their commercial interests.

Post-awarding of the contract, the ICB are required under PSR to publish the contract for these services as part of our transparency on the Find a Tender portal, therefore the details in terms of the service and finances will be publicly available at this point in time once the procurement process is completed.

We reached the view that, on balance, the public interest is better served by withholding this information under Section 43(2).

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, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
www.ico.gov.uk

Yours sincerely