

Date: 15 December 2021  
Our reference: N/21/3405

Dear Requestor

RE: Freedom of Information Request

With reference to your request for information I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information that you have requested. A response to each part of your request is below.

In the request you asked:

1. Do GP practices in your region undertake any of the following ECG procedures?

- Resting ECG

Contracts are in place for all GP practices (with some minor exceptions) throughout Nottingham and Nottinghamshire until March 2022 via the Enhanced Services Delivery Scheme (ESDS) commissioned by Primary Care Commissioning.

Practices signed up to the Enhanced Services Delivery Scheme (ESDS) are funded as a block contract to deliver or facilitate access to a number of services which includes ECG Monitoring and Interpretation (not emergency or 24hr ECG).

Where practices decline sign up, their practice population access services via a separate contract with a community provider.

- Stress or Exercise CCG

This is not provided in primary care.

- Ambulatory (holter monitoring) 24hr, 48hr, 72hr, 7day

GP practices in Nottingham North and East commission Broomwell Healthwatch to provide Cardiomemo Loop Event monitoring ECG provision and 24 hour tapes, this includes both the provision and interpretation.

There is a 24-hour ECG contract in Mid Nottinghamshire.

The table below shows the practices in Mid Nottinghamshire that provide the 24-hour ECG. In South Nottinghamshire and Nottingham City they are provided by the acute providers – Nottingham University Hospitals NHS Trust Treatment Centre and Sherwood Forest Hospitals NHS Foundation Trust.

PCN covered	Provider (Primary care/Community)
Sherwood	Abbey Medical Group
Mansfield (N)	Acorn Medical Practice
Mansfield (S)	Acorn Medical Practice
Ashfield(S)	Family Medical Centre
Ashfield (N)	Woodlands Medical Practice
Newark	PICS

2. If no, in what setting are these procedures undertaken in your region? (e.g. Acute Hospital, Community Hospital etc).

ECG/stress testing is undertaken at Nottingham University Hospitals NHS Trust, Treatment Centre and Sherwood Forest Hospitals NHS Foundation Trust.

3. What tariff costs are currently applied for the following ECG procedures?

- Resting ECG
- Stress or Exercise CCG
- Ambulatory (holter monitoring)

I can confirm that we do hold this information. However, NHS Nottingham and Nottinghamshire CCG has considered this request and has decided to withhold this requested information pursuant to the exemption in Section 43(2) of the Freedom of Information Act 2000 (FOIA).

Section 43(2) relates to information that is exempt from disclosure that “would or would be likely to prejudice the commercial interests of any person (including the public authority holding it)”.

The information requested relates to details of commercial arrangements the CCG has in place with independent providers. Information around the financial value of these contracts and services combined with information relating to the service activity is considered to be harmful. This is described as the mosaic and precedent effect.

On this basis, NHS Nottingham and Nottinghamshire CCG consider that, at this time, the commercial interests of the CCG, third parties and overall the NHS would or would likely be prejudiced.

#### **Public Interest Test**

Section 43(2) is a qualified exemption and, therefore, the CCG is required to apply the public interest test.

NHS Nottingham and Nottinghamshire CCG recognise that the disclosure of the information sought in relation to the tariff costs currently applied for the ECG procedures listed above would

promote accountability and transparency in the use of public funds by the CCG and by the NHS in general and also with decision making by the CCG and their transactions with third parties.

Conversely to the factors demonstrated above in favour of disclosure, NHS Nottingham and Nottinghamshire CCG and third party suppliers could be disadvantaged should the information sought in relation to how much on average the CCG currently pay per trip for patient transportation be made available. Suppliers compete with one another in a competitive environment and to provide data to this level of detail would lead to loss of confidence by suppliers and customers and could cause significant harm to the CCG and suppliers.

The disclosure could also adversely impact on any on-going or future procurement processes for the reasons outlined above. Any disclosure by the CCG could, in future, discourage the provision of commercially sensitive information necessary to respond properly to the CCG's Invitation To Tender, and would be likely to affect and undermine the CCG's bargaining position in any future procurement process or negotiations. Ultimately, civil action could be taken against the CCG should information be disclosed that adversely affects the commercial interests of current and/or future suppliers.

As a result, it is our opinion that this sufficiently demonstrates the prejudice which could be caused through disclosure.

### **Balance Test**

It is important to bear in mind that any disclosure under the FOI Act is a disclosure to the public at large and not just to the applicant. It is recognised that there is a general public interest in the CCG being open and transparent. However, it is not believed that this public interest is served in disclosure for damage that would be caused as outlined above.

Therefore, the CCG consider that releasing this information would not be in the public interest, as the public interest does not outweigh the prejudice as set out above.

4. Does the CCG, or any of your provider organisations, currently commission any third-party organisations to undertake ECG analysis activity? (e.g. Broomwell Healthwatch).

Yes, please see below.

5. If Yes, please provide the name(s) of the provider organisations/service provided.

GP practices in Nottingham North and East commissioned Broomwell Healthwatch to provide Cardiomemo Loop Event monitoring ECG provision and 24 hour tapes, this includes both the provision and interpretation.

6. If applicable, what costs are charged by commissioned third party providers for the analysis of ECG's?

In response to question 6, I can confirm that we do hold this information. However, NHS Nottingham and Nottinghamshire CCG has considered this request and has decided to withhold this requested information pursuant to the exemption in Section 43(2) of the Freedom of Information Act 2000 (FOIA).

Section 43(2) relates to information that is exempt from disclosure that "would or would be likely to prejudice the commercial interests of any person (including the public authority holding it)".

The information requested relates to details of commercial arrangements the CCG has in place with independent providers. Information around the financial value of these contracts and services combined with information relating to the service activity is considered to be harmful. This is described as the mosaic and precedent effect.

On this basis, NHS Nottingham and Nottinghamshire CCG consider that, at this time, the commercial interests of the CCG, third parties and overall the NHS would or would likely be prejudiced.

### **Public Interest Test**

Section 43(2) is a qualified exemption and, therefore, the CCG is required to apply the public interest test.

NHS Nottingham and Nottinghamshire CCG recognise that the disclosure of the information sought in relation to what costs are charged by commissioned third party providers for the analysis of ECG's would promote accountability and transparency in the use of public funds by the CCG and by the NHS in general and also with decision making by the CCG and their transactions with third parties.

Conversely to the factors demonstrated above in favour of disclosure, NHS Nottingham and Nottinghamshire CCG and third party suppliers could be disadvantaged should the information sought in relation to how much on average the CCG currently pay per trip for patient transportation be made available. Suppliers compete with one another in a competitive environment and to provide data to this level of detail would lead to loss of confidence by suppliers and customers and could cause significant harm to the CCG and suppliers.

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Therefore, the CCG consider that releasing this information would not be in the public interest, as the public interest does not outweigh the prejudice as set out above.

If you are unhappy with the way in which your request has been handled, NHS Nottingham and Nottinghamshire Clinical Commissioning Group have an internal review procedure through which you can raise any concerns you might have. Further details of this procedure can be obtained by contacting Lucy Branson, Associate Director of Governance via [lucy.branson@nhs.net](mailto:lucy.branson@nhs.net) or by writing to NHS Nottingham and Nottinghamshire CCG, Sir John Robinson House, Sir John Robinson Way, Arnold, Nottingham, NG5 6DA.

If you remain dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether the organisation has complied with its obligations under the Act, and can require the organisation to remedy any problems. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by NHS Nottingham and Nottinghamshire Clinical Commissioning Group. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/for-the-public/>

Complaints to the Information Commissioner's Office should be sent to: FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF  
Telephone 0303 123 1113 or report a concern: <https://ico.org.uk/concerns/>

Yours sincerely

Freedom of Information Officer on behalf of *NHS Nottingham and Nottinghamshire Clinical Commissioning Group*.

[notts.foi@nhs.net](mailto:notts.foi@nhs.net)

*All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the license conditions must be met. You must not re-use any previously unreleased information without having the consent of NHS Nottingham and Nottinghamshire Clinical Commissioning Group. Should you wish to re-use previously unreleased information then you must make your request in writing (email will suffice) to the FOI Lead via [notts.foi@nhs.net](mailto:notts.foi@nhs.net). All requests for re-use will be responded to within 20 working days of receipt.*