

Our Reference North East and North Cumbria ICB\
FOI ICB 26-033

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By Email

20 May 2026

Dear Applicant

Freedom of Information Act 2000 – Request for Internal Review of FOI ICB 26-033

Thank you for your request in which you have asked the ICB to review its response to your Freedom of Information request dated 24 April 2026. The ICB has carefully considered the original response and is now in a position to reply to you.

Your original request and our response are enclosed for your information.



FOI ICB 26-033
Response Letter.pdf

Your internal review request

I am writing to request an internal review of the decision to refuse all six parts of my request on the basis that the ICB holds none of the information sought. I do not consider that response to be consistent with the ICB's statutory functions, with the transfer of records from NHS North Cumbria Clinical Commissioning Group ("the former CCG") to the ICB on 1 July 2022 under sections 14Z25 and 14Z27 of the National Health Service Act 2006 (as inserted by the Health and Care Act 2022), or with the duty under section 16 of the Freedom of Information Act 2000 to provide reasonable advice and assistance.

My specific concerns are set out below.

1. Several of the questions can only be answered by the ICB.
NHS North East and North Cumbria ICB is the strategic commissioner for NHS services across North Cumbria. North Cumbria Integrated Care NHS Foundation Trust ("NCIC FT") is a provider trust. Strategic commissioning of hospital discharge arrangements, including Discharge to Assess (D2A), sits with the ICB. With that in mind:

Question 1 seeks commissioning arrangements between the ICB or the former CCG and Grisedale Croft Care Home, Westmorland and Furness Council, or the former Cumbria County Council. Any such arrangement — including spot-purchase, individual placement, framework, or any arrangement entered into under section 75 of the National Health Service Act 2006 (including the Better Care Fund agreement with the local authority) — would be held by the commissioner. NCIC FT is not a party to commissioning agreements between the ICB and a local authority and is not a party to the BCF section 75 agreement.

Question 2 asks whether Grisedale Croft has been included on the ICB's D2A Pathway 2 bedded-setting provider list, or on any equivalent step-down commissioning arrangement. The provider list is itself a commissioning artefact owned by the commissioner. Only the ICB can confirm whether a named provider sits on it.

Question 4 seeks ICB needs assessments, options papers and joint commissioning papers concerning older people's residential, respite, intermediate-care or end-of-life provision on Alston Moor — including any successor to "The Alston Plan – 2017–2020 – Working in partnership" published by the Alston Alliance under the Eden Integrated Care Community. Documents of this kind are produced and held at commissioner level. The Alston Plan was a CCG/ICB-anchored document and must have an ICB successor or update if the ICB has continued to discharge its strategic commissioning functions in this area.

Question 5 seeks documents recording the commitments made to the Alston Moor community at the time of the closure of the Alston in-patient beds. The decision to close those beds was taken by NHS Cumbria Clinical Commissioning Group's Governing Body on 8 March 2017, following the Healthcare for the Future consultation of 26 September to 19 December 2016, with phased implementation thereafter. The associated commitments and replacement-provision plans were generated by the CCG (jointly with the North Cumbria Success Regime and the West, North and East Cumbria Sustainability and Transformation Partnership). On 1 July 2022 the property, rights and records of the former CCG transferred to NHS North East and North Cumbria ICB. They have never been the records of NCIC FT.

Question 6 seeks correspondence between the ICB and Westmorland and Furness Council, or between the ICB and Cumberland Council, since 1 January 2025. The ICB necessarily holds its own outgoing and incoming correspondence with other public bodies. NCIC FT would not be the holder of ICB-to-council correspondence.

2. The duty under section 16 has not been fully discharged.
The response signposts only NCIC FT. As above, NCIC FT cannot answer questions 1, 2, 4, 5 or 6. Records relating to the North Cumbria Success Regime and the West, North and East Cumbria STP (Q5) were also generated and held by NHS England, which the ICB has not mentioned.
3. The speed of response is not consistent with proper searches.
The request was received on 24 April 2026 and refused in full on 29 April 2026 — within three working days. A blanket "not held" answer to a six-part request spanning six years and multiple commissioning categories is not consistent with the searches I would expect under the Code of Practice issued under section 45 of the Act.
4. The public interest in disclosure is high.
Westmorland and Furness Council has launched a public consultation on the future of Grisedale Croft, the only residential care home on Alston Moor. The information sought is needed to allow Alston Moor residents and Alston Moor Parish Council to scrutinise the

discharge of the council's well-being duty under section 1 of the Care Act 2014 (including the duties to promote individual well-being and to shape a sustainable local market for care and support) and the ICB's duties to promote integration and to have regard to the joint local health and wellbeing strategy. Withholding the information at this point would prevent meaningful community engagement with a live consultation that engages Article 8 of the European Convention on Human Rights for the affected residents.

What I am asking for on review

I would be grateful if the reviewer would:

- a. Re-examine each of questions 1, 2, 4, 5 and 6 specifically, and confirm in writing what searches were carried out, of which record systems and inboxes (including any legacy CCG and Success Regime / STP archives transferred to the ICB), by whom, and on what date.
- b. Treat the request as live in respect of each question that the ICB can plausibly answer, and provide the information held — or, where an exemption is being relied upon, cite the exemption and provide the public-interest balancing exercise.
- c. For question 3, if the patient-level data sits with NCIC FT, please confirm whether the ICB holds any aggregated reporting (for example via the Better Care Fund return, the Discharge Dashboard, or D2A performance reporting) that would partially answer the question.
- d. Discharge the section 16 duty fully by signposting NHS England for any Success Regime / STP records the ICB does not itself hold.

Please confirm receipt and the date by which I can expect the review to be concluded. The Information Commissioner's guidance is that internal reviews should normally be concluded within 20 working days, and in any event within 40 working days.

Our internal review outcome

Upon reviewing the original request and subsequent request for internal review,

- a. The All age Continuing Care Team and Head of Commissioning for Secondary Care conducted searches and advised that they do not hold records of the information held.
- b. Files and folders were reviewed and these teams and colleagues advised that information to respond to this request was not held.
- c. The teams and colleagues advised that this information is not held.
- d. In accordance with our duty under s.16 of the FOIA to provide reasonable advice and assistance to an individual requesting information, we have provided the FOI contact email for NHS England: england.contactus@nhs.net. Please write "Freedom of Information" in the subject line.

If you remain dissatisfied, you have the right under Section 50 of the Freedom of Information Act 2000 to apply to the Information Commissioner to seek resolution to the matter. Further details can be found on their website: www.informationcommissioner.gov.uk

I hope this is satisfactory, however if you have any queries with regards to the above or I can be of any further assistance please do not hesitate to contact me.

Yours faithfully

Liane Cotterill

Liane Cotterill
Information Governance Manager
North East and North Cumbria Integrated Care Board