

**Reference:** FOI.ICB-2324/468

**Subject:** Service Level Agreement (SLA) for Services Provided by SCW CSU to BNSSG ICB

*I can confirm that the ICB does hold the information requested; please see responses below:*

QUESTION	RESPONSE
<p>Can you please supply copies of the original SLA (Service Level Agreement) documents detailing the services provided by SCW CSU to BNSSG ICB and its historic CCG components from the year 2018-19 through to 2022-23. Please include, where possible, original documents or copies thereof.</p>	<p>The ICB has applied Section 43(2) to the disclosure of the SLAs. Section 43(2) exempts from disclosure information which would, or would be likely to, prejudice the commercial interest of an organisation. The ICB believes that disclosure of the information would prejudice the commercial interests of NHS South, Central and West Commissioning Support Unit (SCW CSU).</p> <p>SCW CSU have reviewed the documents requested and confirmed that the SLAs consist of commercially sensitive information including the details of service models and the financial breakdown of prices. The SCW CSU have outlined the expectation that the information would remain confidential given that disclosure could harm the ability for SCW CSU to compete within the market and prejudice the outcome of any future procurement SCW CSU may be involved in. The ICB has considered the information provided by the SCW CSU when applying the public interest test to the exemption.</p> <p>The public interest test arguments in favour of disclosing the information include the ICB's responsibility to be transparent and accountable in its decision making and to promote understanding of how the NHS works.</p>

The ICB also took into account other statutory and mandatory duties placed upon it, including the legal framework for public authority procurements as set out in the Public Contracts Regulation 2015. The services outlined in the SLAs are paid through public funding and therefore the public have an interest in what the ICB has bought and whether the services constitute value for money.

The ICB has considered the length of time since the SLAs were first developed and whether this has lessened the competitive disadvantage of the SCW CSU. SCW SCU have confirmed that the SLAs remain relevant to the current market.

The public interest test arguments in favour of maintaining the exemption includes confirmation from SCW CSU that the information is considered commercially sensitive and would prejudice their commercial interests as SCW CSU would be at a competitive disadvantage if information about pricing and service design were made publicly available. The ICB has considered that although the contract with BNSSG ICB is not currently under procurement, SCW CSU can tender for services nationally should they wish to. SCW CSU has also confirmed that disclosure of the information may affect current contracts as each SLA is develop bespoke for each ICB.

The ICB has considered the role of CSUs across the health system nationally. CSUs support health and social care services across the UK, and contracts are paid for through public funding, therefore it is in the public's interest that CSU's can provide services for the best value for money and do not suffer competitive disadvantage through disclose of sensitive information.

The ICB has considered that although disclosure of the information would not prejudice the commercial interests of the ICB in terms of a similar procurement. The ICB is currently negotiating the current contract with SCW CSU and it would be commercially disadvantageous for the ICB to disclose information which the SCW CSU has asked the ICB to keep confidential. The ICB has also considered that other organisations may be less willing to tender for services if the ICB is seen to disclose commercially sensitive information. The ICB has a responsibility to secure the best use of public resources and provide value for money. To achieve this, the ICB needs to have a wide range of organisations willing to bid for tenders.

The ICB has considered both arguments and believes that maintaining the exemption is in the public's interest as it supports the ICB and the NHS as a whole to commission support services which are value for money.

***The information provided in this response is accurate as of 5 April 2024 and has been approved for release by Rob Hayday, Chief of Staff for NHS Bristol, North Somerset and South Gloucestershire ICB.***