

Ref: FOI/00407/CMICB
29 June 2023

Dear

**Re: Freedom of Information Act 2000
Tender Reference NHSE890**

Thank you for your information request indicated in bold below, which has now been considered under the Freedom of Information Act 2000 by NHS Cheshire & Merseyside Integrated Care Board (ICB). I am able to provide you with the following information and responses.

Please note from 01 July 2022, Clinical Commissioning Groups (CCGs) were disestablished, and their statutory functions and responsibilities inherited by NHS Cheshire and Merseyside ICB.

Your Request:

- 1) Correspondence regarding how it was decided that the 'red' property question in the initial APMS tender applications was appropriate**

Our Response:

- 1) Please find enclosed '[FOI00407 Q1](#)' which details the correspondence held by NHS Cheshire & Merseyside ICB regarding the decision-making process in relation to the 'red flag' question contained within tender reference NHSE890*.

Your Request:

- 2) Details of the current lease with current provider. If there is no lease, why is there no lease? Isn't ensuring a lease is the responsibility of the old CCG or NHSE, so if there is no lease why was this not rectified at the time?**

Our Response:

- 2) NHS Cheshire & Merseyside ICB does not hold any information in respect of the current lease for the Parkview building. The lease arrangements between the tenant and landlord are not the responsibility of either the former NHS Liverpool CCG or NHS Cheshire & Merseyside ICB.

Your Request:

- 3) Health and Social Care Act 2008 (Regulated Activities) Regulations 2014: Regulation 15 : results regarding the building for the last 2 CQC inspections (last CQC inspection was in 2018)**

Our Response:

3) Please be advised that all Care Quality Commission (CQC) inspection reports for Parkview are available on the CQC website, which can be accessed at: <https://www.cqc.org.uk/>

Your Request:

4) The minutes of meetings of the ICB/Liverpool Place regarding the decision not to award the AMPS

5) The minutes of meetings of the ICB/Liverpool Place regarding the decision to close Park View, rather than decide the challenge to the VEAT was no good enough and give us the APMS contract, or go to an interim provider process?

Our Response:

4 - 5) Please find enclosed 'FOI00407 Q4-5' which details the minutes held by NHS Cheshire & Merseyside ICB regarding the decision-making process in relation to not award the APMS contract for Parkview and the decision to disperse the patient list*.

Your Request:

6) Copies of correspondence from the Challengers legal team and any subsequent responses

Our Response:

6) NHS Cheshire & Merseyside ICB does not hold any correspondence from a legal team in respect of a VEAT challenge submitted regarding the APMS procurement for Parkview following tender reference NHSE890. However, NHS Cheshire & Merseyside ICB considers correspondence received from and held relating to specific individuals who expressed an interest / challenged the tender process and which was provided 'in confidence', to constitute 'personal information' under the Data Protection Act and, as a result, are exempt from disclosure under section 40(2) of the Freedom of Information Act 2000.

Your Request:

7) Any correspondence with Merseycare regarding the £200,000 of repairs needed and an explanation as to why Merseycare were not responsible for the fee for repairs

Our Response:

7) NHS Cheshire & Merseyside ICB does not hold any correspondence with Mersey Care NHS Foundation Trust specifically regarding responsibility for fees or repairs to the Parkview building**.

For information the former NHS Liverpool CCG sought permission from Mersey Care NHS Foundation Trust in May 2022 to commission an independent buildings review of the Parkview site, as part of the preparation for the APMS Primary Care Service tender exercise (Tender Reference NHSE890).

Your Request:

8) Repairs and maintenance records of the building by Merseycare over the last 10 years.

Our Response:

8) NHS Cheshire & Merseyside ICB does not hold any repairs and maintenance records for the Parkview building by Mersey Care NHS Foundation Trust over the last 10 years**.

Your Request:

9) Copies of the EIA/QIA completed

Our Response:

9) Please find enclosed 'FOI00407 Q9' which details the EIA/QIA completed in respect of tender reference NHSE890*.

Your Request:

10) Information listed in regulation 84 of the PCR 2015 (at paragraphs 4-7).

Our Response:

10) Please find enclosed 'FOI00407 Q10' which details Information listed in regulation 84 of the PCR 2015 in respect of tender reference NHSE890*.

*Upon review of the enclosed documents, NHS Cheshire & Merseyside ICB has redacted information that does not relate to your request.

NHS Cheshire & Merseyside ICB has also redacted information from these documents identifying and relating to individual people/staff, which are considered to constitute 'personal information' under the Data Protection Act and, as a result, are exempt from disclosure under section 40(2) of the Freedom of Information Act 2000.

In addition, NHS Cheshire & Merseyside ICB has redacted information within these documents that it considers commercially sensitive relating to the landlord/properties associated as part of the APMS Primary Care Service tender exercise (Tender Reference NHSE890) as well as information received from potential bidders, under Section 43: '*Trade Secrets and Prejudice to Commercial Interests*' of the Freedom of Information Act 2000.

On applying the Public Interest Test, NHS Cheshire & Merseyside ICB believes that release of the redacted information relating to the landlord/properties that associated as part of the APMS Primary Care Service tender exercise (Tender Reference NHSE890), as well as information received from potential bidders provided in confidence, will or is likely to prejudice their commercial interests and commercial assets as separate independent organisations to NHS Cheshire & Merseyside ICB.

**You may wish to redirect your request for this information to Mersey Care NHS Foundation Trust, who can be contacted for Freedom of Information requests via: FOI@merseycare.nhs.uk

Should you require any further information or clarification regarding this response or do not feel that your request has been answered as you would expect, please contact us to discuss.

We also wish to take this opportunity to inform you that, where you are not satisfied with the response to your request for information, a formal complaints and internal review process is available.

This can be formally requested by emailing foi@cheshireandmerseyside.nhs.uk and must be done within a reasonable time period (3 calendar months) from the date this response was issued.

Where you remain dissatisfied with our review under the Freedom of Information Act or the Environmental Information Regulations, you may apply directly to the Information Commissioners Office (ICO) for a review of your appeal decision. Generally, the ICO cannot make a decision unless you have exhausted our complaints procedure.

The ICO can be contacted at;

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
www.ico.gov.uk

Enc: FOI00407 Q1
FOI00407 Q4-5
FOI00407 Q9
FOI00407 Q10