

FOI Team | Optum Health Systems Support

South Kesteven District Council Offices,  
St Peters Hill  
Grantham  
Lincolnshire,  
NG31 6PZ

19th September 2019

Dear Requester

## **FREEDOM OF INFORMATION REQUEST - RESPONSE**

**FOI Reference: OPTUM FOI 400-745 LE CCG**

I refer to your email received on 20th August 2019. I can confirm on behalf of NHS Lincolnshire East Clinical Commissioning Groups (CCG) supported by Optum Commissioning Support Services, and in accordance with S.1 (1) of the Freedom of Information Act 2000 (FOIA) that we do hold the information you have requested. A response to each element of your request is detailed below:

### **REQUEST & RESPONSE**

- Marsh Medical Practice has been waiting for approximately one year to hear about a boundary change. After discussing this with the BMA, the BMA thought this was unusual as it was an extension request.
- Please can you provide an update regarding this overdue issue with an explanation as to why it has been delayed for such a long period?

### **RESPONSE:**

A meeting was held with the practice on 11 September 2018, with both NHS England and CCG in attendance, to discuss a possible boundary extension. Further information was subsequently provided by NHS England to support the practice in developing a proposal, including mapping. A proposal was received by the practice in October 2018 and this was considered at the next Primary Care Commissioning Committee in November 2018. A follow up meeting with the practice was scheduled for December. Actions were agreed and additional information requested.

The practice confirmed they would review this further in the New Year. Further contact was received from the practice by NHS England in February 2019, acknowledging that it may now be too late to be considered at the March meeting. Once the relevant information had been collated this would then be taken to the May PCCC, which Lisa Haith was aware of and agreed. Unfortunately due to other priorities, including PCN applications, this was postponed until June, which was advised to Lisa Haith at the practice.

At June 2019's Private PCCC the application was reviewed and it was agreed that further patient engagement, including PPG and Parish Council, was requested by the Committee. It was agreed that this application would be brought back to the Public PCCC in July. Unfortunately a paper was not submitted to the Committee and it was then reviewed at the September meeting. As this was only a Private Committee a decision will be reached at the Public meeting in October, at which point a response will be sent to the practice.

- Marsh Medical Practice request clarity regarding the difference expected in behaviour between "employees" and "office holders" in LECCG as there is apparently a difference in the standards expected. Where differences exist, please provide a full explanation as to why.

**RESPONSE:**

Attached is the Code of Conduct for Governing Body members approved by the Audit Committee.

There is a separate NHS Code of Conduct for Managers that is specific to Managers only that they should abide by. Link as below:

[https://www.nhsemployers.org/-/media/Employers/Documents/Recruit/Code\\_of\\_conduct\\_for\\_NHS\\_managers\\_2002.pdf](https://www.nhsemployers.org/-/media/Employers/Documents/Recruit/Code_of_conduct_for_NHS_managers_2002.pdf)

- Marsh Medical Practice requests an update as to how the secondary care lead commissioner is addressing short falls in delivery of the secondary care contract. Multiple issues have been raised but providers continue to fail to meet the requirements of the national contract which has been in place for over two years. Providers that often fail to meet the contract requirements include DPoW, Grimsby.

**RESPONSE:**

The attached letter was sent to Dr Deaney explaining the CCG's approach. We would like to reiterate that we take these issues very seriously and raise issues through contracting routes. We are also supported by the Lincolnshire LMC who have been involved with discussion about compliance and quality of Outpatient Letters and eDDs. With NLAG their conversations to date have been less detailed; we are intending to use the register mentioned in the letters to support the conversations. This will be in conjunction with work that has been undertaken with North East Lincolnshire GPs to identify areas of non-compliance.



Dr Deaney - Letter -  
22.08.19.pdf

- Marsh Medical Practice requests a full disclosure as to how LECCG is managing the conflicts of interest and governance of all clinical leads in LECCG.

Please also provide details of how these issues will be managed going forward from 1st April 2020 with the formation of a single CCG. This is linked to the previous concerns raised by the LMC.

**RESPONSE:**

All new Clinical Leaders have to declare their interests to the CCG via the usual process, set out clearly in our Policy (link below). They are also required to alert us to any changes to their declarations as and when they are aware of them (and certainly within 28 days) and provide an updated form. As a CCG we also request any updates on a six monthly basis and the report is received by the Governing Body and Audit Committee.

<https://lincolnshireeastccg.nhs.uk/about-us/policies/corporate-governance-1/2007-gucq016-a-standards-of-business-conduct-conflict-of-interest-inc-hospitality-gifts-and-sponsorship-current-review-june-2020>

Also, all new Clinical Leaders meet individually with the Conflict of Interest Guardian (our Lay Member for Governance) to go through their declared interests. This is clearly documented by the Lay Member for Governance.

Additionally, the CCG is audited yearly on its Conflicts of Interest process by Internal Audit, and was also externally audited by NHSE. No major concerns were identified with regard to our processes.

The new Lincolnshire CCG will be required to adopt a Conflicts of Interest Policy in line with NHSE guidance and this will be developed once the establishment of a single Lincolnshire CCG has been approved by NHS England.

- Marsh Medical Practice request full disclosure of the pathology contract. Is there now a contract in place? What was the result of the review that LECCG was undertaking? Why are there significantly higher costs associated with tests performed by pathlinks compared with other providers? What are LECCG doing to address this issue with the lead commissioner? Does the lead commissioner for this service charge costs to LECCG/GPs for our tests? Why are the costs for tests not listed as a simple pounds and pence price like other providers? Please provide full details as to who created the original contract and please detail what steps are being taken to ensure that such contracting short-falls do not occur again.

**RESPONSE:**

Lincolnshire East CCG's contract for Pathlinks forms part of the overall contract with NLAG Trust. The contract follows the format of the national standard NHS contract that is issued by NHSE. NELCCG are the lead commissioner, they do not charge any costs for their input. A revised payment schedule with a reduction over 3 years has been agreed which equates to an 18% reduction in the total cost. 2019/20 is the second year of that reduction. The prices will be reviewed again at the end of the three year reduction period to ensure that they are comparable with other providers. LECCG representatives attend monthly contract review meetings with the lead commissioners and NLAG which is the forum where this can be discussed.

The change in the overall pricing has led to complications in producing an agreed test price list as the reductions are made to the bottom line rather than at a test level. Work is continuing on this. However, there is a price list available that gives a reasonably accurate estimation of the cost of each test.

- Marsh Medical Practice request details as to how LECCG is going to address the lack of attendance at the Council of Members Meeting as it appears that the executive have now undertaken to perform a meeting on one of the busiest days of the week in the middle of clinic time.

**RESPONSE:**

As you will be aware the CCG has, for some time, struggled to be quorate at Council of Members meetings. Meetings have historically been arranged for a Wednesday evening at 7.00 pm/7.30 pm.

Despite undertaking a survey of members during early 2018 no other preferences for dates/times were suggested and it was decided to keep the meetings on the same day/time, but to try a different venue. However, since that time meetings have, on the whole, still not been quorate.

At a meeting of the Governing Body held in April 2019, John Turner suggested moving the time to earlier in the day to see if that had any impact on attendance. All Clinical Leaders at that meeting agreed to this proposal and a letter was sent out to members detailing the change. No responses to this letter were received by the CCG from any members.

Therefore, the meeting held on 12 June started at the earlier time of 4.00 pm and, although the meeting was not quorate, it did not affect the numbers attending the meeting with the same amount of members able to attend as at the later time.

The timing of meetings will continue to be reviewed over the coming months.

I trust that this answers your queries with the information we currently hold, but if we can be of any further assistance please do not hesitate to contact the FOI Team.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to

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If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision. Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the CCGs.

The Information Commissioner's contact details can be found here:

<https://ico.org.uk/global/contact-us/>

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 licence conditions must be met. You must not re-use any previously unreleased information without having the consent from the CCG. Should you wish to re-use previously unreleased information then you must make your request in writing (email will suffice) to the FOI Lead. All requests for re-use will be responded to within 20 working days of receipt.

Yours faithfully

**FOI Team**  
**On behalf of NHS Lincolnshire East CCG**