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1 Lower Marsh,  
London,  
SE1 7NT

Email: [NELCSU.foi@nhs.net](mailto:NELCSU.foi@nhs.net)

Dear Mr Steer

Reference: FOI.20.NEW182

15 March 2021

**Re: Freedom of Information request**

Thank you for your request under the *Freedom of Information Act 2000* (the Act). This response is provided on behalf of NHS Newham Clinical Commissioning Group (CCG). Your request along with the CCG's response is detailed below.

**1. Do you have a children's palliative care service specification? (Yes/No).**

Yes

**If so, please attach a copy to your response to this request.**

Please see attached Appendices A for Richard House and Appendix B – Hospice at Home.

NHS Newham CCG also has a children's palliative care service called the Diana team, which is within their children's community nursing specification (CCNS) – please see Appendix C.

\*Note for redacted information in Appendix A: NHS Newham CCG does hold this information, however the CCG considers this information exempt from disclosure under *Freedom of Information Act 2000, Section 43(2) (Commercial Interests)*. Releasing this information would adversely affect the commercial interests of the CCG.

Section 43(2) is a prejudice based 'qualified' exemption and is subject to the public interest test. This means that not only does the information have to prejudice one of the purposes listed, but

before the information can be withheld, the public interest in preventing that prejudice must outweigh the public interest in disclosure.

### **Public Interest Test**

#### Considerations in favour of disclosure:

- The inherent public interest in the openness and transparency of public authority dealings
- The public interest in demonstrating that officials are spending public money wisely and getting best value, without fear or favour

#### Considerations against disclosure:

- These are locally arranged services and disclosing this information may cause more economically efficient providers to raise prices.
- Disclosing this information could prejudice the CCG's ability to obtain best quality of service and value.
- Disclosing this information could weaken the CCG's position as potential companies would not have confidence that the CCG would keep sensitive financial data private.
- The inherent public interest in avoiding the prejudice specified in the exemption.

#### Conclusion:

The CCG recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions taken by them. However, there is also a public interest in the CCG being able to work within competitive markets where results in a financial or resource benefit is put to the wider public interest. Having undertaken the balancing exercise, the CCG has concluded that the public interest in maintaining the exemption outweighs the public interest in disclosing the requested information having regard to the effect that the disclosure would not be in the public interest.

Given that the definition of 'public' under the Act is considered to be the public at large, rather than just the individual applicant or a small group of people and that 'public interest' is not necessarily the same as what interests the public, it is considered that to release this sensitive information into the public domain is likely to result in prejudice to the commercial interests of the CCG which is not outweighed by the wider public interest for disclosure.

2. Do you have a children's palliative care service specification which states that infants, children and young people with a life-limiting condition and their parents or carers should have opportunities to be involved in developing an advance care plan? (Yes/No)

Yes

3. Do you have a children's palliative care service specification which states that infants, children and young people with a life-limiting condition should have a named medical specialist who leads and coordinates their care? (Yes/No)

Yes

4. Do you have a children's palliative care service specification which states that infants, children and young people with a life-limiting condition and their parents or carers should be given information about emotional and psychological support, including how to access it? (Yes/No)

Yes

5. Do you have a children's palliative care service specification which states that infants, children and young people with a life-limiting condition should be cared for by a multidisciplinary team that includes members of the specialist paediatric palliative care team? (Yes/No)

Yes

6. Do you have a children's palliative care service specification which states that parents or carers of infants, children and young people approaching the end of life should be offered support for grief and loss when their child is nearing the end of their life and after their death? (Yes/No)

Yes

7. Do you have a children's palliative care service specification which states that infants, children and young people approaching the end of life and being cared for at home should have 24-hour access to both children's nursing care and advice from a consultant in paediatric palliative care? (Yes/No)

Yes

8. Do you have a children's palliative care service specification which states that infants, children and young people with a life-limiting condition and their families should have access regular short breaks for respite? (Yes/No)

Yes

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SE1 7NT

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We will record your contact and request details in order to monitor and improve the service we provide and in order to discharge our statutory obligations under the Act. This information will be handled in accordance with the NHS Confidentiality Code of Practice and the *Data Protection Act 2018*.

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You are required not to use personal data which is provided to you for electronic marketing (telesales, fax, e-mail) to our staff and comply with the Privacy and Electronic Communications (EC Directive) Regulations 2003. Provision of such personal data in response to a Freedom of Information or Environmental Information request does not constitute consent from the individual concerned.

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### **Review procedure**

If you feel that we have not met the requirements of the Freedom of Information Act 2000, you should contact the FOI Team at: [NELCSU.foi@nhs.net](mailto:NELCSU.foi@nhs.net)

If you remain dissatisfied, you can ask us to review our decision by making a written request for an internal review. In order to assist with the review, you should include your address, a description of the original request and the reasons why you are dissatisfied. Please send this to:

**Email**

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

**Postal address**

NEL CSU,  
1 Lower Marsh,  
London,  
SE1 7NT

**Website address**

[www.nelcsu.nhs.uk](http://www.nelcsu.nhs.uk)

The review will be handled by more senior staff who were not involved in the original decision. Although this will not apply to Section 36 claimed exemptions in accordance with Department of Health Directive, your request will still be reviewed. We aim to complete all internal reviews within 20 working days. If you then wish to appeal you should contact the Information Commissioner for an independent review at the following address:

**Telephone**

01625 545745

**Postal address**

The Information Commissioner,  
Wycliffe House,  
Water Lane,  
Wilmslow,  
Cheshire,  
SK9 5AF

**Website address**

[www.ico.gov.uk](http://www.ico.gov.uk)

**Feedback**

Your feedback is welcome to help us improve the service we provide. Please send comments or suggestions to our address.

Yours sincerely,

**Freedom of Information Team**

NEL