

Ref: FOI.20.KAM303

**Private and Confidential**

Dan Steer  
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**FOI Department**

NEL CSU  
Kent House - 4th Floor  
81 Station Road  
Ashford  
TN23 1PP

Sent via email

15<sup>th</sup> March 2021

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

Website: [www.kentandmedwayccg.nhs.uk](http://www.kentandmedwayccg.nhs.uk)

Dear Mr Dan Steer

**RE: FREEDOM OF INFORMATION REQUEST**

Thank you for your request for information under the Freedom of Information Act 2000 received on 15<sup>th</sup> January 2021 by NHS Kent and Medway Clinical Commissioning Group (CCG). The information you have requested is listed below together with the response:

- 1. Do you have a children's palliative care service specification? (Yes/No). If so, please attach a copy to your response to this request.**

I can confirm NHS Kent and Medway CCG does hold this information. This varies per area, please see table below for more details.

Area	Response
East Kent	Yes
West Kent	Yes
Medway	Yes
Dartford, Gravesham and Swanley	Yes
Swale	No

\* Please note that some contact details of individuals have been redacted from Appendix D as this information constitutes personal data and is therefore exempt under *Freedom of Information Act 2000 Section 40(2) (Personal Information)*.

\*\*Please note that some tariff information has also been redacted from Appendix D as 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:

- Disclosing this information may cause more economically efficient providers to raise prices when the CCG renegotiates the contract
- 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.

\*\*\*Please note that Appendix E is an extract of a wider contract agreement, but the relevant pages have been provided. The CCG considers the remaining document out of scope of the request as it does not relate to children's palliative care.

**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)**

I can confirm NHS Kent and Medway CCG does hold this information. This varies per area, please see table below for more details.

Area	Response
East Kent	Yes
West Kent	Parents, carers and children are involved with care planning but there is no specific mention of an "advance care plan"
Medway	No, other than co-produced care plans for children with learning difficulties
Dartford, Gravesham and Swanley	KCHFT: Parents, carers and children are involved with care planning but there is no specific mention of an "advance care plan"  Ellenor Hospice: Advance care plan is included but there is no specific mention of parents and carers being involved with producing it
Swale	Not applicable

**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)**

I can confirm that NHS Kent and Medway CCG answer is no, none of the service specifications state this.

**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)**

I can confirm NHS Kent and Medway CCG does hold this information. This varies per area. Please see table below.

Area	Response
East Kent	Yes
West Kent	Yes

<b>Medway</b>	Yes
<b>Dartford, Gravesham and Swanley</b>	KCHFT: This is not specifically stated beyond aim for “good emotional health”  Ellenor Hospice: Yes
<b>Swale</b>	Not applicable

**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)**

I can confirm that NHS Kent and Medway CCG answer is yes, all of the service specifications state this.

**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)**

I can confirm NHS Kent and Medway CCG does hold this information. This varies per area. Please see table below.

<b>Area</b>	<b>Response</b>
<b>East Kent</b>	Not specifically outside of “emotional support”
<b>West Kent</b>	Not specifically outside of “emotional care”
<b>Medway</b>	Not specifically outside of the service providing access to direct specialist psychological support
<b>Dartford, Gravesham and Swanley</b>	KCHFT: Not specifically outside of an aim for children and families to have good emotional health  Ellenor Hospice: Not specifically outside of providing “holistic multi-disciplinary care which meets [...] emotional [...] needs”
<b>Swale</b>	Not applicable

**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)**

I can confirm NHS Kent and Medway CCG does hold this information. This varies per area. Please see table below.

Area	Response
East Kent	No, but extended hours and weekend covered are offered. Advice is available 24/7
West Kent	Yes
Medway	Yes
Dartford, Gravesham and Swanley	KCHFT: Yes  Ellenor Hospice: There is a 24/7 service, including crisis response, but no mention of 24/7 access to a consultant
Swale	Not applicable

**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)**

I can confirm NHS Kent and Medway CCG does hold this information. This varies per area. Please see table below.

Area	Response
East Kent	Yes
West Kent	Yes
Medway	Yes
Dartford, Gravesham and Swanley	KCHFT: No, but short breaks are listed in interdependent services  Ellenor Hospice: No
Swale	Not applicable

Outside the scope of the FOI Act, the CCG would also like to advise that lack of a service specification does not indicate lack of a service. Likewise, lack of mention within a service specification of an activity does not indicate lack of that activity.

**Letter reference:** FOI.20.KAM000

We hope that this has dealt with your request for information, however, should you remain dissatisfied, you have the right to request that we conduct an internal review of the way we have handled your request. If you would like us to conduct such a review, please contact us within two months of this letter:

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

**FOI-Internal Review Request**  
**NEL CSU**  
**Kent House - 4th Floor**  
**81 Station Road**  
**Ashford**  
**TN23 1PP**

Your request for an internal review will then be processed in accordance with our Freedom of Information Policy.

If you are still dissatisfied following the internal review, you have the right under Section 50 of the Freedom of Information Act (2000) to appeal against the decision by contacting the Information Commissioner. The Information Commissioner provides full and detailed guidance on the Freedom of Information Act and on when and how to complain.

Please find below the link to their website page and their helpline number.

<https://ico.org.uk/for-the-public/official-information/>

Helpline number: 0303 123 1113 or 01625 545745

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log. Therefore, a version of our response, which will protect your anonymity, will be posted on the CCGs website.

Yours sincerely

**Freedom of Information Team**  
**NEL CSU**

This Freedom of Information request has been processed by NEL CSU on behalf of

NHS Kent and Medway Clinical Commissioning Group,  
Unit 4, Markerstudy Business Park,  
Thanet Way, Whitstable,  
Kent. CT5 3FD

NEL CSU is NEL Commissioning Support Unit and is hosted by NHS England. NEL CSU provides a number of administrative functions including managing Freedom of Information Requests.