

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 21 May 2025

**Public Authority:** NHS England

**Address:** Wellington House,  
133-155 Waterloo Rd,  
London  
SE1 8UG

#### **1. Request:**

The complainant requested the following information from NHS England on 19 March 2025:

"I seek access to records concerning engagement between NHS England and the Independent Healthcare Providers Network (IHPN) regarding the development of the 2025/26 NHS Payment Scheme consultation. The engagement is referenced in Section 4 of Part A of the consultation document, which states that NHS England held regular discussions with IHPN during the scheme's development.

To refine my request, I specifically seek:

1. Copies of correspondence (including emails, letters, and briefing notes) exchanged between IHPN and the relevant NHS England officials. I am not clear exactly which officials would be responsible for engaging with the IHPN on the latest Payment Scheme consultations, but I can suggest these options:

- Pricing and Costing Team member responsible for external engagement
- The senior official responsible for NHS Payment Scheme development

- If neither of these are reverent, the policy lead responsible for independent sector provider engagement To keep the request manageable, I am happy to:

- Restrict the timeframe to July 2024 – January 2025.

If further refinement is needed to bring the request within the cost limit, I would appreciate your advice under Section 16 of the FOI Act.”

## **2. Commissioner’s Decision:**

A public authority will breach section 10 of FOIA if it fails to respond to a request within 20 working days. Based on evidence available to the Commissioner, by the date of this notice the public authority has not issued a substantive response to this request. Therefore the Commissioner finds a breach of section 10.

## **3. Steps:**

The public authority must provide a substantive response to the request in accordance with its obligations under FOIA.

The public authority must take this step within 30 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of FOIA and may be dealt with as a contempt of court.

## **4. Right of Appeal:**

Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire  
SK9 5AF**