

Date: Thursday, 17th March 2022  
Our Ref: MB/CM FOI 5074

Sid Watkins Building  
Lower Lane  
Fazakerley  
Liverpool L9 7BB  
Tel: 01515253611  
Fax: 01515295500  
Direct Line: 01515563038

**Re: Freedom of Information Request FOI 5074**

We are writing in response to your request submitted under the Freedom of Information Act, received in this office on 28th February 2022.

Your request was as follows:

1  a)  Amount spent on counter fraud services in the financial year 2019/20

Section 43 (2) - Disclosure would, or would be likely to, prejudice the commercial interests of any person  
This information is exempt from disclosure under Section 43(2) of the Freedom of Information Act 2000 (FOIA). We cannot provide information requested as your query on the grounds that the withheld information would, or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity).

**Prejudice Test**

In order to apply section 43(2), the public authority must satisfy itself that disclosure of the information would, or would be likely to, prejudice or harm the commercial interests of any person.

If The Walton Centre NHS Foundation Trust (WCFT) did disclose this information you request this would or would be likely to, prejudice or harm the commercial interests of The WCFT in relation to any future contracts and its ability to successfully compete for other contracts.

**Public Interest Test**

To use this exception we are required to undertake a public interest test. The matters which were considered in applying the public interest test are as follows:

**Factors in favour of disclosure:**

- It would ensure the tender process was open and transparent

**Factors in favour of withholding:**

- It is The WCFT's belief that to release financial information relating to counter fraud services, would prejudice The WCFT as this could lead to contracts being undercut if used by competitors.
- If the information was available in the public domain it could compromise and inhibit the WCFT's competitive tendering process for any future contracts.

**Conclusion**

The WCFT believes it is not in the public interest for the amount spent on counter fraud services to be disclosed as this would prejudice the interests of The WCFT to its detriment. Its competitors will be able to view its costs and undercut

future contracts. In all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

b) How much of this was spent on:

(i) Strategic Governance

(ii) Involve & Inform

(iii) Prevent & Deter

(iv) Hold to Account

(v) Other

Same as above

c)  (i)  Number of successful civil sanctions obtained in respect of fraud and fraud-related offences

(ii)  Amount recovered as a result of these civil sanctions

c) (i) - 0

c) (ii) - 0

d)  (i)  Number of successful criminal sanctions obtained in respect of fraud and fraud-related offences

(ii)  Amount recovered as a result of these criminal sanctions

d) (i) - 0

d) (ii) - 0

2  a)  Amount spent on counter fraud services in the financial year 2020/21

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Please see our response above in [blue](#).

### **Re-Use of Public Sector Information**

All information supplied by the Trust in answering a request for information (RFI) under the Freedom of Information Act 2000 will be subject to the terms of the Re-use of Public Sector Information Regulations 2005, Statutory Instrument 2005 No. 1515 which came into effect on 1st July 2005.

Under the terms of the Regulations, the Trust will licence the re-use of any or all information supplied if being used in a form and for the purpose other than which it was originally supplied. This license for re-use will be in line with the requirements of the Regulations and the licensing terms and fees as laid down by the Office of Public Sector Information (OPSI). Most licenses will be free; however the Trust reserves the right, in certain circumstances, to charge a fee for the re-use of some information which it deems to be of commercial value.

Further information can be found at [www.opsi.gov.uk](http://www.opsi.gov.uk) where a sample license terms and fees can be found with guidance on copyright and publishing notes and a Guide to Best Practice and regulated advice and case studies, at [www.opsi.gov.uk/advice/psi-regulations/index.htm](http://www.opsi.gov.uk/advice/psi-regulations/index.htm)

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 the Freedom of Information Office at the address above.

**Please remember to quote the reference number, FOI 5074 in any future communications.**

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioners Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

Yours sincerely

*Mike Burns*

**Mr. Mike Burns, Executive Lead for Freedom of Information**