

Reference:	FOI.11087.23
Subject:	Agency spend, bank spend and software
Date of Request:	22 February 2023

Your request and our response

Please disclose the information listed in the below table rows for each of the 4 staff groups in the table columns by return email within 20 days as per the Freedom of Information Act 2000.

Hywel Dda University Health Board is applying a Section 43 exemption of the Freedom of Information Act 200 (FoIA) as the fee for the service requested from the UHB relates to third parties and this information would be Prejudicial to their Commercial Interests. Section 43(2) exempts information, disclosure of which would or would be likely to prejudice the commercial interests of any person, in this case the provider listed above. Commercial interests may be prejudiced where disclosure would, or would be likely to:

- Weaken a company's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors
- Damage a company's business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b).

The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

In favour of disclosure: There is a public interest in transparency and in the accountability of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

Against Disclosure: Disclosure of this information would have a direct impact and cause substantial harm to the suppliers, as it would disclose their pricing and products/services provided to the UHB, and it would be likely that this would damage their ability to work within a highly competitive sector. The information being requested is likely to be used by their competitors to gain a competitive advantage.

Decision: - It has therefore been decided that releasing the information under the FoIA, to which the UHB is subject, will give an unfair advantage to the suppliers' competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body, and that there is a public interest in ensuring that there is competition for public sector contracts.

The UHB considers that the public interest in withholding the fee for the service is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the company to which this information concerns.

However, under Section 16 of the FoIA, we are required as a public authority, to provide advice and assistance so far as it is reasonable, to individuals who have made a request under the FoIA. Therefore, the UHB provides the information it holds, within the table below, as requested, for the 2022 calendar year.

	Doctors	Nurses	Allied Health Professionals or Health Scientists	Non-Medical, Non-Clinical
Please provide agency spend for the staff group for the year 2022	£6.16m	£28.35m	£2.26m	£0.23m
Please provide bank spend for the staff group for the year 2022	Not applicable (N/A)	£13.42m	£0.03m (includes Add Prof, Scientific and Tech)	£2.81m (includes clerical and ancillary)
Please confirm which model you have in place for managing the staff group: Email to preferred supplier List, a Master Vendor, a Neutral Vendor, or a Software cascade to a preferred supplier list	Master Vendor	On Framework Agency and Off Framework Agency	Master Vendor	Bookings are made by managers in accordance with procurement procedures
If you have a master vendor or neutral vendor in place, please confirm who this contract is with and the date on which this contract expires	Medacs 07/08/2024	N/A	Medacs 07/08/2024	N/A
Please confirm what percentage of bookings over the last 6 months have been within the NHSI/E agency caps (an approximation based on NHSI data submissions is fine)	100%	N/A	N/A Welsh Government did not apply caps to AHP workers	N/A
Please confirm which provider manages your direct engagement process, the fee for the service and the date on which this contract expires (no this is not relevant for Nursing)	Medacs Section 43 exemption applied 07/08/2024	N/A	Medacs Section 43 exemption applied 07/08/2024	N/A
Please confirm what percentage of bookings are processed with a VAT savings by your direct engagement provider	92.86%	N/A	100%	N/A
Is your bank managed by an external bank provider (eg. NHS Professionals, Bank	No formal bank model of delivery is	In-house	No formal bank model of delivery	No formal bank model of delivery is in place for this staff group

Partners) or in-house? Please confirm who is the external bank provider and when the contract expires if relevant	in place for this staff group		is in place for this staff group	
Is your bank managed via software? If so, please confirm which software .	N/A	Yes – Allocate Bank Staffing	N/A	N/A
Please confirm what the percentage is on framework (for example, “£6,650,000 – 99% framework /20% off-framework”) for the year 2022	N/A	80.31%	N/A	N/A
Please confirm what percentage is off-framework (for example, “£6,650,000 – 99% framework /20% off-framework”) for the year 2022	N/A	19.69%	N/A	N/A
Please confirm the direct engagement- DE% uptake for the year 2022	92.86%	N/A	100%	N/A
Please confirm the direct engagement- DE provider	Medacs	N/A	Medacs	N/A
Please confirm the direct engagement- DE contract end date	07/08/2024	N/A	07/08/2024	N/A