

Reference:	FOI.2946.20 & FOI.2998.20
Subject:	Agency spend
Date of Request:	16 and 22 April 2020

Requested and 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 (UHB) provides the information requested within the table provided below.

	Doctors	Nurses (Registered & HCSW)	Allied Health Professionals or Health Scientists	Non-Medical, Non-Clinical
Please provide agency spend for the staff group for 2019-20	£4,533,000.00	£16,762,00.00	£1,526,052.00	£161,000.00
Please provide bank spend for the staff group for 2019-20	Not applicable	£9,251,000.00	Not applicable	Not applicable
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	Medacs Managed Service Model cascade to framework providers	Email Cascade and Txt Cascade phone calls for urgent shifts to framework providers and off contract providers if requested through risk assessment	Liaison Direct Engagement Model cascade to framework providers Outsource to chosen supplier list via software.	Not applicable
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 contract expires 7 August 2020	All Wales On-Contract Agency List – Contract managed by NHS Wales Shared Services (NWSSP)	Not applicable	Not applicable
Please confirm what percentage of bookings over the last 6 months have been within the NHSI/E agency caps (an	20%	Not applicable	Not applicable	Not applicable

approximation based on NHSI data submissions is fine)				
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, please see exemption explained below	Not applicable	Liaison Section 43, please see exemption explained below	Not applicable
Please confirm what percentage of bookings are processed with a VAT savings by your direct engagement provider	100%	Not applicable	93.44%	Not applicable
Is your bank managed by an external bank provider (eg. NHS Professionals, Bank Partners) or in-house? Please confirm who is the external bank provider and when the contract expires if relevant	Not applicable	Not applicable	Not applicable	Not applicable
Is your bank managed via software? If so, please confirm which software.	Not applicable	Roster Pro	Not applicable	Not applicable
Is the Trust likely to undertake any procurement activity over the next 18 months related to provision or bank or agency services or software for the relevant staff group.	Yes	Yes	Yes	No

Section 43 - As the fee for the service requested from the UHB relates to third parties, the UHB considers that Section 43 applies, as answering 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 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 this 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.

It has therefore been decided above that releasing the information under the Freedom of Information Act 2000, 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.

Decision: - 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.