

Reference:	FOI.16157.24
Subject:	Commissioned care services
Date of Request:	6 December 2024

Requested:

1. Please provide a complete list of any care services you currently commission, alongside the start and end dates of each contract.
2. Do you currently commission any care services from the following specific providers? If so, please answer the follow-up questions below. If not, please answer as such and ignore the questions below.
 - a. Orbis Education and Care Ltd (“Orbis”) or any of its subsidiaries: Pembrokeshire Resource Centre Ltd, Priority Childcare Ltd, Gower Lodge (Swansea) Ltd.
 - b. Ivolve Group Limited (Ivolve) or any of its subsidiaries: Fieldbay (2019) Ltd, Fieldbay Ty Newydd Ltd, Domcare@Fieldbay limited, Domcare@Fieldbay Limited, Domcare@Fieldbay ltd, Domcare@Fieldbay (East), CPI Care Limited, Ty Cwm Gwendraeth Ltd, Cwm Gwendraeth Ltd, Tan yr Allt Lodge Ltd, Tan Yr Allt House Ltd, Cwm Gelli Care Ltd, Heathfield Lodge Limited, Yr Ysgol Limited, Pen-y-Bont Court Limited, Crusader Medical Care Holdings Ltd.
3. Please list the start and end dates of each contract.
4. Please state how many staff are employed to provide each of these services. (If the exact number is not known, please give an approximate number.)
5. Please state the nature of each contract. (i.e. are they homecare, residential care homes, day care services, supported living, or a certain kind of mix of these; are they spot contracts or guaranteed a certain number of hours.)
6. Please state the monetary value of each contract (including the period of time this value relates to.)
7. Please state the addresses of all properties covered by each contract, and what type of service is provided at each property (i.e. homecare, residential care home, day care service, supported living, etc.)
8. Do you have any in-house provision of homecare, residential care homes, or supported living services? If so, how many staff hours in total are allocated and/or what is the cost of providing these services? If you do not have exact figures, please provide approximate figures.

Response:

Hywel Dda University Health Board (UHB) is unable to provide you with all of the information requested, as it is estimated that the cost of answering your request would exceed the “appropriate limit” as stated in the Freedom of Information Act 2000 and the Data Protection (Appropriate Limit and Fees) Regulations 2004. The “appropriate limit” represents the estimated cost of one person spending 18 hours (or 2½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

In order to provide you with all of the information requested for questions 1 and 3, the UHB would need to undertake a manual trawl of its commissioned care services, to identify the start dates, as this information is not recorded centrally and is not easily accessible within the UHB's reporting system.

The UHB is therefore applying an exemption under Section 12 of the Freedom of Information Act 2000 (FoIA), which provides an exemption from a public authority's obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit.

However, under Section 16 of the FoIA, the UHB has a duty to provide advice and assistance. Therefore, the UHB provides the accessible information it holds overleaf.

Nevertheless, the UHB is applying a Section 43 exemption of the FoIA to question 6, as answering would be prejudicial to commercial interests. Section 43(2) exempts information, where disclosure would or would be likely to prejudice the commercial interests of any company.

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.

Against Disclosure: Disclosure of this information would have a direct impact and may cause substantial harm to the provider, as it would disclose their pricing, and could impact negatively on the UHB's relationship with the service providers, thus affecting our service delivery.

Decision: The UHB has considered that releasing the information under the FoIA, to which the UHB is subject, would impede upon the UHB's relationship with the service providers. 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 protecting its relationship with its contracted partners.

The UHB considers that the public interest in withholding the contract costs, is greater than the interests in disclosing it.

Additionally, the UHB is withholding the requested information for questions 1, 5 and 7, due to the low number of cases (5 and under) as there is a potential risk of identifying individuals if a complete

list of individual care contracts, including the nature of the contract and the addresses was disclosed. Therefore, the UHB is withholding these details under Section 40(2) of the FoIA. Likewise, it is not within the expectation of these individuals that their personal data would be put into the public domain. This information is classed as personal data of a third party. Therefore, it is being withheld in accordance with the exemption set out in section 40(2) of the FoIA, by virtue of section 40(3)(a) of the FoIA, which permits a public authority to withhold personal data other than the requestor's where the disclosure would breach Data Protection principles.

This information is protected by the Data Protection Act 2018 (DPA)/UK General Data Protection Regulations, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles of the UK GDPR. This exemption is absolute and therefore, there is no requirement to apply the public interest test.

In reaching this decision, the DPA and UK GDPR define personal data as data that relates to a living individual who can be identified solely from that data or from that data and other information, which is in the possession of the data controller.

1. A Section 40 exemption has been applied to the commissioned care service locations and a Section 12 exemption has been applied to the start date of the commissioned care services. The UHB does not hold the end dates, as these are current ongoing care service contracts. However, under Section 16, the UHB confirms that it had four hundred and eighty-two (482) active commissioned care packages, with a total cost of £60,132,902.00 across three hundred and thirty-nine (339) placement locations, during the 2023/24 financial year.
2. The UHB confirms that it does commission care services from some of the providers requested.
3. A Section 12 exemption has been applied to the start dates requested and the UHB does not hold the end dates, as these are current ongoing care service contracts.
4. The UHB does not hold the requested information, as the UHB does not have access to the individual care providers' staffing details.
5. A Section 40 exemption has been applied, due to the low number of cases and the risk of identification. However, the UHB provides below, a summary of the nature of the commissioned care contracts:
 - Adult Mental Health
 - Adult palliative care
 - Children
 - Community based/Home care support
 - Elderly mentally ill/Nursing home
 - Funded nursing care
 - General nursing
 - Learning Disability
6. A Section 43 exemption has been applied.
7. A Section 40 exemption has been applied, due to the low number of cases and the risk of identification.

8. The UHB currently provides care to forty-six (46) individuals. The UHB does not hold the information relating to staff hours or costs, as these are incorporated into staff members' contracted duties and annual salary.