

<b>Reference:</b>	FOI.7430.21
<b>Subject:</b>	Health Board spending
<b>Date of Request:</b>	16 November 2021

**Requested:**

Please disclose the information listed in the below table by return email within 20 days as per the Freedom of Information Act 2000.

**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 and Data Protection (Appropriate Limit and Fees) Regulations 2004. The “appropriate limit” represents the estimated cost of one person spending 18 hours (or 2 ½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

Administration and Clerical (A&C) agency bookings are made between UHB Managers and the agencies directly. Therefore, in order to provide you with a breakdown of the On and Off Framework costs for Non-Medical, Non-Clinical, the UHB would need to undertake a manual trawl of the A&C agency invoices, to identify the information requested, as it is not recorded centrally.

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, 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 FoIA. Therefore, the UHB provides the information it holds within the table below, as requested.

	<b>Doctors</b>	<b>Nurses</b>	<b>Allied Health Professionals or Health Scientists</b>	<b>Non-Medical, Non-Clinical</b>
Please provide agency spend for the staff group between 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021, indicating what percentage is on and off-framework (for example, “£4,650,000 – 80% framework / 20% off-framework”).	£6,562,369.00  (100% On Framework)	£24,534,874.00  (81% On Framework and 19% Off Framework)	£1,260,395.00  (100% On Framework)	£353,814.00  Section 12 exemption applied
Please provide bank spend for the staff group 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021	No formal bank model of delivery is in place for this staff group	£4,092,078.00	No formal bank model of delivery is in place for this staff group	No formal bank model of delivery is in place for this staff group

Please confirm which model you have in place for managing agency within 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 managed service, 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 7/8/2022	Not applicable	Medacs Contract expires 7/8/2022	Not applicable
Please confirm what percentage of bookings over the last 6 months have been within the Welsh Government caps (an approximation based on Welsh Gov. data submissions is fine)	5.4%	Off Framework – 11% on average over the last 6 month period (May 21- October 21)	There is no Welsh Government price cap for AHP / HCS agency workers	There is no Welsh Government price cap for these agency workers
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 7/8/2022	Not applicable	Medacs Section 43 exemption applied 7/8/2022	Not applicable
Please confirm what percentage of bookings are processed with a VAT savings by your direct engagement provider (average for last 3 months – August, September, October 2021)	93.76%	Not applicable	100%	Not applicable
Is your bank managed by an external bank provider (e.g., NHS Professionals, Bank Partners) or in-house? Please confirm who is the external bank provider and when the	No formal bank model of delivery is in place for this staff group	No	No formal bank model of delivery is in place for this staff group	No formal bank model of delivery is in place for this staff group

contract expires if relevant				
Is your bank managed via software? If so, please confirm which software.	Not applicable	Yes – Allocate Bank Staffing	Not applicable	Not applicable
Is the Health Board 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	Not applicable – Managed by NHS Wales Shared Services Partnership (NWSSP)	Yes	Not applicable

**Section 43** - As the fee for the service requested from the UHB relates to third parties, the UHB considers that Section 43 of the FoIA 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 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 above 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.