

Reference:	FOI.13624.24
Subject:	Wimborne Nursing Agency
Date of Request:	22 January 2024

Requested:

1. How many RGN agency shifts have Wimborne Nursing Agency Filled during 2023 at Bronglais and Withybush Hospital?
2. How many of the shifts filled by Wimborne Nursing Agency in 2023 how many are classed as inside IR35?
3. How many of the shifts filled by Wimborne Nursing Agency in 2023 were classed as outside IR35
4. How many individual nurses did Wimborne Nursing Agency supply is 2023?
5. What percentage of nurses supplied by Wimborne Nursing Agency also have limited companies on companies house?
6. Does the Health Board permit Gross Payment into PSC via an umbrella?

Response:

1. Hywel Dda University Health Board (UHB) confirms that six thousand four hundred and forty-five (6,445) shifts were filled in Bronglais General Hospital (BGH) and Withybush General Hospital (WGH), by Wimborne Nursing Agency, during the 2023 calendar year.
2. & 3. Not Applicable. Wimborne Nursing Agency is required to adhere to the terms and conditions of an All-Wales contract in respect of the supply of nursing staff to the UHB. Consequently, by adhering to this All-Wales contract, none of the agency nurses provided by Wimborne Nursing Agency for the requested period would have been contracted by way of arrangements involving an “intermediary” for the purposes of the Off payroll Working (IR35) legislation found in Chapter 10, Part 2 ITEPA 2003. Accordingly, a formal determination of whether these nurses fell “inside” or “outside” of IR35 was not necessary.
4. The UHB confirms that Wimborne Nursing Agency supplied, sixty-four (64) agency nurses to the UHB, during the 2023 calendar year.
5. The UHB does not hold this information.
6. Should a nurse be supplied to the UHB by way of an arrangement involving an “intermediary” for the purposes of the Off payroll Working (IR35) legislation found in Chapter 10, Part 2 ITEPA 2003 (which would include the Personal Service Company (PSC) of the nurse), the UHB would make a determination as to whether the engagement would fall “inside” or “outside” of IR35 and communicate the determination to the nurse and the agency contracted with. Only where the UHB has determined and communicated to the agency that the engagement is “outside IR35” would the UHB deem Gross Payment into a PSC via an Umbrella Company to be appropriate. The UHB anticipates that engagements for nurses contracted by way of arrangements involving PSCs would typically be determined to be “inside IR35”.