

Date: 7 May 2010  
Your Ref:  
Our Ref: CW/FOIR1740  
WP No:

# Bolton Council

**Corporate Information Unit**  
Chief Executive's Department  
Room 320  
Town Hall  
Bolton BL1 1RU

Tel: 01204 333333  
Fax:  
Minicom:  
[www.bolton.gov.uk](http://www.bolton.gov.uk)

Andrew Elliott  
request-31074-xxxxxxx@xxxxxxxxxxxxxxxxxxx

Dear Mr Elliott

## Request for information under the Freedom of Information Act 2000

Bolton Council is able to provide the following information in response to your request under the Freedom of Information Act.

*1. a copy of the Comensura, "Neutral Vendor", contract and fee schedules for recruitment to Bolton Borough Council*

An edited ('redacted') version of the contract is attached. We are able to provide the contract apart from the following:

- Comensura's negotiated mark-up agreements with their Panel Vendors
- Details of Comensura's commercial pricing deal with the authority
- Comensura Processes and Operating procedures
- Any details referring to the names of Comensura's team
- CV details of Comensura's team
- Comensura's own internal management structure
- Any details relating to Comensura's management information system (C-net)

On the basis of evidence we have received from Comensura we consider the exemption in section 43(1) of the Freedom of Information Act applies to this information because it constitutes a trade secret. This is because the information is used by Comensura for the purpose of carrying on their business; Comensura have made it clear that to release it would cause them harm and be advantageous to their competitors; the information is not already in the public domain; and it could not be easily discovered by other means.

As section 43(1) is a qualified exemption we have also considered the balance of public interest. The Information Commissioner's guidance on the application of section 43 suggests that there is a public interest in disclosure where it would:

- further the understanding of, and participation in the debate of issues of the day;



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- facilitate the accountability and transparency of public authorities for decisions taken by them;
- facilitate accountability and transparency in the spending of public money;
- allow individuals to understand decisions made by public authorities affecting their lives and, in some cases, assist individuals in challenging those decisions;
- bring to light information affecting public safety.

We do not accept that disclosure of commercially sensitive information about the Comensura contract would support any of these factors. The only beneficiaries of disclosure would be Comensura's competitors.

On the other hand, we consider that there is a public interest in not unfairly disadvantaging Comensura by disclosing this information:

- To disclose this information would disadvantage Comensura in relation to their competitors and have a material impact upon the company's viability.
- It would also show to the suppliers the rates being paid to other suppliers which would be likely to damage the reputation of and business confidence in the company.
- The margins upon which Comensura's offer has been made are commercially sensitive.

We therefore consider that the balance of public interest lies in withholding this information.

*2. all agencies on the Comensura contract for the supply of social workers, senior practitioners, assistant team managers, team managers and service managers (referred to from now as "qualified social work professionals") to Bolton Borough Council*

Comensura manage the engaged agency community on behalf of the authority and this can change on a daily basis. Any data released around suppliers engaged could therefore be detrimental to the business of a supplier or potential supplier, as their status as a supplier may change but this would not be reflected in the information released.

We therefore consider that this information is exempt under section 43(1). For the reasons given above we consider that the balance of public interest lies in withholding this information.

*3. all agencies currently supplying Bolton Borough Council with agency social work professionals*

The contract to supply staff is with Comensura and not with individual agencies. Which agencies are used is a matter of negotiation between Comensura and the agencies and it is important to Comensura's business that details of the agencies used remains commercially confidential. We consider that to release this information would be likely to prejudice the commercial interests of Comensura and the agencies. It is therefore exempt under section 43(2) of the Freedom of Information Act. For the reasons given above we consider that the balance of public interest lies in withholding this information.

*4. the total number of qualified social work professionals currently working on an agency basis at Bolton Borough Council*



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There were 15 qualified Social Workers working on an agency basis on the 19<sup>th</sup> April 2010

*5. the number and grade of qualified social work professionals currently working on an agency basis at Bolton Borough Council by supplier*

We consider that to release the names of suppliers would be likely to prejudice the commercial interests of Comensura and of the suppliers. It is therefore exempt under section 43(2) of the Freedom of Information Act. We consider that the balance of public interest lies in withholding this information.

The number and grade of agency social work professionals is shown in the table under question 6

*6. the number and grade of qualified social work professionals currently working on an agency basis at Bolton Borough Council by department*

Please see the table below:

	Adult & Community Services Department	Children's Services Department
Newly Qualified	1	2
Standard		1
Advanced	1	10
Total	2	13

*7. the pay and agency charge rate of each qualified social work professional currently working on an agency basis at Bolton Borough Council by department*

We consider that the agency charge rates constitute trade secrets which are exempt from disclosure under section 43(1) of the Freedom of Information Act as explained under Question 1.

*8. the fiscal budget for qualified social work professional recruitment through agencies for 2009-2010*

Bolton does not have a budget for Agency Social Workers

*9. the fiscal budget for qualified social work professional recruitment through agencies for 2010-2011*

Bolton Council does not have a budget for Agency Social Workers.

*10. the total fiscal spend on agency qualified social work professionals by department for the last 12 months*

Bolton council's total spend on agency qualified Social Worker for the year 1<sup>st</sup> April 2009 to 31<sup>st</sup> March 2010 was £835,934:

£609, 401 through the Children's Services Department

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£226, 533 through the Adult & Community Services Department

*11. the total fiscal spend on agency qualified social work professionals by agency for the last 12 months*

As indicated above, our contract is with Comensura and not with the individual agencies and therefore the specific information requested is not held.

Should you disagree with our decisions in relation to your request, you may appeal to:

The Director of the Chief Executive's Department, Bolton Council, Town Hall, Bolton, BL1 1RU [XXXXXXXXXXXX@XXXXXX.XXX.XX](mailto:XXXXXXXXXXXX@XXXXXX.XXX.XX)

Should you further disagree with the decision following the appeal you may wish to contact the Information Commissioner:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone: 08456 30 60 60 or 01625 54 57 45 Website: [www.ico.gov.uk](http://www.ico.gov.uk).

Should you have any queries, please contact me.

Yours sincerely

Carl Wiper  
Corporate Information Unit  
Direct Line: 01204 331031  
E-mail: [freedomofinfo@bolton.gov.uk](mailto:freedomofinfo@bolton.gov.uk)



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