



Wandsworth Council

Administration Department
The Town Hall Wandsworth High Street
London SW18 2PU

Please ask for/reply to: Gerald Jones
Telephone: 020 8871 6001
Fax: 020 8871 7321
Email: gkjones@wandsworth.gov.uk

Our ref: ADM/FOI/CIMT/2009/2210
Date: 7th May 2009

Request-7806-
c391143d@whatdotheyknow.com

Dear Mr Blair

Freedom of Information (FOI) Request - Reference 2009/2210

I am writing in response to your email dated 11th March 2009 requesting an internal review of Wandsworth Council's handling of your FOI request for agency worker agreements, contracts and pay scales.

In your original email dated 8th February 2009 you requested information relating to agency worker agreements, contracts and pay scales. This was then followed up by 2 further emails on 9th and 10th February 2009 in which you provided further detail and clarification of your original request. The details of your request were as follows: -

1. Copies of any contracts held for the provision of temporary worker agency staff undertaking Social Worker or Social Worker Assistants roles. Contracts held with individual agency staff recruitment businesses/services (vendors) or contracts held with organisations such as Comensura, Manpower or Reed (Managed Service Providers) who provide Master/Vendor Neutral framework agreements.
2. A list of each vendor used and copies of hourly pay-scales/rates held for each vendor (whether or not each vendor is used via a managed service provider). If a managed service provider is used please also provide a copy of the pay scales/rates that are used by the managed service provider to manage all these vendors. Please ensure any pay scale information provided explains how many years of experience is required to be applicable to specific hourly rates.
3. A copy of any contract agreement used by the Council or any managed service provider to manage individual vendors through any master/vendor neutral framework (panel vendor agreement) operated.

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Chief Executive and Director of Administration: Gerald Jones

number one for
service and value

Upon receipt of your email I contacted the departments concerned and requested all information in relation to your request. I have been informed by the Corporate Information Management Team that your request for an internal review was received prior to the information collection exercise being completed so a final response to your original request had not been provided.

Further to my review please see the information provided below and also the attachments in response to your request. I am sorry for the delay in responding to your request.

1. I can confirm that we have a Neutral Vendor Management Services Agreement with Comensura. Please find a copy of this contract attached.
2. Please find attached a list of the Agencies used by our Managed Neutral Vendor to circulate vacancies for Social Care staff, and the pay rates for all Social Care categories of staff PAYE and LTD CO. The rate paid to workers is based on the agency worker's experience, skills and competence and are not dependant on the number of years of experience. Managers consider factors such as the range of experience and previous experience of multi agency working and understanding of the statutory knowledge base when determining the appropriate pay rate for individual agency workers.
3. Please find the Panel Vendor Agreement attached this is Schedule 5 in the Neutral Vendor Management Services Agreement.

You will note that information relating to a number of rates within the Managed Service Agreement and Panel Vendor Agreement have been withheld under Section 43 (Commercial Interests) of the Freedom of Information Act.

This information relates to Comensura's management fee/margin/mark-up rate and the supplier mark-up rates. The disclosure of this would, or would be likely to, prejudice the commercial interests of the contractor and the Council.

I have considered the application of this exemption and believe that disclosure of specific pricing and marks ups would have an immediate effect on the competitiveness of the contractor. It is difficult to imagine that if this information were disclosed that competitors would not take advantage of the information, causing harm to the contractor.

The commercial interests of the Council may also be harmed as disclosure of this information may harm the Councils ability to attract tenders from market leaders in the private sector and the confidence of third parties in doing business with us.

The Section 43 exemption is subject to the public interest test. The public interest arguments in favour of disclosure would be: -

- To further the understanding of, and participation in, public debate in procurement
- Facilitating accountability and transparency in the spending of public money
- Facilitating accountability and transparency of public authorities for any procurement decisions

The public interest case for not disclosing is based on the prejudice the Council would experience from disclosure. If the information relating to margins and mark-up rates was released there is a significant risk of harm to the commercial position of the

contractor and the Council. I do not consider that the arguments provided above outweigh the harm and prejudice that would occur. The only beneficiary of any disclosure would be to a competitor of the contractor.

I have considered this matter carefully and after due consideration am of the opinion that the public interest in non-disclosure of the exempted information outweighs the public interest in disclosure.

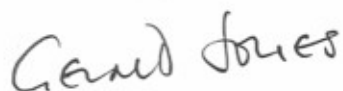
I hope this letter has addressed your needs and I am sorry that you felt the need to bring this to my attention.

If you are not satisfied with the way your request has been dealt with you can make representations to the Information Commissioner at the following address: -

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire, SK9 5AF

If you require any further information please do not hesitate to contact the Corporate Information Management Team on 020 8871 7202 or via email at foi@wandsworth.gov.uk.

Yours sincerely



Gerald Jones
Chief Executive and Director of Administration