

Our Ref: LS/PC/VS/84681
FOI 2712
Your Ref: request-7809-45fe3187
Date: 24 March 2009

Telephone No: 0121 464 3459
Fax No: 0121 303 1321
e-mail: varun_shingari@birmingham.gov.uk

Eric Blair
What Do They Know
via email

Dear Mr Blair

REQUEST FOR INFORMATION

I refer to your request dated 8 February 2009 in which you sought the following information:

- 1.1) Copies of any contracts you have for the provision of temporary worker agency staff, with regards agency/temporary social care/social worker staff/workers. Contracts you may have with individual agency staff recruitment businesses/services, hereafter called 'Vendors'.
- 1.2) A list of each Vendor you use and copies of hourly pay-scales/rates you hold for each Vendor. Whether or not you use each Vendor via a Managed Service Provider framework.
- 1.3) A copy of any contract/agreement used by yourself or any Managed Service Provider to manage individual Vendors through any Master/Vendor Neutral framework you operate or participate in, this is sometimes called a Panel Vendor Agreement.

Please find attached herewith a copy of the contract for the provision of care workers, with attached schedules setting out the details of the winning tenderers and the contract rates for the period 6 October 2008 until 2008 pay award agreed.

I can confirm that Birmingham City Council does not hold any documents in response to request 1.3 and at the date of your request had not implemented a protocol on calculating experience for use with the different hourly rate. It has subsequently been introduced for specialist services within Children, Young People and Families Directorate.

Some information has been redacted (blacked out), as it relates to personal data as defined by the Information Commissioner in its latest guidance, comprising the names and contact details of various individuals employed by the contractors. This is withheld under section 40 of the Freedom of Information Act, which is an absolute exemption.

Other information withheld relates to pricing information namely the profit margin per contractor, and the charge rates.

This has been withheld under section 43 commercially sensitive information.

Birmingham City Council has disclosed the pay rates for temporary workers, the working time directive supplement National Insurance payments.

However, we consider that the profit margin per contractor is commercially sensitive information, insofar as disclosure of this information could and would most likely prejudice any future procurement process in relation to provision of the same services.

Furthermore, it would prejudice the commercial interests of the contractors concerned, when bidding for similar contracts in other local authorities, insofar as disclosure of this information would be likely to prejudice and have a material impact on any tender bids submitted by the contractors.

Whilst Birmingham City Council accepts there is a strong degree of public interest in relation to Birmingham City Council being open and transparent in relation to its contracts, it considers that the damage caused by disclosure of the profit margin and the total contract value, insofar as it would allow the profit margin to be calculated, far outweighs the public interest in disclosure of the withheld information.

As the total pricing data would allow an individual to calculate the margin, on the basis of deducting all the other costs from the total contract price, would allow an individual to determine the profit margin from the contractors.

Whilst we have undertaken a thorough search of the information held by Birmingham City Council, it may be that, due to the size and amount of information held by Birmingham City Council, some information has been inadvertently missed. If you have any information which may assist us in determining or locating any missed information, we would be grateful if you would contact us with details of this information, so that we can make a further search.

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If you are not satisfied with the decision, you may ask for an internal review. Please contact Birmingham City Council's central FOI Team at this address:

Information Governance Team,
1st Floor, 1 Lancaster Circus, Birmingham B4 7AB
Tel: 0121 303 4876 email: xxxxxxxxxxxx@xxxxxxxxxxx.xxx.uk

In addition if you are not satisfied with the Council's decision you may apply to the Information Commissioner for an independent review at this address:

The Information Commissioner
Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF
Tel: 01625 545700 Web: www.ico.gov.uk

Yours sincerely

Varun Shingari
Solicitor