

**Our Ref:** FOI/2022.1115/JM  
**Date:** 22 March 2022

Ms E Blunt  
[request-838674-59be2d55@whatdotheyknow.com](mailto:request-838674-59be2d55@whatdotheyknow.com)

**Freedom of Information Team**

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Dear Ms Blunt

**Request for information under the Freedom of Information Act**

Thank you for your email received 1 March 2022 requesting information regarding e-rostering systems.

Please find detailed below a summary of your request, together with our response.

**Summary of your original request:**  
**E-rostering system:**

<https://www.contractsfinder.service.gov.uk/Notice/e4cefef9-d81b-44c8-a427-24da1d24de9c>

**The details we require are:**

**• What are the contractual performance KPI's for this contract?**

99.8% uptime SLA excluding planned downtime

**• Suppliers who applied for inclusion on each framework/contract and were successful & not successful at the PQQ & ITT stages**

This was a direct award via IT Solutions 2, SBS Framework agreement Ref: SBS/19/AB/WAB/9411. Contractor is Softcat PLC.

**• Actual spend on this contract/framework (and any sub lots), from the start of the contract to the current date:**

We are unable to provide details of the spend as if we were to release this information it would likely prejudice the commercial interests of the Trust and that of the providers of these services. Therefore this information is exempt from disclosure by virtue of section 43(2) of the Freedom of Information Act 2000, Commercial Interests.

Chair John Goulston Acting Chief Executive Gordon Flack  
Trust HQ The Oast, Unit D, Hermitage Court, Hermitage Lane, Barming, near Maidstone, Kent ME16 9NT

Section 43(2) is a qualified and prejudice-based exemption which requires that I provide evidence of harm in disclosure and a public interest test. I have included the relevant part of this exemption and the evidence of harm and public interest test below.

**Section 43 – Commercial Interests**

*(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).*

**Evidence of Harm**

Disclosure of the information requested would be likely to damage the commercial interests of both the Trust and providers of these services as it would assist competitors by providing information that may assist them during the tender process for the provision of these services.

**Public Interest Test**

**Factors Favouring Disclosure**

The disclosure of the information requested would contribute towards the aims of openness and accountability which the Freedom of Information Act promotes. It would also show that there is transparency in the use of public funds and that public money is being used effectively.

**Factors Favouring Non-Disclosure**

To release information relating to the existing service provider would weaken both their position and that of the Trust in a competitive environment by revealing market-sensitive information or information of potential usefulness to competitors.

The provision of the information requested would be likely to prejudice the commercial interests of the Trust during a tendering process which would result in the less effective use of public money.

**Balancing Test**

Whilst we note that the provision of the information requested would ensure that we remain open and accountable, this is outweighed by the need for the Kent Community Health NHS Foundation Trust to remain competitive with regards to tenders and commercial activity and to protect the commercial interests of the Trust and of those who provide services to the Trust.

I have therefore determined that the public interest in maintaining the exemption at section 43(2) outweighs that in disclosure and, in accordance with section 17(1) of the Act, this information is exempt.

**• *Start date & duration of framework/contract?***

01/02/2021, 3 Years

**• *Could you please provide a copy of the service/product specification given to all bidders for when this contract was last advertised?***

This was direct award and was not advertised.

**• Is there an extension clause in the framework(s)/contract(s) and, if so, the duration of the extension?**

No extension options

**• Has a decision been made yet on whether the framework(s)/contract(s) are being either extended or renewed?**

No decision will be made until prior to renewal date in 2024

**• Who is the senior officer (outside of procurement) responsible for this contract?**

It is Trust policy to not release names and contact details of staff below Executive Director Level as this constitutes personal information which is exempt under Section 40(2) in conjunction with Section 40(3A)(a) of the Freedom of Information Act 2000 which relates to 'Personal Information'.

An excerpt of the relevant Freedom of Information legislation can be found below:

**Section 40 – Personal information**

*(2) Any information to which a request for information relates is also exempt information if—*

*(a) it constitutes personal data which does not fall within subsection (1), and*

*(b) either the first, second or third condition below is satisfied.*

*(3a) The first condition is that the disclosure of the information to a member of the public otherwise than under this Act*

*(a) would contravene any of the data protection principles, or*

*(b) would do so if the exemptions in section 24(1) of the Data Protection Act 2018 (manual unstructured data held by public authorities) were disregarded.*

The executive director responsible for all aspects of staff recruitment is Victoria Robinson-Collins, Director of People and Organisational Development.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [kcht.foi@nhs.net](mailto:kcht.foi@nhs.net).

Please remember to quote the reference number in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, and Cheshire, SK9 5AF.

Yours sincerely

**Freedom of Information Act Team**

## ***Kent Community Health NHS Foundation Trust copyright***

### ***Re-use of information***

*Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example, to publish it.*

*If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 [www.opsi.gov.uk](http://www.opsi.gov.uk). This will not affect your initial information request. If you wish to re-use any third party copyright material we have identified you will need to obtain permission from the copyright holders. Any enquiries regarding this document/publication should be sent to us at the address above.*