

12 October 2021

Freedom of Information
Barts Health NHS Trust
Information Governance (FOI)
Shape Your Story
Floor 9, 20 Churchill Place
London, E14 5HJ

Dear Shelly Dawson

Your Request for Information: FOI-0654-21

Thank you for your request for information which has been processed under the Freedom of Information (FOI) Act 2000.

Your request and the response are below:

1. Which off framework agencies have you used in the past 12 months?

Avenues Care Gro
FRONTLINE (Nursing)
Henley (ITU only)
LastcallACCUITU
Nutrix
Obsidian
OHMed
OHSourcing
OHSTAFFING
OurPATH
THORNBURY (Nursing)

2. How many Nursing and HCA shifts were sent to off framework agencies in the last 3 months?

1,029

3. How many Nursing and HCA shifts were sent to Thornbury in the last 3 months?

90



4. Average cost per hour to off framework agencies for RMN's and HCA's?

Section 43(2) – Commercial sensitive information

The Trust considers that the information you have requested is commercially sensitive and therefore exempt under section 43(2) of the Act.

Prejudice

- The supplier has an interest in competing on a fair market. The supplier's commercial interest may be prejudiced if the Trust releases information about them which is not in the public domain and which their competitors can use to disadvantage them. The Trust has an interest in procuring goods and services at a price which is good value for money. The Trust's interests, and therefore that of its patients, may be prejudiced if the Trust cannot obtain good quality goods and services at value for money prices.

Public interest test

The Trust has considered the following arguments.

Arguments for disclosure

- The public has an interest in ensuring that the Trust is conducting commercial activities in a fair and open way.
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- The public has an interest in ensuring that the Trust is getting value for money and is not paying too much for goods or services.
- Disclosure of the information would contribute to transparency and allow the public scrutiny over the costs of individual goods and public spend.
- Disclosure of unit pricing may lead competitors to offer the same product at better pricing.

Arguments against disclosure

- Disclosure of information under Freedom of Information Act is a disclosure to the general public. This means that the information in question may be shared or published widely and including on websites available to the general public, including that of our suppliers' competitors.
- Disclosure of the prices of one supplier and not others competing on the same market may cause an unfair disadvantage to the supplier. Where there are several companies providing the same or similar goods, unit pricing is often the main basis of competition. If the unit price was disclosed competitors may use this information to undercut the current supplier which would not be in their interests.
- There is a strong public interest in ensuring that the commercial interests of the companies providing the services are not prejudiced. If such prejudice occurs it would enable competitors to undercut suppliers when bidding for contracts of a similar nature.

- Disclosure of the withheld information into the public domain could decrease the differentiation between suppliers, as processes, practices and commercial offerings may become homogenised, thus endangering true and fair competition. This would further hinder the ability of suppliers to act competitively within the market. Internal processes that allow such suppliers to create and maintain a competitive advantage would be lost as they become public knowledge, creating unfair competition and stifling innovation and creativity.
- An expectation that the Trust is able to withhold information valuable to a supplier ensures that the Trust has a reputation of being a reliable partner and is therefore able to secure best value for public money when procuring goods and services and thus saving tax payers' money.

Conclusion

The Trust considers that the arguments against disclosure outweighs the arguments for disclosure.

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If you are dissatisfied with how your request has been handled, please contact the FOI Team to see if your concerns can be addressed informally.

Alternatively, you can request a formal internal review of our response. Please state that you are requesting an internal review and address your complaint in writing to:

Head of Information Governance
& Trust Data Protection Officer
Barts Health NHS Trust
Email: foi.bartshealth@nhs.net

Postal address:
Head of Information Governance
& Trust Data Protection Officer
Barts Health NHS Trust
Information Governance
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If, after we have addressed your complaint, you remain dissatisfied with how we have responded, you are entitled to appeal to the Information Commissioner (Tel: 01625 545 745). Details are shown at www.ico.org.uk.

Yours sincerely,

Freedom of Information Team
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Website: www.bartshealth.nhs.uk
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