

Information Governance Department
First Floor, South Wing
St Thomas' Hospital
Guy's and St Thomas' NHS Foundation Trust
Westminster Bridge Road
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Telephone: 020 7188 7525
Email: foi@gstt.nhs.uk

14th February 2019

By email: request-510600-61451113@whatdotheyknow.com

Dear Sir or Madam,

Re: FREEDOM OF INFORMATION REQUEST: Internal Review 74746 (72285)

Please find below the response to your request for Guy's and St Thomas' NHS Foundation Trust to carry out an internal review.

We have carried out an internal review of your FOI request, relating to Nueven and the auditing of recruitment agencies on our framework.

Section 43 is a 'qualified' exemption, which means that it is subject to a public interest test. In reaching the eventual decision, I have considered various factors of the public interest test, both in favour of disclosure and in withholding the requested information, which are described below:

Reasoning in favour of disclosing the requested information include:

- Guy's and St Thomas' NHS Foundation Trust is committed to openness and transparency in its procurement activities, so as to allow public scrutiny and to demonstrate that the Trust and its customers are using public funds in an efficient and effective manner.
- Private sector companies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

Factors in favour of withholding the requested information include:

- The requested information contains information that represents an additional value concerning how suppliers operate. To disclose this to competitors would unfairly eliminate any competitive edge gained and possibly compromise their intellectual property and furthermore, would discourage potential providers from bidding for government work if sensitive material were to be released into the public domain.

- Preserving relationships of trust and confidence and the free flow of information between Guy's and St Thomas' NHS Foundation Trust and suppliers is paramount. The disclosure of the requested information may jeopardise this relationship, which is fundamentally important in maintaining the most effective delivery of public services.

Having carefully reviewed your request and weighing up the public interest considerations, we have made the decision not to disclose the requested information and to continue to engage the original exemption, Section 43(2), in that disclosure would be likely to prejudice the commercial interests of Guy's and St Thomas' NHS Foundation Trust and the suppliers who have been audited, consistent with the exemption at Section 43(2) of the Freedom of Information Act.

For your reference, I have included our original response below.

If you remain dissatisfied after our review, you have the right under s50 of the Act to apply to the Information Commissioner's Office for a decision. Further details about this and the Act can be found on their website.

Yours faithfully,

Michael Dunne
Information Governance Manager

We understand that you have used Nueven to audit recruitment agencies on your framework since 2010. We are interested in knowing more about this.

- 1) *How much did you pay Neuven for this in 2017, and to date in 2018.*

£0 (we do not use Neuven).

- 2) *Could the audit criteria please be disclosed in full for health workers detailing core criteria which could cause a core fail and minor criteria.*

We are unable to share this information; our audit criteria is sensitive and not in the public domain.

- 3) *Could anonymised copies of the last ten completed audit reports please be released including data on all core and minor criteria.*

As advised, we have not used Neuven for a number of years and irrespective, the criteria is commercially sensitive so that vendors cannot pre-prepare specific criteria in advance of audit.

- 4) *What is the job title, email address, and name of the individual within your framework who liaises with Neuven.*

We do not liaise with Neuven.

- 5) *Does LPP pass these audit reports to NHS Improvement? If so how are these sent and who receives them.*

No.