

Cumberland Infirmary
Newtown Road
Carlisle
Cumbria
CA2 7HY

Our Ref: FOI/004976

Email: foi.requests@ncuh.nhs.uk

Date: 14th March 2019

Stephen Mhiribidi
request-552151-e4d8c367@whatdotheyknow.com

Dear Mr Mhiribidi

REQUEST FOR INFORMATION – FOI/004976

I am contacting you with regard to your recent request for information received in this department on 13th February 2019:

1. *Have you used a Direct Engagement firm?*
2. *If so please list all you have used with dates.*
3. *For the purposes of IR35 assessments, do you claim to supervise direct and control (SDC) your temporary workforce (temporary staffing/finance will know) – and have policy relating to this?*
4. *If you have outsourced this IR35 assessment function, did you claim to supervise, direct and control your temporary workforce prior to doing so?*
5. *What are the job titles of the designated points of contact in your organisation with any direct engagement firms you may use, or have used?*
6. *Have board-members, and/or, if different, the points of contact within your trust for your Direct Engagement firm received this email?*
7. *If so please disclose a copy (please search only as far back as 30th January 2019 –likely received on 5th February 2019).*
8. *Please disclose all correspondence with any direct engagement firms since 30th January 2019 to these points of contact and the board until the date of response to this FOI.*
9. *Please disclose all minutes discussing Direct Engagement/VAT on locums since 30th January 2019 until the date of response to this FOI (by the board, finance team, temporary staffing, or other committee likely to discuss this matter).*

10. *Please disclose a copy of the letter sent by IHPA to your CEO at the beginning of May 2018 regarding Direct Engagement schemes. (link to notice of permission from the IHPA/commercial interest waiver - <https://ihpa.org.uk/uncategorized/ihpa-authorises-nhs-trusts-to-disclose-vat-mitigation-letter-in-relation-to-foi-requests/>)*
11. *Please disclose any due diligence pursuant to the Criminal Finance Act 2017, you may have conducted as a result of the letter from IHPA, and the subsequent email reproduced above from a direct engagement provider if you received it.*
12. *For the avoidance of doubt, all communications/discussion with alternative direct engagement providers are to be considered within the scope of this request.*
13. *Please disclose all email or written discussion of this matter with any frameworks you may use, and identify the framework in question.*

I am writing to confirm that the Trust has now completed its search for this information.

Q1) The Trust does use a Direct Engagement firm.

Q2) The current contract is with Brookson and runs from February 2018 to February 2020.

The previous Direct Engagement provider was Liaison. The contract with Liaison commenced in May 2012 and ended in January 2018.

Q3) Most agency workers are medical locums who are covering establishment vacancies and are under the supervision of the Medical Director. Assessments outside of this are completed by the Brookson legal team and are considered on a cases by case basis.

Q4) The IR35 assessment function was outsourced from April 2017.

Q5) Please see table below for the job titles of the designated points of contact for direct engagement firms.

Designated Points of Contact for Direct Engagement:
Head of Agency
Agency Team
Director of Finance
Deputy Director of Finance
Head of Financial Improvement
Financial Improvement Team

Q6) The Trust has received the email shown in your original request.

Q7) Please see attached enclosure 01.

Q8) Please see attached enclosures 01, 02 and 03.

Q9) No minutes regarding discussions on Direct Engagement / VAT on locums have been taken during the time period requested.

Q10) The Trust does not have a record of this letter.

Q11) Please see attached enclosure 04 for correspondence from Brookson. Please note that this did not change anything with regards to the Trust's process, as we were aware of our responsibilities under The Criminal Finance Act which became law in 2017 and pre-dated the email from Brookson.

Q12) Please see attached enclosures 01, 02 and 03.

Q13) The Healthtrust Europe (HTE) framework has not yet been discussed with Brookson.

If you are unhappy with the way the Trust has handled your request, you may ask for an internal review by contacting:

Joint Company Secretary
Cumberland Infirmary
Newtown Road
Carlisle
Cumbria
CA2 7HY

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
Cheshire SK9 5AF
<http://www.ico.org.uk/>

If you wish to discuss any of the above, please contact me at the above address.

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

Yours sincerely



Michael Smillie
EXECUTIVE DIRECTOR OF FINANCE