

Freedom of Information Act 2000 - Request Reference FoI/23/145
Integra Community Living Options Ltd

Information Requested:

I would like to make a Freedom of Information Request for the following information relating to the commissioning contract that this Health Board has with Integra Community Living Options Ltd, which is part of the National Care Group:

1. What is the value of the commissioning contract between the Health Board and Integra Community Living Options Ltd?

After considering your request, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of both Cardiff University and the UHB. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure: There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure: It has been established that releasing the information sought under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with suppliers. This in turn could lead to less effective use of public funds in future. The UHB believes that there is wider established public interest in suppliers not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

Decision: The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

2. What is the start and end date of the commissioning contract with Integra Community Living Options Ltd?

Individual patient contracts, with overriding All Wales Framework for residential homes renewed every 1st April.

In terms of the funding made available by the Welsh Government for the Real Living Wage uplift for registered care workers from 1st April 2022 please may I check:

3. What was the earliest date that these funds were available for successful access bids from providers?

1st April 2022

4. On which date did Integra Community Living Options Ltd., submit an application to access these funds?

29th September 2022 via the All Wales framework residential packages. Non-framework uplifts invoiced in August 2022

5. On which date were the funds released to Integra Community Living Options Ltd?

29th March 2023 via the All Wales framework packages, August-September 2022 non-framework packages

6. Please advise of any known obstacles or delays which may have contributed to the late release of these funds to Integra Community Living Options Ltd.

Cardiff and Vale University Health Board (the UHB) does not hold this information.

7. Please confirm the total amount of monies released to Integra Community Living Options Ltd, to fulfil the Real Living Wage uplift.

Approx. £29.5k via All Wales framework packages, approx. £10k for non-framework packages

In terms of the calculation received from and the monies released to Integra Community Living Options Ltd, please confirm what proportion is attributable to:

8. Maintaining differentials for staff at the lower end of the scale?

The UHB does not hold this information. Under Section 16, which provides us with the duty to advise and assist, the UHB can inform you that the calculation is based on 4.21% increase for all staff, calculated from increase in RLW £9.50 to £9.90 per hour.

9. Former employees who worked for Integra Community Living Options Ltd during the qualifying period?

The UHB does not hold this information. Under Section 16, which provides us with the duty to advise and assist, the UHB can inform you that the increase for former staff would be included in the calculation by default.

10. What steps will the Health Board take, and when, to monitor whether the full amount of funds released to Integra Community Living Options Ltd have been distributed to the intended recipients?

The UHB does not hold this information. The Freedom of Information Act creates a right of access to recorded information. A public authority does not have to create new information or provide opinions or judgments that are not already held in recorded form.