

**Freedom of Information Act 2000 - Request Reference FoI/23/146**

**Agency Nurses: Thornbury**

**Information Requested:**

- 1. In the last 60 days, how many hours has your trust utilised Thornbury Nursing Services for agency nurses**

After considering your request, the UHB believes that Section 40 of the Freedom of Information Act 2000 applies. Due to the low numbers of individuals involved (5 or less), the UHB believes that, when considered with other information already available within the public domain, disclosure would result in the risk of individuals becoming identifiable. The data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

- 2. In the last 60 days which wards, departments were these TNS requests for?**

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- 3. Please can you confirm how many nursing shifts have been filled by Thornbury Nursing Services?**

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- 4. In the last 60 days has your Trust utilised any other off framework provider for agency nurses? If yes, please name these providers.**

Presto Nursing

**5. Please can you confirm how many shifts have been released/allocated to off framework agencies within the last 60 days?**

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**6. In the last 60 days which wards, or departments were these off framework requests for?**

EU department

**7. Please can you confirm how many nursing shifts have been filled by off framework agencies within the last 60 days?**

Please see response to question 5.

**8. How many long-term lines of work or block bookings are currently being supplied by off framework agencies?**

None.

**9. Which off framework agencies is the trust currently utilising for Nursing vacancies and what is the spend on these agencies year to date?**

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.

## 10. What is the average charge for both RMN's and RGN's from off framework agencies?

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## 11. Who at director level is responsible for patient safety and staffing levels?

Deputy Executive Nurse Director