

**Freedom of Information Act 2000 – Request Reference FoI/23/578**

**Medical Locum Expenditure**

**Information Requested:**

**Section 1: Medical Locum Expenditure**

**1.0 Between 1<sup>st</sup> April 2023 and 31<sup>st</sup> October 2023, what did the Health Board spend on Agency Medical Locums?**

**Clarification:** *Include all charges (pay, agency fees, managed service fees, etc.) excluding VAT. All grades, including Consultants.*

**1.1 What proportion of this was attributed to the services of a Managed Service Provider (MSP) / Neutral Vendor / Master Vendor and/or Technology Provider?**

**Section 2: MSP & Tech**

**2.0 Does the Health Board have a Managed Service / MSP (either Neutral Vendor, Master Vendor, or otherwise) and/or technology for managing the supply of agency medics, and/or Direct Engagement?**

If the answer to question 1.0 is yes, please answer the following questions:

**2.1 Which company provides this solution?**

**Clarification:** *If there is more than one company involved, for example, if the tech/software is separate from the service provision, please list all contracts that are in place. Other than where an agency is providing managed services or tech, there is no need to list all of the locum agencies involved in the supply chain.*

**2.2 Which Framework was this contract / were these contracts procured under?**

**2.3 Please disclose the expiry date(s) of the contract(s)**

**2.4 Please disclose the fee structure and cost of the above-mentioned provisions.**

**Clarification:** *Excluding all elements of locum doctor pay / the cost of agency locums excluding the agency commission charges, and excluding VAT.*

**2.5 What percentage of spend on agency medics was processed via a Direct Engagement model during October 2023?**

**Clarification:** *how much of the agency locum spent during this period benefitted from VAT efficiency via a Direct Engagement provision?*

**2.6 What was the average hourly charge rate paid by the Health Board for a Locum Consultant between 1<sup>st</sup> August – 31<sup>st</sup> October 2023?**

**Clarification:** *Including pay (and PAYE tax, NI, etc.), and agency fees. Exclude MSP / Tech fees and VAT.*

**2.7 What was the maximum charge rate paid for a Locum Consultant between 1<sup>st</sup> August 2023 and 31<sup>st</sup> October 2023? Please specify the speciality.**

**Clarification:** Including pay (and PAYE tax, NI, etc.), and agency fees. Exclude MSP / Tech fees and VAT

### Section 3: Accountable People

**3.0 Please provide the name, email address, telephone number, work mobile if applicable, and job title of the person responsible on behalf of the Health Board, for the management of the above-mentioned contract(s).**

**3.1 If different, please also provide the same details of the person or persons accountable for delivering the Health Board's strategic objectives in relation to agency medics.**

### **Response Details:**

#### Section 1: Medical Locum Expenditure

**1.0** £12,556,842

**1.1** After considering your request, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under section 43 of the Freedom of Information Act 2000 (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 the supplier 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.

## **Section 2: MSP & Tech**

**2.0** Yes

**2.1** Medacs Healthcare.

**2.2** CCS.

**2.3** August 2024.

**2.4** Please see the response to **1.1**.

**2.5** 46.8%

**2.6** £154.00

**2.7** £163.44

## **Section 3: Accountable People**

**3.0** After considering your request, the Cardiff and Vale University Health Board (the UHB) believes that 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.

The UHB can confirm, however, that the job title is Head of Medical Resourcing and Systems.

**3.1** Not applicable.