

Freedom of Information Act 2000 – Request Reference FoI/24/148

Agency Provision

- 1) What is the total Framework Agency spend solely for Nurses from 1st April 2022 to 30th April 2023? Please provide a breakdown of spend, per specialty, per banding
- 2) What is the total Off-Framework Agency spend solely for Nurses from 1st April 2022 to 30th April 2023? Please provide a breakdown of spend, per specialty, per banding.
- 3) How many Framework Agencies have supplied solely for Nurses to the Trust from 1st April 2022 to 30th April 2023? Please provide a full breakdown per, specialty and by each recruitment agency by company name.
- 4) How many Off-Framework Agencies have supplied solely for Nurses to the Trust from 1st April 2022 to 30th April 2023? Please provide a full breakdown per, specialty and by each recruitment agency by company name.
- 5) How many requirements came out for the following specialties from 1st April 2022 to 30th April 2023, please break this down per month.
 - Mental Health
- 6) In relation to question 5 please provide what the fill rate for those requirements were with Framework Agency workers against Trust Bank workers.
- 7) What contractual relationships are in place for supplying agency nurses and who is responsible for managing them?
- 8) In relation to question 7 please can you please provide me with the name, contact number & email address of the person responsible for agreeing temporary nursing agency contracts for your Trust?

Response Details:

In response to points 1 and 2

Please see the below table which represents nurse agency expenditure from 1 April 2022 to 30 April 2023.

Contract	Clinical Board	HCA/HCSW	Registered Nurse	Total
All Wales Nurse Agency Contract	Children & Women	£260,098	£716,565	£976,663
	Corporate Executives	£7,897	£7,210	£15,107
	Medicine	£2,540,103	£9,637,429	£12,177,531
	Mental Health	£1,120,515	£1,252,638	£2,373,154
	Primary, Community and Intermediate Care	£10,896	£47,068	£57,964
	Specialist Services	£675,975	£2,782,572	£3,458,547
	Surge Hospitals	£121	£2,947	£3,068
	Surgical Services	£1,075,530	£1,314,332	£2,389,862
All Wales Nurse Agency Contract Total		£5,691,136	£15,760,761	£21,451,897
Off Contract	Children & Women		£583,558	£583,558
	Medicine	£370	£418,596	£418,965
	Mental Health	£426		£426
	Primary, Community and Intermediate Care		£36,932	£36,932
	Specialist Services		£5,381	£5,381
	Surgical Services		£394,353	£394,353
Off Contract Total		£796	£1,438,819	£1,439,615
Total		£5,691,932	£17,199,580	£22,891,512

In response to points 3 and 4

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 is not in the public's interest to disclose this information.

However, under our duty to provide advice and assistance pursuant to section 16 of the Freedom of Information Act 2000, the UHB can provide the following tables. The first represents the total number of nursing agencies used by the UHB, while the second provides a breakdown of the number of agencies used within each Clinical Board.

	All Wales Contract	Off Contract	Agencies
Number of Agencies Used	74	13	87

Clinical Board	All Wales Contract	Off Contract	Agencies
Children & Women	56	2	58
Corporate Executives	24		24
Medicine	72	5	77
Mental Health	51	1	52
Primary, Community and Intermediate Care	9	4	13
Specialist Services	64	3	67
Surge Hospitals	6		6
Surgical Services	58	3	61

In response to points 5 and 6

	Total Filled	Total Unfilled	Agency Filled	Grand Total
January	2,941	769	701	4,411
February	2,918	748	689	4,355
March	2,946	755	519	4,220
April	2,348	770	426	3,544
May	2,539	702	433	3,674
June	2,704	765	539	4,008
July	2,785	866	525	4,176
August	2,891	834	476	4,201
September	2,675	791	438	3,904
October	2,691	832	652	4,175
November	2,836	931	624	4,391
December	2,395	866	555	3,816
Grand Total	32,669	9,629	6,577	48,875

In response to point 7

The All Wales Agency Contract.

In response to point 8

After considering your request, 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. Its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing with regard to Articles 5, 6, and 9 of the 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.