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**24<sup>th</sup> September 2024**

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[REDACTED]

Dear Sir/Madam

**Freedom of Information Act (FOI) 2000 - Request for Information Reference: RM6281**  
Workforce Alliance Framework Temporary Clinical & healthcare Staffing

I am writing in response to your request for information under the FOI 2000.

I can confirm in accordance with Section 1 (1) of the Freedom of Information Act 2000 that we do hold the information you have requested. A response to each part of your request is provided below.

Home, Community, Hospital.

FOI Request / Question	Question Response	Is there an exemption?	Exemption	Exemption Details
<p>1. Direct Award Method: Has your Trust employed the direct award method for sourcing workers or small groups of workers under the RM6281 framework?</p>	<p>The Trust operates a Preferred Supplier List (PSL) for agency nursing staff with the Trust setting the rates that are paid. Supplier performance is monitored and a Suppliers failure to provide adequate volume (at the pre-agreed rates) would result in that supplier's removal from the PSL. Only when a Supplier is removed from the PSL would the Trust seek to add additional Suppliers to the PSL with potential new Suppliers being asked to advise:</p>			
<p>1a. If so, please provide evidence demonstrating that the selected suppliers offered the most economically advantageous terms in accordance with the framework's guidelines.</p>				
<p>1b. What measures does your Trust implement to ensure transparency and fairness in direct award decisions, including maintaining a clear audit trail?</p>	<p>The number of Registered Nurses currently active on their books (having worked for them within the last 6 weeks) that live within 25 miles of the Trust address.</p>			
<p>2. Further Competition: Has your Trust used the further competition process for awarding contracts where adjustments to the framework terms were necessary or where commercial benefits could be achieved?</p>	<p>Details of organisations within 50 miles of the Trust address into which the potential Supplier is currently supplying Registered Nurses Contact details of the individuals at the organisations named by them in their response to the above that are able to validate supply into those organisations</p>			
<p>3. Neutral or Master Vendor: If your Trust utilizes a neutral or master vendor to manage temporary staffing, how do you ensure these vendors comply with the framework's requirements, including the Public Contracts Regulations 2015? Please provide detail</p>	<p>The number of cap compliant Band 5 RN hours that they fulfilled for those organisations in the previous month, with the total number of hours split to show:</p> <ul style="list-style-type: none"> <li>o Band 5 RN Day hours filled at or below £24.06/hour</li> <li>o Band 5 RN Night and/or Saturday hours filled at or below</li> </ul>			

<p>4. Supplier Selection &amp; Exclusion: Please explain how your Trust lawfully selects certain suppliers while excluding others under the RM6281 framework? please provide details</p>	<p>£31.29/hour o Band 5 RN Sunday and/or Bank Holiday hours filled at or below £38.51/hour</p>			
<p>5. Processes for Supplier Selection: o Could you outline the process your Trust follows when selecting suppliers for temporary clinical and healthcare staff under RM6281? Please provide details</p>	<p>Potential Suppliers are also asked to provide:</p> <p>Confirmation that, should the Trust seek to engage any Registered Nurses via that Supplier, they will calculate shift costs in accordance with predefined Shift Cost Calculations (communicated to them at the time of the invitation).</p> <p>Confirmation that, should the Trust seek to engage any Registered Nurses via that Supplier, they will abide by the instruction contained in the SDS (issued to them at the time of the invitation) insofar as:</p> <p>a) Where an introduced worker will be engaging via a qualifying intermediary (e.g. a Limited Company in which they have a shareholding): The Supplier will make them aware that the Trust has determined the engagement to be inside-scope of IR35 (and employed for tax purposes). The Supplier will provide them with a copy of the Trust issued Status Determination Statement. The Supplier will satisfy themselves that PAYE will be correctly operated on payments made to the temporary worker, regardless of whether such is to be paid by the Supplier or a third party.</p> <p>b) Where that introduced worker will be operating in the capacity of a Sole Trader:</p>			

	<p>The Supplier will make the necessary arrangements to ensure the correct deduction of employment taxes and national insurance contributions from payments made to those workers along with the associated RTI submissions to HMRC.</p>			
<p>6. Additional Information: The total number of agencies listed under Lot 1 and the rates at which they supply their services.</p>	<p>The Trust currently has 8 RM6281 Lot 1 suppliers on its Nursing PSL.</p> <p>Whilst the Trust holds the breakdown of information as requested, it is applying a Section 43(2) exemption in relation to this part of the request as the release of the information is likely to prejudice its commercial interests.</p> <p><b>Public Interest Test</b> We recognise that the disclosure of the information sought in relation to the costs involved would provide transparency in the use of public funds by the Trust and the NHS in general. It would also assist the general populous with transparency in decision making by the Trust and their transactions with third parties.</p> <p>Conversely to the factors demonstrated above in favour of disclosure, it is felt that the Trust, third party suppliers and overall the NHS could be disadvantaged should the information sought in relation to costs being made available. Suppliers compete with one another in a competitive environment and to provide the value of the costs involved may allow rival companies to undercut the Trust</p>			

	<p>current suppliers, lead to loss of confidence by suppliers and customers and could cause significant harm and disadvantage to the Trust and suppliers.</p> <p>The disclosure could also adversely impact on any on-going or future procurement processes for the reasons outlined above. Any disclosure by the Trust could also in future discourage the provision of commercially sensitive information necessary to respond properly to the Trusts Invitation To Tender, and would be likely to affect and undermine the Trusts bargaining position in any future procurement process or negotiations. Ultimately civil action could be taken against the Trust should information be disclosed that adversely affects the commercial interests of current and/or future suppliers.</p> <p>As a result, it is in the Trust's opinion that this sufficiently demonstrates the prejudice which could be caused through disclosure.</p> <p><b>Balance Test</b> It is important to bear in mind that any disclosure under the FOI Act is a disclosure to the public at large and not just to the applicant. It is recognised that there is a general public interest in the Trust being open and transparent. However, it is not believed that this public interest is served in disclosure for damage that would be caused as outlined above.</p>			
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	Therefore, – the Trust considers that releasing this information would not be in the public interest, as the public interest does not outweigh the prejudice as set out above. Further guidance can be accessed from the Information Commissioner’s Office <a href="https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-43-commercial-interests/">https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/section-43-commercial-interests/</a>			
6a. The name of the master or neutral vendor managing shift allocation.	The Trust does not utilise a neutral vendor or master vendor.			
6b If your Trust is not using the Workforce Alliance RM6281 framework, please specify which framework is currently in use?	The Trust will transition supply from RM6161 to RM6281			



I trust this information answers your request. Should you have any further enquiries or queries about this response please do not hesitate to contact me. However, if you are unhappy with the way in which your request has been handled, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: Sally Brook Shanahan, Director of Corporate Affairs, King's Mill Hospital, Mansfield Road, Sutton in Ashfield, Nottinghamshire, NG17 4JL or email [sally.brookshanahan@nhs.net](mailto:sally.brookshanahan@nhs.net).

If you are dissatisfied with the outcome of the internal review, you can apply to the Information Commissioner's Office, who will consider whether we have complied with our obligations under the Act and can require us to remedy any problems. Generally, the Information Commissioner's Office cannot decide unless you have exhausted the internal review procedure. You can find out more about how to do this, and about the Act in general, on the Information Commissioner's Office website at: <https://ico.org.uk/your-data-matters/official-information/>.

Complaints to the Information Commissioner's Office should be sent to FOI/EIR Complaints Resolution, Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. Telephone 0303 1231113, email [casework@ico.org.uk](mailto:casework@ico.org.uk).

If you would like this letter or information in an alternative format, for example large print or easy read, or if you need help with communicating with us, for example because you use British Sign Language, please let us know. You can call us on 01623 672232 or email [sfh-tr.foi.requests@nhs.net](mailto:sfh-tr.foi.requests@nhs.net).

Yours faithfully

### Information Governance Team

All information we have provided is subject to the provisions of the Re-use of Public Sector Information Regulations 2015. Accordingly, if the information has been made available for re-use under the [Open Government Licence](#) (OGL) a request to re-use is not required, but the licence conditions must be met. You must not re-use any previously unreleased information without having the consent from Sherwood Forest Hospitals NHS Foundation Trust. Should you wish to re-use previously unreleased information then you must make your request in writing. All requests for re-use will be responded to within 20 working days of receipt.

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