

Outstanding Care,
Compassionate People,
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Sherwood Forest Hospitals
NHS Foundation Trust

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24th September 2024

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Dear Sir/Madam

Freedom of Information Act (FOI) 2000 - Request for Information Reference: Supplier Selection Under Lot 1 Of Workforce Alliance Rm6281

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.

Patient Experience Team
01623 672222
sfh-tr.pet@nhs.net



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Acting Chair Graham Ward
Acting Chief Executive David Selwyn

FOI Request / Question	Question Response	Is there an exemption?	Exemption	Exemption Details
<p>1. Compliance with Public Contracts Regulations 2015: Please provide information on how the Trust ensures that the awarding of contracts under Lot 1 of the Workforce Alliance RM6281 framework adheres to the Public Contracts Regulations 2015.</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 suppliers 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>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>Details of organisations within 50 miles of the Trust address into which the potential Supplier is currently supplying</p>			
<p>2. Non-discrimination and Fairness: How does the Trust ensure that it does not discriminate or act unfairly towards suppliers when selecting contractors under this framework?</p>				
<p>3. Supplier Invitation: Does the Trust invite all approved suppliers under the framework to bid or supply services, as stipulated by the framework's rules? If so, could you provide evidence or examples of this process in practice?</p>				
<p>4. Supplier Selection Process: Please outline the legal justification the Trust uses when selecting certain suppliers</p>				

<p>while excluding others under the Workforce Alliance RM6281 framework.</p>	<p>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>5. Compliance with Selection Criteria: Could you explain the process by which suppliers are selected under the framework, particularly concerning ensuring compliance with the selection criteria set out in the Workforce Alliance RM6281 framework</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>			
<p>6. Further Competition Process: Could you describe the process your Trust follows for further competition under the Workforce Alliance RM6281 framework? Specifically, do you use direct awards, or do you invite suppliers for further competition for Lot 1?</p>	<ul style="list-style-type: none"> o Band 5 RN Day hours filled at or below £24.06/hour o Band 5 RN Night and/or Saturday hours filled at or below £31.29/hour o Band 5 RN Sunday and/or Bank Holiday hours filled at or below £38.51/hour 			
<p>7. Evidence of Compliance: Kindly provide any documentation/evidence demonstrating how the Trust ensures compliance with the aforementioned regulations & framework rules when awarding contracts under Lot 1 for temporary nurses & clinical staffing</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</p>			

	<p>to them at the time of the invitation). 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>			
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	<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>8. Legal Queries and Proceedings: Please provide contact details (department and individual, if available) for submitting legal queries or initiating legal proceedings related to procurement processes under this framework.</p>	<p>sfh-tr.Legal@nhs.net</p>	<p>Yes</p>	<p>ABSOLUTE EXEMPTIONS REFUSAL NOTICE - Section 40(2) staff personal information</p>	<p>The exemption applied is Section 40 Personal Information.</p> <p>This exemption applies because disclosure of this information has a potential to make individuals identifiable due to the description/set of characteristics within the small statistical data set involved, thereby breaching the Data Protection Act 2018.</p> <p>Names, job titles (other than that of our board of directors) and email addresses constitute personal data.</p>

				<p>Section 40(2) provides that personal data is exempt information if one of the conditions set out in section 40(3) is satisfied. In our view, disclosure of this information would breach the data protection principles contained in the General Data Protection Regulations and Data Protection Act 2018</p> <ul style="list-style-type: none"> • The reasonable expectations of the employees given their positions; Sherwood Forest Hospitals NHS Foundation Trust considered that none of the individuals would have a reasonable expectation that their personal data would be disclosed; • The consequences of disclosure; and • any legitimate public interest in disclosure. <p>Section 40(2) is an absolute exemption and therefore not subject to the public interest test</p>
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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.

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.

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.

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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