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**21<sup>st</sup> November 2024**

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Dear Sir/Madam

**Freedom of Information Act (FOI) 2000 - Request for Information Reference:** Total Workforce Solutions HTE or RM6281 Workforce Alliance Framework Details

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/do not hold the/some of 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. Supplier Addition (Lot 1 under RM6281):7</p> <ul style="list-style-type: none"> <li>How many approved suppliers have been added to the Trust's supplier list for Lot 1 under RM6281 from 1st July, 2024 to 30th October 2024?</li> </ul>	<p>The Trust has 8 PSL suppliers supplying under Lot 1 of RM6281 all of which were previously supplying via RM6161 (supply was transitioned).</p>			
<p>2. Framework Usage Confirmation:</p> <ul style="list-style-type: none"> <li>Does the Trust currently use the RM6281 framework or Total Workforce Solutions HTE for staffing requirements?</li> </ul>	<p>RM6281</p>			
<p>3. Preferred Supplier List (PSL):</p> <ul style="list-style-type: none"> <li>What are the names of the agencies on your PSL that supply agency staff under Lot 1 RM6281 framework or Total Workforce Solution HTE, and what tier is each agency assigned to?</li> </ul>	<p>8 PSL suppliers are: Altrix, Care Providers, Firstpoint, ID Group, Interact, Pulse, TXM, Your World.</p>		<p>Section 43(2)</p>	<p>The Trust operates a 2 Tier cascade split by different grades/roles and 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>In applying the exemption consideration has been given to the public interest in enabling scrutiny of public sector decision making and the general public interest in accountability and transparency.</p> <p>We have concluded providing the information could cause harm to the Trust as this could distort the market-place and therefore, result in the Trust not obtaining best value for money.</p> <p>In this instance, we consider that the public interest in withholding the information is greater than the public interest in disclosing the information.</p>
<p>4. Shift Booking Above NHSE Capped Rate:</p> <ul style="list-style-type: none"> <li>How many shifts were booked above the NHS England capped rate from 1st July, 2024 to 30th October 2024?</li> </ul>	<p>All Band 5 General Nursing shifts are filled at or below the NHSE capped rates. Specialist Nurses (Critical Care, Paediatric, Neonatal, etc.,) of which there were 378 shifts in this period, are supplied at rates below the NHSE Capped rate x 1.25</p>			

<p>5. Spending on Off-Framework Agencies:</p> <ul style="list-style-type: none"> <li>○ What was the total spend on off-framework agencies from 1st July, 2024 to 30th October 2024?</li> <li>○ What are the names of these agencies, and what reasons are there for their continued use despite NHS England's restrictions?</li> </ul>	<p>The Trust had no off framework spend.</p>			
<p>6. Spend on Approved Framework Suppliers:</p> <ul style="list-style-type: none"> <li>○ What was the total spend on approved framework suppliers between 1st July, 2024 to 30th October 2024?</li> <li>○ In which area of specialty within Lot 1 does the Trust require a supplier that can book shifts within the capped rate to avoid breaches?</li> </ul>	<p>£83,6704 Breaches are predominantly in Paediatrics/Neonatal and Midwifery</p>			

<ul style="list-style-type: none"> <li>○ If applicable, what are the reasons for breaches of the capped rates for shifts?</li> </ul>				
<p>7. Framework Supplier Addition:</p> <ul style="list-style-type: none"> <li>○ Would the Trust add an approved framework supplier immediately if it could help reduce breaches of the NHSE capped rate?</li> </ul>	<p>Only for the above indicated specialist positions on the understanding that engagements are deemed employed for tax purposes (Status Determination Statement's (SDS) are issued to all suppliers) and subject to satisfactory compliance checks being received for each proposed worker.</p>			
<p>8. Spending on Framework Agencies:</p> <ul style="list-style-type: none"> <li>○ How much was spent on framework agencies from 1st July, 2024 to 30th October 2024?</li> </ul>	<p>£836,704</p>			
<p>9. Supplier Selection Process:</p> <ul style="list-style-type: none"> <li>○ Does the Trust use Direct Award or Further Competition to select suppliers?</li> <li>○ What criteria are used to select suppliers, and is the Most</li> </ul>	<p>See response to Q1</p>			

Economically Advantageous Tender (MEAT) principle applied?				
<p>10. Audit Trail for Contract Awards:</p> <ul style="list-style-type: none"> <li>o Could you provide a documented audit trail showing how contract awards were made, particularly for direct awards? This documentation should align with RM6281's Framework Schedule 7, which requires clear justification and transparency in awarding contracts.</li> </ul>	<p>The Trust operates a 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 Registered Nurses</p> <p>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>The number of cap compliant Band 5 RN hours</p>			

	<p>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 Day hours filled at or below the NHSE Cap</li> <li>o Night and/or Saturday hours filled at or below the NHSE Cap</li> <li>o Sunday and/or Bank Holiday hours filled at or below the NHSE Cap</li> </ul> <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> <ul style="list-style-type: none"> <li>a) Where an introduced worker will be engaging via a qualifying intermediary (e.g. a Limited Company in which they have a shareholding):</li> </ul> <p>* The Supplier will make them aware that the</p>			
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	<p>Trust has determined the engagement to be inside-scope of IR35 (and employed for tax purposes).</p> <p>* The Supplier will provide them with a copy of the Trust issued Status Determination Statement.</p> <p>* 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>11. Neutral Vendor Information (if outsourced):</p>	<p>The Trust does not utilise a Neutral Vendor. See response to Q10 re PSL supplier selection. The Trust sets the rates paid and pays all suppliers the same rates dependant upon their chosen cascade position.</p>			



<p>12. Further Competition and Framework Adherence:</p> <ul style="list-style-type: none"> <li>○ What was the date of the last further competition conducted?</li> <li>○ Has the Trust fully transitioned to using RM6281 and followed the guidance in Schedule 7 for supplier selection?</li> <li>○ Can you confirm adherence to the MEAT guidance provided in the framework?</li> </ul>	<p>See response to Q11</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](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

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