

23<sup>rd</sup> August 2016

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By email

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E: [nhsi.enquiries@nhs.net](mailto:nhsi.enquiries@nhs.net)  
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Dear

### **Request under the Freedom of Information Act 2000 (the "FOI Act")**

I refer to your email of **26 July 2016** in which you requested information under the FOI Act from Monitor. Since 1 April 2016, Monitor and the NHS Trust Development Authority are operating as an integrated organisation known as NHS Improvement ("NHSI"). For the purposes of this decision, NHSI means Monitor.

#### **Your request**

You made the following request:

- "1. Please advise the total staff headcount that are employed directly by Monitor, with each part-time employee counted as one employee. Please exclude all temporary agency workers from this figure.*
- 2. Please identify each supplier that Monitor has a contract with to supply temporary agency workers.*
- 3. Please identify: a. the type of contract that Monitor has with each of these suppliers (preferred supplier list/ framework/ etc. If framework, please indicate b. which - e.g. MSTAR/ YPO/ Panel London/ Pan London/ NPS All Wales/ Crown Commercial Services/ etc; and c. whether this is on a neutral/ master/ hybrid vendor model, or the lot number.*
- 4. Please advise for each contract identified within (2) above of: a. the current end date of the contract; b. the date(s) that any break clause(s) can be enabled; and c. the length of time of any extension that can be enabled.*
- 5. Please advise of the a. full name of the main contact at Monitor who is responsible for the main (or majority of the) contract(s) identified within (2) above, together with their:  
b. job title;  
c. group (either team, division or department, whichever is the smallest identifiable group);  
d. telephone number;  
e. email; and  
f. full postal address, inc postcode.*

6. Please identify all suppliers that Monitor has sourced a temporary agency worker from - but does not have a contract with - from 1 April 2015 to 31 March 2016.

7. For each temporary agency supplier (either a. contracted as identified within (2) above; b. non-contracted as identified within (6) above; and c. all temporary workers Monitor has sourced directly), how much has been spent on each supplier (or directly), from 1 April 2015 to 31 March 2016?"

## **Decision**

NHSI holds some of the information you have requested. Where we have decided to disclose information to you, we have not included personal data pursuant to section 40 of the FOI Act. We have decided to withhold some information we hold under section 43 of the FOI Act – this is explained in detail below.

We have responded to each of your questions in turn below.

1. Please advise the total staff headcount that are employed directly by Monitor, with each part-time employee counted as one employee. Please exclude all temporary agency workers from this figure.

Under the FOI Act, we are obliged to provide information we hold as at the date of the request. In this case, we cannot determine the number of employees as at 26 July 2016. However, the closest date to that for which we have the total employed headcount of Monitor is 548 as at 29 July 2016.

2. Please identify each supplier that Monitor has a contract with to supply temporary agency workers.

NHSI does not have any current contracts with suppliers for the supply of temporary agency workers.

3. Please identify: a. the type of contract that Monitor has with each of these suppliers (preferred supplier list/ framework/ etc. If framework, please indicate b. which - e.g. MSTAR/ YPO/ Panel London/ Pan London/ NPS All Wales/ Crown Commercial Services/ etc; and c. whether this is on a neutral/ master/ hybrid vendor model, or the lot number.

We do not hold this information. Please see answer to (2) above

4. Please advise for each contract identified within (2) above of: a. the current end date of the contract; b. the date(s) that any break clause(s) can be enabled; and c. the length of time of any extension that can be enabled.

We do not hold this information. Please see answer to (2) above

5. Please advise of the a. full name of the main contact at Monitor who is responsible for the main (or majority of the) contract(s) identified within (2) above, together with their:  
b. job title;

- c. group (either team, division or department, whichever is the smallest identifiable group);
- d. telephone number;
- e. email; and
- f. full postal address, inc postcode.

Not applicable. Please see answer to (2) above.

6. Please identify all suppliers that Monitor has sourced a temporary agency worker from - but does not have a contract with - from 1 April 2015 to 31 March 2016.

NHSI's recruitment and resourcing suppliers provide a range of services which includes supply of temporary agency workers. Unfortunately, our financial reporting system does not distinguish between the types of services they have supplied to us. To determine which suppliers have included a cost for the supply of temporary agency workers would require each invoice to be reviewed individually.

Under section 12(1) of the FOI Act, NHSI is not required to comply with any request that potentially exceeds the relevant cost limit, which is £450 (as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004). This equates to a period of approximately 18 hours in which to locate, retrieve and extract the information requested.

To review each invoice individually would, in our view, exceed this limit.

However, under section 16 of the FOI Act, NHSI is required, as a public authority, to provide advice and assistance so far as is reasonable, to individuals who have made a request to it under the FOI Act.

Therefore, we have answered questions 6 and 7 on the basis of those suppliers that we receive any such recruitment and resourcing services from but please note these may not all provide temporary agency workers.

Please see attached Table A.

7. For each temporary agency supplier (either a. contracted as identified within (2) above; b. non-contracted as identified within (6) above; and c. all temporary workers Monitor has sourced directly), how much has been spent on each supplier (or directly), from 1 April 2015 to 31 March 2016?"

Please see attached Tables B and C. Column 2 in Table B is empty because we have decided not to release these figures and are relying on the exemption in section 43 of the FOI Act to withhold this information.

We consider that disclosure of these figures is likely to be detrimental to NHSI's legitimate commercial interests. For example, others seeking to negotiate contracts with NHSI could use this information to strengthen their own bargaining positions when negotiating for, or providing services to NHSI. In addition, competitors may be able to use such information to their advantage to the detriment of NHSI's legitimate interests.

It is acknowledged that there is a public interest in making information available to the public in order to facilitate scrutiny of how NHSI carries out its regulatory duties. This has been taken into consideration in deciding to release the information that has been disclosed to you pursuant to this current request. We consider that the public interest lies in favour of not causing prejudice to NHSI's legitimate commercial interests.

In relation to Table C, figures are included because these are individuals who have been sourced directly, however, as explained above, their names are not included for data protection reasons under section 40 of the FOI Act.

Please note that no information is provided in relation to this question (7) a, please see answer to (2) above

### **Review rights**

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within NHS Improvement of the issue or the decision. A senior member of NHS Improvement's staff, who has not previously been involved with your request, will undertake that review.

If you are dissatisfied with the outcome of any internal review, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to [nhsi.foi@nhs.net](mailto:nhsi.foi@nhs.net).

### **Publication**

Please note that this letter and the attached information will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,



**Sophie Ellis**  
Senior ER Manager

**TABLE A (Question 6)**

<b>Row Labels</b>
360 T
Advantage Resourcing
Allen Lane
Badenoch & Clark
Blenkin Associates Ltd
Capita Veredus
Channel 3 Consulting
Experis
Frazer Jones The SR Group UK Ltd
Goodman Masson
Hays
Interim Partners
Investigo Ltd
KSR Resources
Michael Page International
Morgan Law Recruitment Consultancy Ltd
Odgers Interim
Reed Employment PLC
Roc Search Ltd
Software Test Labs Ltd
Talent Point
Toolagen Ltg
TRG Technology Recruitment
Venn Group

**TABLE B (Question 7b)**

<b>Row Labels</b>	<b>Sum of AMOUNTCUR</b>
360 T	
Advantage Resourcing	
Allen Lane	
Badenoch & Clark	
Blenkin Associates Ltd	
Capita Veredus	
Channel 3 Consulting	
Experis	
Frazer Jones The SR Group UK Ltd	
Goodman Masson	
Hays	
Interim Partners	
Investigo Ltd	
KSR Resources	
Michael Page International	
Morgan Law Recruitment Consultancy Ltd	
Odgers Interim	
Reed Employment PLC	
Roc Search Ltd	
Software Test Labs Ltd	
Talent Point	
Toolagen Ltg	
TRG Technology Recruitment	
Venn Group	

**TABLE C (Question 7c)**

<b>Row Labels</b>	<b>Sum of AMOUNTCUR</b>
Individual x	76,500
Individual y	720
Individual z	25,500