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**King's Mill Hospital**  
Mansfield Road  
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NG17 4JL

**2<sup>nd</sup> August 2024**

Tel: 01623 622515  
Join today: [www.sfh-tr.nhs.uk](http://www.sfh-tr.nhs.uk)

Dear Sir/Madam

**Freedom of Information Act (FOI) 2000 - Request for Information Reference:** Agency Spend

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 some of 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](mailto:sfh-tr.pet@nhs.net)



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**Chair** Claire Ward  
**Chief Executive** Paul Robinson

FOI Request / Question	Question Response	Is there an exemption?	Exemption	Exemption Details
1) What is the total Framework Agency spend solely for Nurses from 1st April 2023 to 1st May 2024 ? Please provide a breakdown of spend, per specialty, per banding (upto Band 7).	Band 5 RN's £3,103,341 Band 5 RN Specialists £799,661 Band 6 Midwives £49,838 Band 7 ENP's £50,305"			
2) What is the total Off-Framework Agency spend solely for Nurses from 1st April 2023 to 1st May 2024? Please provide a breakdown of spend, per specialty, per banding (upto Band 7).	Band 5 Specialists £9,547			
3) What is the total amount of framework agencies currently suppling at NHSI capped rates? Please specify these agencies.		Yes	Section 43	6 Agencies (Names of Agencies – Commercial Interest please see Q5)
4) What is the total amount of framework agencies currently suppling above NHSI Capped rates (Escalated on framework)? Please specify these agencies.		Yes	Section 43	6 Agencies (Names of Agencies – Commercial Interest please see Q5)
5) In relation to question 4 please specify the speciality of nurse that is being charged above the capped rates including hourly charge rate and agency providing the nurse.		Yes	Section 43	<b>Section 43 - Commercial interests</b>  It is our opinion that the information sought in relation to individual names of Agencies and costs is exempt from disclosure pursuant to section 43(2) of the Freedom of Information Act 2000 (FOIA).

				<p>S43(2) relates to information that is exempt from disclosure that could have a detrimental effect on the commercial interests of “...any person.” The Trust considers that at this time the commercial interests of the Trust, third parties and overall the NHS could be detrimentally impacted upon. Please see the public interest test below.</p> <p><b>Public Interest Test</b></p> <p>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 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>
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				<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></p> <p>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> <p>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></p>
6) How many off-framework agencies are currently supplying nurses? Please specify these agencies?	Currently (past month) zero			
7) How much notice are the off-framework agencies getting to fill shifts?	Not currently using off-framework agencies			

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.