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[REDACTED]

[REDACTED]

24 September 2013

Ref: CSUQTR2/1314/002

Dear [REDACTED]

Freedom of Information Act Request

Thank you for your request for information about the *Better Services Better Value* (BSBV) programme.

Most of the information you have requested can be found on the BSBV website. Your questions 6 and 7 are not applicable under the Act as they are not based on information we hold, but we have attempted to answer them as best we can.

1. How much has the BSBV process cost up to the present date?

The estimated cost to date is about £5.5m, which equates to approximately 0.1% of the overall budget for the local NHS during that period.

What is the estimated total cost of the BSBV process?

The figure we hold is for the estimated total cost up to the end of phase 4 of the programme, which is £11.5m. A breakdown of costs for 2013/14 is available on our website <http://www.bsbv.swlondon.nhs.uk/wp-content/uploads/2013/09/BSBV-budget-2013-14.pdf>

3. What are the individual salaries of the BSBV Programme Leaders and Clinicians leading Clinical Working Groups?

Clinical Working Group (CWG) chairs and members are drawn from local hospital consultants and GPs. They are not paid by BSBV and attend the CWGs in their own time.

We have followed the Information Commissioner's guidance on the disclosure of salaries, available

at http://www.ico.org.uk/upload/documents/library/freedom_of_information/practical_application/salaries_v1.pdf

Paid NHS staff working for BSBV are employed under NHS terms and conditions and the national Agenda for Change pay scales available at (<http://www.nhscareers.nhs.uk/working-in-the-nhs/pay-and-benefits/agenda-for-change-pay-rates/>)

In terms of programme leaders, we employ the following:

- Senior Responsible Officer (3 days per week)- VSM Banded (<https://www.gov.uk/government/publications/pay-framework-for-very-senior-managers>)
- Programme Director – Band 9
- Medical Directors (2)– (one paid one for day per week and one for two days per week – from national medical contract (<http://www.nhsemployers.org/Aboutus/Publications/PayCirculars/Documents/Pay-Circular-MD-1-2013.pdf>))
- We have one other Medical Director who chairs the Programme Board and Clinical Strategy Group and carries out other duties on behalf of the programme, who is not paid by BSBV.

4. How much is the company 2020 Delivery being paid to assist BSBV in the process?

2020 Delivery are engaged specifically to support the programme with finance and activity modelling and travel and transport analysis. This work is critical to the success of the programme. The total cost of their work to date, from May 2011 to September 2013, is £1,874,000.

5. Please give details about the recruitment process for the PR temps including how much they are paid and what sort of contract they have?

We do not recruit PR staff but do employ some communications and public engagement specialists as interims. All communications and engagement staff are interim contractors and recruitment has been through recruitment agencies and adverts on NHS Jobs.

The government guidance is that whilst care must be taken to ensure that no information is released which would allow the suppliers' internal pricing structure to be deduced and so prejudicing their commercial interests, information should otherwise be released. The release of the day rates of communications and engagement contractors would in practice reveal the internal pricing structure of the individual contractors concerned. There is a real risk of commercial prejudice being caused to those contractors as a result, given that they are employed as individuals and others may undercut their rates to secure an unfair market advantage. This in turn may lead to the loss of a high quality contracted service to the NHS. We have taken into account the view of the contractors concerned, who have made it clear that they consider their commercial interests may be prejudiced if the information you have requested is released. We have therefore concluded that disclosure of the day rates of these contractors is commercially sensitive information, and its disclosure would prejudice the commercial interests of the NHS and the contractors themselves. In our view therefore, the information is exempt from disclosure under s. 43(2) of the Freedom of Information Act.

s. 43(2) is a 'qualified' exemption, which means that, having formed the view referred to above, we went on to consider whether, notwithstanding the prejudice that would be caused to the NHS and the contractors described above, the balance of the public interest in disclosure outweighs the balance of the public interest in maintaining the exemption. We considered all the factors in favour of disclosure, including the inherent interest in the Freedom of Information Act in transparency, the benefits of openness and transparency about who is in receipt of public money, and how much. We also considered, as we are bound to, the public interest in maintaining the exemption. There is a public interest in the NHS securing the best possible services from contractors, and in maintaining undistorted competition between contractors. Having taken all of the relevant factors into account, we have concluded that the public interest favours maintaining the exemption.

Lastly for present purposes, we took into account the fact that, as some of the contractors are employed as individuals/sole traders, their day rates are equivalent to salary information, and are the personal data of the individuals concerned. We have concluded that to release this information would contravene the first data protection principle under the Data Protection Act 1998 (i.e. the requirement that the release of information "to the world" under the Freedom of Information Act must be 'fair'). We have concluded that it would not be fair to release this information, having taken the views of the contractors into account. We therefore consider that this information is also exempt under s. 40(2) of the Freedom of Information Act. This is an 'absolute' exemption which means that the public interest test does not need to be considered in determining the application of the exemption. As there are only a limited number of contractors, there is a high risk of re-identification and we have concluded that this information cannot be provided in an anonymised form.

6. How does BSBV ensure they get the best value for money?

The majority of the programme's spending is on external contractors and these are recruited via standard NHS procurement routes, which are based on getting the best value for money. External contractors are scaled up and down depending on the needs of the programme at any given time, so we do not spend money on them unless we need to.

NHS staff working for BSBV are employed on standard NHS terms and conditions and Agenda for Change pay scales.

7. What do staff do during the downtime?

External contractors are scaled up and down depending on the needs of the programme at any given time, so we do not spend money on them unless we need to. During less busy periods, NHS employees on the programme team are made available to do other work supporting the clinical commissioning groups (CCGs.)

8. If known, please advise how much is being spent by 2020 by media coverage, PR advertising and salaries?

2020 Delivery have no remit in PR, media relations or advertising – they are engaged to carry out finance and activity modelling and travel and transport analysis for the programme.

We do not hold any information about the salaries paid to 2020 Delivery staff.

9. How much is being spent by BSBV on media, advertising, PR?

The overall programme budget is on the website and provides a breakdown of costs, including media and communications <http://www.bsbv.swlondon.nhs.uk/wp-content/uploads/2013/09/BSBV-budget-2013-14.pdf>

We do not have a budget for PR, but we do spend money on communications and engagement specialists, getting best practice consultation and engagement advice, arranging public meetings and deliberative events, a dedicated BSBV website which will be used as a consultation hub and producing printed information for the public and NHS staff as appropriate. We plan to spend money on advertising and promoting the public consultation when it is underway, but we do not currently spend any money on advertising the programme.

This information is provided in accordance with our statutory obligations under the Freedom of Information Act. Please note that under the Privacy and Electronic Communications (EC Directive) Regulations 2003, NHS South London Commissioning Support Unit and the Clinical Commissioning Groups ask not to receive unsolicited marketing communications.

Provision of this information does not constitute permission for its commercial re-use in the terms of the Re-Use of Public Sector Information Regulations 2005.

You are free to use the information for your own use, including for non-commercial research purposes. The information may also be used for the purposes of news reporting. However, any other type of re-use, for example, by publishing the information or issuing copies to the public will require the permission of the copyright owner.

If you are dissatisfied with how your request has been handled, you can complain in writing to the Freedom of Information Manager at the above address or email margaret.benbow@nhs.net. If, after we have addressed your complaint, you remain dissatisfied with how we have responded, you are entitled to appeal to the Information Commissioner. Details are shown at <http://www.ico.gov.uk/>

Further information on the Freedom of Information Act is available from:

Information Commissioner's Office:
Wycliffe House
Water Lane
Wilmslow
SK9 5AF
Telephone: 01625 545700

If you require any further information please do not hesitate to contact me.

Yours sincerely



Sue Hiscock
Freedom of Information Officer