



East London
NHS Foundation Trust
Information Governance
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24 September 2024

Our reference: FOI DA5584

I am responding to your request for information received 6 September and clarified on 16 September. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Information Rights Coordinator

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Web: www.ico.org.uk

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Chief Executive Officer: Lorraine Sunduza
Chair: Eileen Taylor

Request: (FOI) request concerning the procurement and award of contracts under Lot 1 of the Workforce Alliance RM6281 framework for providing temporary nurses and clinical staffing. I kindly request your assistance in addressing the following inquiries:

Question 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.

Clarification: Public Contracts Regulations 2015 Compliance: I am specifically interested in any internal policies, procedures, or guidance the Trust follows to ensure adherence to the Public Contracts Regulations 2015 when awarding contracts under Lot 1 of the Workforce Alliance RM6281 framework. If there are any audits or assessments that the Trust has conducted to ensure compliance, I would appreciate receiving that documentation.

Answer: The Trust has standing financial instructions (SFI's), a procurement policy and standard operating procedures (SOPs) for such awards.

Please see Appendix 1 attached.

Question 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?

Answer: The Trust follows our procedures and policies to ensure we assess suppliers objectively, transparently and in accordance with the requirements of the framework.

Question 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?

Clarification: Supplier Invitation: I would like to understand if all approved suppliers under the framework are routinely invited to bid or supply services as required by the framework. Please provide any examples of invitations sent to suppliers and any associated evidence, such as communication records or procurement reports, if possible.

Answer: No. Invitations to all suppliers are not required when we opt to make direct awards. Please see below extract from the framework's FAQs:

"Direct award: This is the recommended approach for single or small groups or workers.

A direct award can be made to a supplier on the condition that the contracting authority can demonstrate the selected supplier offers the most economically advantageous supply using the framework tender information."

Further information is available here:

<https://workforcealliance.nhs.uk/wp-content/uploads/2024/07/FAQs-RM6281-Workforce-Alliance-Clinical-and-Healthcare-Staffing-Framework-V1-FINAL.pdf>

Question 4: Supplier Selection Process:



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Please outline the legal justification the Trust uses when selecting certain suppliers while excluding others under the Workforce Alliance RM6281 framework.

Answer: The Trust is permitted to make direct awards under the framework, as per regulation 33 of the PCRs 2015.

Question 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 and the Public Contracts Regulations 2015?

Answer: The Trust applies the Most Economically Advantageous Tender (MEAT) evaluation criteria when assessing suppliers on the framework, as well as their capacity and capability to supply to meet our needs.

Question 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? Please provide evidence to support your response.

Clarification: Further Competition Process: For this point, I am particularly interested in the Trust's approach to further competition within Lot 1. Specifically, how the Trust balances direct awards with inviting suppliers for further competition. If there are any internal guidelines or case studies demonstrating how this process has been followed.

Answer: The Trust would follow the process outlined by the framework.

Please see link below for further information:

<https://workforcealliance.nhs.uk/wp-content/uploads/2024/06/User-Guide-RM6281-Workforce-Alliance-Clinical-and-Healthcare-Staffing-Framework-FINAL.pdf>

Question 7: Evidence of Compliance:
Kindly provide any documentation or evidence demonstrating how the Trust ensures compliance with the aforementioned regulations and framework rules when awarding contracts under Lot 1 for the provision of temporary nurses and clinical staffing.

Clarification: Evidence of Compliance: I am seeking any documentation that demonstrates how the Trust ensures compliance with both the Public Contracts Regulations 2015 and the Workforce Alliance RM6281 framework rules, particularly for the provision of temporary nurses and clinical staffing under Lot 1. This could include procurement audits, compliance reports, or any related documentation that reflects adherence to the framework's stipulations.

Answer: The Trust has reviewed question 7 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:



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(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.

The information requested is accessible here:

<https://www.england.nhs.uk/reducing-expenditure-on-nhs-agency-staff-rules-and-price-caps/agency-rules-list-of-approved-framework-agreements-for-all-staff/>

The Trust's counter Fraud team would undertake audits for compliance.



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