



**The Clatterbridge
Cancer Centre**
NHS Foundation Trust

Clatterbridge Road
Bebington
Wirral
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Date: 16th December 2021

Re: Freedom of Information Request 364-2021

Thank you for your email dated the 8th December 2021, requesting information in relation to Junior/Trainee Doctor Rotas.

The information that you require is as follows:

1. Does your organisation use any third-party software to support the creation of junior doctor/trainee rotas? If yes, please state the name of the supplier.
For clarity a rota is a pattern of shift work with no individuals attached to it. A rota is used to form a blueprint of compliance or rules based on working patterns for a department, team or unit e.g. to create junior/trainee doctor rotas compliant to the 2016 Junior Doctor contract. Rotas are not to be confused with rosters (when shifts are allocated to workers).

Yes. Allocate are the providers of the Trust e-rota software.

2. What is the contract start date for your rota supplier? (dd/mm/yy)

31/08/19

3. What is the contract end date for your rota supplier? (dd/mm/yy)

30/08/2022

4. What was the annual cost of your rota supplier for the financial year 20/21 (April 2020 - March 2021)

Exempt under Section 43(2): Commercial Interests

We have carefully considered your request and although we hold the information we have concluded that we will not be able to provide you with the information you have requested and we will rely on the exemption under Section 43(2) –Prejudice to commercial interests of the Freedom of Information Act 2000 (“the Act”).

Section 43(2) of the Act provides that information is exempt from disclosure if the information would or would be likely to, prejudice the commercial interests of any person (an individual, a company, the public authority itself or any other legal entity). One of the provisions of Section 43 relates to the disclosure of information where such disclosure might have an adverse effect on procurement and own commercial interests.

The Trust, as a public body is mindful that in order to engage this exemption we must demonstrate that disclosure of the information would, or would be likely to, prejudice or harm the commercial interests of any person (this can include the public authority holding it). The term “would ...prejudice” has been defined as it is more likely than not to occur whereas “would likely....prejudice” is a lower threshold. The Trust has applied the prejudice test under Section 43 and we are content that the requirements of the test have been met.

Having reached the conclusion that the prejudice test has been met, we have also considered whether the public interest in maintaining the exemption outweighs the public interest in disclosure.

Public Interest Test

Factors in favour of disclosure

- The Trust recognises that there is a public interest in the disclosure of information which facilitates the accountability and transparency of public bodies for decisions.

Factors in favour of non-disclosure

- There is a public interest in the Trust being able to work within competitive markets where that results in a financial or resource benefit.
- Disclosure of the information would identify tailored pricing structures, the application of the Freedom of Information Act should not prejudice the fair operation of commercial markets and that suppliers should not face undue risks of harm from doing business with the NHS by disclosure of information
- Releasing the information would potentially create a lack of trust from current and future providers, thus restricting future competition which would prejudice the Trust’s ability to obtain best value and quality of service

Having carefully considered the public interest test we have concluded that there is a strong public interest in maintaining the fair and proper operation of commercial markets for both the suppliers and the Trust.

Taking the above into consideration, having applied the necessary, relevant tests and taking all the current circumstances into consideration we are content that the requirements of all necessary and relevant tests have been met and the application of the exemption under Section 43(2) is appropriate on this occasion.

Should you require any further information please do not hesitate to contact me on the email address provided below.

Please remember to quote the reference number above in any future communications.

If you are dissatisfied with the handling of your request, you have the right to ask for this to be investigated internally.

If you are dissatisfied with the information you have received, you have the right to ask for an internal review.

Both processes will be handled in accordance with our Trust's Freedom of Information Policy and the Freedom of Information Act 2000.

Internal investigation and 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: Freedom of Information Review, The Clatterbridge Cancer Centre NHS Foundation Trust, Clatterbridge Road, Bebington, Wirral, CH63 4JY.

If you are not satisfied with the outcome of the internal investigation/review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF.

In order for us to ensure customer satisfaction and to monitor compliance with the Freedom of Information Act 2000, we would be grateful if you could take a couple of minutes to complete a short feedback form via the link below:

<https://www.surveymonkey.co.uk/r/H39RFMM>

Kind regards

Margaret Moore
Information Governance Administrator
Contact Email: ccf-tr.foi@nhs.net