

Executive Corridor
Darlington Memorial Hospital
Hollyhurst Road
Darlington
DL3 6HX
Switchboard Tel: 01325 38 0100
Foundation Trust Office: 01325 74 3625
Corporate Records Office: 01325 74 3700

Request for Information Reference: 05.21.52

FOI Direct line: 01325 743700
Email: cdda-tr.cddftfoi@nhs.net

Email only

8th October 2021

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 21 May 2021 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to mobile telephone services and I am providing the following information in response to your specific questions:

1. How many employees are at your organisation?

	FTE	Headcount
CDDFT	6012.32	6916
Synchronicity Care Ltd	414.16	502
Total	6426.48	7418

2. How many mobile phone and mobile broadband (data only) connections do you currently have?

3,342 connections.

3. What is the split between mobile phone and mobile broadband connections?

2,512 Mobile and 830 mobile broadband

4. Who is your mobile phone network provider?

Voice & Voice & Data is Vodafone. Mobile broadband is EE

5. Did you switch providers on your last renewal?

No.

6. Please provide a monthly breakdown of your total mobile phone contract costs for the past 12 months, and state whether VAT has been included in the numbers given?

The Trust is undertaking a procurement exercise which is expected to end with a tender process. As such we are unable to provide the information as requested on the grounds that this information is commercially sensitive and has, therefore, been withheld pursuant to Section 43 of the Act. Section 43 (2) exempts from disclosure; information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person including those of the public authority holding the information. The disclosure of this information would prejudice both the commercial interests of the supplier and the Trust. The disclosure of this information would provide any future suppliers with an unfair advantage with regards to the tender process.

The disclosure of this information would provide alternative bidders with an understanding of the current provider costs (which would not be reciprocated) with thereby undermining their ability to tender, on fair and equal terms, for such contracts. The Trust considers that there is potential for such harm to arise with reasonable proximity and, therefore, that the exemption under Section 43(2) of the Act is engaged.

The Trust acknowledges the public interest in publication of the information; specifically the interest in transparency with respect to expenditure on services, as a means of assisting the taxpayer in evaluating their value for money. However, there is a competing public interest in preserving fair market competition and the ability of public authorities to obtain value for money when sourcing services. In previous rulings the Information Commissioner has made clear that the Freedom of Information Act is not intended to distort fair market competition. In this case, the Trust therefore considers that the public interest in preserving fair competition outweighs the general public interest in transparency and is therefore applying the exemption under Section 43(2).

The Trust can provide the whole life value of the contract (excluding VAT) and not including any contract extensions. This is available on the Trust contract register found on the Trust website: <https://www.cddft.nhs.uk/our-services/non-clinical-services/procurement/information-for-suppliers.aspx>

It can also provide the annual average spend for each provider:

Vodafone:

2020/2021: £155,042

EE Limited:

Prior to 2018/19 the Trust paid up front for a large amount of data which the Trust has been using over the past three years. Linked in with this payment is the text

messaging service which is a different service and for which information has not been requested. This cost cannot be disaggregated from the payment made.

Please note that the response above was provided as at the time of your request. The Trust can confirm that the procurement exercise has since been completed.

7. Does your contract include a hardware, tech or transformation fund?

Yes.

8. If the answer to question 7 is yes, what was the value of the fund upon the signing of the contract?

The Trust is undertaking a procurement exercise which is expected to end with a tender process. As such we are unable to provide the information as requested on the grounds that this information is commercially sensitive and has, therefore, been withheld pursuant to Section 43 of the Act. Section 43 (2) exempts from disclosure; information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person including those of the public authority holding the information. The disclosure of this information would prejudice both the commercial interests of the supplier and the Trust. The disclosure of this information would provide any future suppliers with an unfair advantage with regards to the tender process.

The disclosure of this information would provide alternative bidders with an understanding of the current provider costs (which would not be reciprocated) with thereby undermining their ability to tender, on fair and equal terms, for such contracts. The Trust considers that there is potential for such harm to arise with reasonable proximity and, therefore, that the exemption under Section 43(2) of the Act is engaged.

The Trust acknowledges the public interest in publication of the information; specifically the interest in transparency with respect to expenditure on services, as a means of assisting the taxpayer in evaluating their value for money. However, there is a competing public interest in preserving fair market competition and the ability of public authorities to obtain value for money when sourcing services. In previous rulings the Information Commissioner has made clear that the Freedom of Information Act is not intended to distort fair market competition. In this case, the Trust therefore considers that the public interest in preserving fair competition outweighs the general public interest in transparency and is therefore applying the exemption under Section 43(2).

Please note that the response above was provided as at the time of your request. The Trust can confirm that the procurement exercise has since been completed.

9. How have you sourced the contract?

Yes – mini competition through CCS

10. What is the contract term length?

3 years.

11. How long do you have remaining on your current contract?

Contract end dates are available on the Trust Contract register found on the Trust website: <https://www.cddft.nhs.uk/our-services/non-clinical-services/procurement/information-for-suppliers.aspx>

12. Who is the primary contact for this contract?

Mr Peter McGuire

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via cdda-tr.cddftfoi@nhs.

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; www.ico.gov.uk.

Yours sincerely

Corporate Records and Freedom of Information Facilitator