

Ref: FOI/GS/ID 5315

**Please reply to:**  
FOI Administrator  
Trust Management  
Maidstone Hospital  
Hermitage Lane  
Maidstone  
Kent  
ME16 9QQ  
Email: mtw-tr.foiadmin@nhs.net

27 June 2019

## **Freedom of Information Act 2000**

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to NHS Direct Engagement Schemes.

Please accept my apologies for the delay in responding to your request.

*You asked:*

- 1. Have you used a Direct Engagement firm?*
- 2. If so please list all you have used with dates.*
- 3. For the purposes of IR35 assessments, do you claim to supervise direct and control (SDC) your temporary workforce (temporary staffing/finance will know) – and have policy relating to this?*
- 4. If you have outsourced this IR35 assessment function, did you claim to supervise, direct and control your temporary workforce prior to doing so?*
- 5. What are the job titles of the designated points of contact in your organisation with any direct engagement firms you may use, or have used?*
- 6. Having reviewed the attached communication from one of the direct engagement firms (prior to answering the questions), the public interest articles linked and parliamentary select committee evidence at the end of this FOI - could you please confirm:*
  - a. Have board-members, and/or, if different, the points of contact within your trust for your Direct Engagement firm received this email?*
  - b. If so please disclose a copy (please search only as far back as 30th January 2019 –likely received on 5th February 2019).*
  - c. Please disclose all correspondence with any direct engagement firms since 30th January 2019 to these points of contact and the board until the date of response to this FOI.*
  - d. Please disclose all minutes discussing Direct Engagement/VAT on locums since 30th January 2019 until the date of response to this FOI (by the board,*

*finance team, temporary staffing, or other committee likely to discuss this matter).*

*e. Please disclose a copy of the letter sent by IHPA to your CEO at the beginning of May 2018 regarding Direct Engagement schemes. (link to notice of permission from the IHPA/commercial interest waiver - <https://ihpa.org.uk/uncategorized/ihpa-a...>)*

*f. Please disclose any due diligence pursuant to the Criminal Finance Act 2017, you may have conducted as a result of the letter from IHPA, and the subsequent email reproduced above from a direct engagement provider if you received it.*

*g. For the avoidance of doubt, all communications/discussion with alternative direct engagement providers are to be considered within the scope of this request.*

*h. Please disclose all email or written discussion of this matter with any frameworks you may use, and identify the framework in question.*

*For clarification, Questions a-h are a continuation of question 6. They relate to the attached email from PlusUs and any subsequent and/or previous actions in connection to this and direct engage models. Please may you also answer questions a-h and provide any evidence in recorded format.*

Trust response:

1. Yes

2.

247 Time – October 2016 – present

Staff Flow – April 2014 - October 2016

3. Yes

4. Yes

5. Head of Temporary Staffing, Temporary Staffing Manger,

6.

a. On behalf of the Trust Board this email has not been received by or circulated to Trust Board members as a group or received within HR, either within Medical Staffing or Temporary Staffing.

b. Not applicable

c. Not applicable

d. This issue has not been discussed at any of the following committees - Trust Board, Finance and Performance Committee, Audit and Governance Committee, Executive Team Meeting.

e. Not applicable

f. Not applicable

g. Not applicable

h. Not applicable