

Request under Freedom of Information Act 2000

Request Ref: NGFOI 18/19: 624

Thank you for your request for information received at Northampton General Hospital NHS Trust (NGH) on 17/02/2019.

I am pleased to be able to provide you with the following information:

1. *Have you used a Direct Engagement firm?*

Yes

2. *If so please list all you have used with dates.*

One company has been used; 247 Time. This firm was used prior to the start of the IR35 change as the Trust already had a rolling arrangement with them.

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?*

If the worker is covering a substantive position (eg vacancy cover), then the Trust will supervise, direct & control the temporary worker & the worker will be deemed to be inside IR35.

Workers deemed to be outside IR35 will be completing tasks against an agreed project plan with predetermined timescales. The deliverables will be reviewed, but the worker will not be subject to supervision, direction & control in how these are achieved as an employee would be.

The Trust has an internal procedure for carrying out IR35 Assessments.

There are some instances when a detailed IR35 assessment is not required. This can be if certain criteria are met, eg arrangements not similar in nature to employment or the service is outsourced.

For roles requiring a detailed assessment, the procedure includes the completion of a questionnaire by the relevant manager in regard to the role of the temporary worker. The answers given generally determine whether the worker is deemed to be inside or outside IR35.

4. *If you have outsourced this IR35 assessment function, did you claim to supervise, direct and control your temporary workforce prior to doing so?*

The IR35 assessment function has not been outsourced.

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?*

**Director of IT
Director of Finance**

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?

No

b. If so please disclose a copy (please search only as far back as 30th January 2019 –likely received on 5th February 2019).

N/A

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.

There has been no correspondence since 30th January 2019.

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).

There have been no meetings to discuss Direct Engagement / VAT on locums since 30th January 2019.

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-authorises-nhs-trusts-to-disclose-vat-mitigation-letter-in-relation-to-foi-requests/>)

We have no record of a letter sent by IHPA to the Trusts' CEO

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.

N/A

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.

I can confirm on behalf of the Trust and in accordance with S.1 (1) of the Freedom of Information Act 2000 (FOIA) that we do not collate the information you have requested in a centralised system.