

Date: **3 June 2020**

Our reference: **FOIRQ5785**

Dear Sir/Madam,

Thank you for your request for information processed under the Freedom of Information Act 2000. Please see our response to your following request for information from Great Ormond Street Hospital NHS Foundation Trust.:

Your Request and our Response(in bold)

Does the Trust outsource its cleaners, caterers, porters or security guards? If so, to which company/companies?

The Trust uses a combination of In-house provided services and outsourced services. The services which are outsourced are the Cleaning and Security services.

When did the contract(s) for this/these services commence and when are they due to expire?

The contract commenced in August 2016 is due to expire in 2021

How many cleaners, caterers, porters and security guards are currently employed to work at the Trust through this/these private contractor(s)?

Porters = 48 and Caterers = 42.

In respect of security and cleaning, the Trust is withholding the information requested as it is considered to be contract sensitive data. Please see note below **

How much does the Trust pay the contractor(s) for the cleaning, catering, portering and security service(s)?

Catering is in- house.

In respect of security and cleaning, the Trust is withholding the information requested as it is considered to be contract sensitive data. Please see note below **

Does the Trust intend to put any of those cleaning, catering, portering and security services that are currently outsourced back out to competitive tender once their contract expires?

Has the Trust historically outsourced cleaning, catering, portering and security services in the last ten years? If so, to which contractors and for what

services and how much did the Trust pay for those services?

Portering and Catering are provided In-House. The Trust has outsourced cleaning and security services for this period of time with the service providers over this time period being Interserve, Mitie and currently OCS

What are the agreed rates of pay, annual leave, and sick pay entitlement of the cleaners, caterers, porters and security guards?

The Trust is withholding the information requested where it is considered to be contract sensitive data . Please see note below **

Please note: **Great Ormond Street Hospital for Children NHS Foundation Trust is unable to provide you with information within the considerations of commercial interests. The Trust is able to withhold information where it believes that disclosure would be likely to prejudice the commercial interests of any person, including the public authority (the “Trust”) holding it. We have therefore conducted a public interest test on whether the balance of the public interest is outweighed under the consideration of a qualified exemption of Section 43 (Commercial Interests) of the FOIA.

The Trust is of the view that disclosure of the information would, or would be likely to prejudice the commercial interests of both the Trust and third party in circumstances where they are involved in the purchasing of goods and services relating to a wide range of information during the procurement process, which includes information provided in confidence during the tendering process to both successful and unsuccessful tenders; details of a contract with a successful company; future procurement plans, and performance- related information about a contractor.

The Trust believes that disclosure of the requested information could prejudice the competitive market for procuring future services and, therefore, we need to consider our options on re-procurement for assurances that we obtain the most competitive price during the tendering process. The Trust also needs to respect third party commercially sensitive information leading up to the tendering process. We therefore strongly believe that disclosure of the information, at this present time, would likely to prejudice the commercial interests of all parties concerned. This specific area of information you are requesting relates to third parties currently involved in re-tender situations and competitor information cannot therefore be divulged as part of the procurement process.

The Trust acknowledges that disclosure of information would demonstrate a willingness to be transparent as a publicly funded body. However, we do believe in maintaining fairness in the tender process as disclosure of the

information requested could, potentially, lead to the public from benefiting in the competitive market place. Your request for information is therefore exempt under Section 43(2) (Prejudice to Commercial Interests) of the FOIA.

Does the Trust know if any trade unions are recognised by any private contractors in respect of cleaners, caterers, porters and security guards? If so, which trade union and in respect of which contractor?

The Trust does not hold records for outsourced contracts union recognition policies.

Does the Trust recognise any trade unions in respect of cleaners, caterers, porters or security guards? If so, which trade unions and in respect of which workers?

Under the Trust Recognition Agreement the Trust recognises the following unions. Membership is defined by the union or professional body and the member of staff.

- UNITE
- British Dental Association (BDA)
- British Dietetic Association (B Diet. A)
- British Medical Association (BMA)
- Chartered Society of Physiotherapy (CSP)
- Royal College of Nursing (RCN)
- Society of Radiographers (SOR)
- GMB
- Hospital Consultants and Specialists Association
- UNISON (including British Association of Occupational Therapists)
- Federation of Clinical Scientists
- Managers in Partnership (MIP) Health
- Medical Protection Society (MPS)

When were these recognition deals signed by the Trust or the private contractors?

The current Recognition Agreement is dated September 2017 (replacing an earlier agreement).

Do any of these recognition deals contain a Binding Arbitration clause (i.e. a no-strike clause) between the union and the Trust or the union and the contractor? If so, which trade union signed the recognition deal and in respect of which workers? When was it signed?

N/A

Has the Trust or any of the aforementioned contractors received formal claims from a trade union – recognised or otherwise – in the last 5 years for improved pay and terms and conditions of employment for outsourced cleaners, caterers, porters and security guards? If so, what trade union and in respect of what workers?

Trust staff agreements are controlled via AFC. We are unable to confirm whether contractors have received formal claims from a trade unions as they are not obliged to share this with the Trust.

Has the Trust received any formal claims from a trade union – recognised or otherwise – in the last 5 years for the in-housing of outsourced cleaners, caterers, porters and security guards? If so, what trade union and in respect of what workers?

No.

Have there been any negotiations between the Trust, private contractors and trade unions in the last 5 years in respect of pay, terms and conditions of employment or the insourcing of outsourced cleaners, caterers, porters and security guards?

The trust has insourced part of the catering function that was previously outsourced in the last year. This was done with and in agreement with the trust union representatives.

Has the Trust or any of the aforementioned private contractors entered into dispute with a trade union – recognised or otherwise – in the last 5 years in respect of pay, terms and conditions or the in-housing of outsourced cleaners, caterers, porters or security guards? If so, who were the parties to the dispute and what were the terms of the dispute?

There has been no dispute entered into with a trade union by the Trust and none that we are aware of in regards to contractors.

Please note

The information we have provided under the Freedom of Information Act 2000 is the information held on the date your request was received by the Trust.

We hope the information provided is sufficient and helpful in answering your questions, issues or concerns. Should you have any further queries in relation to this request, please do not hesitate to contact the FOI Team and quote the above reference number on any related correspondence.

Re-use of information

The information provided is Trust copyright. You may re-use this Great Ormond Street Hospital for Children NHS Foundation Trust copyright information in accordance with the Open Government Licence:

<http://www.nationalarchives.gov.uk/doc/open-government-licence/version/2/>

(Please note that re-use of personal data is not allowed under this license.)

For information which is not Great Ormond Street Hospital for Children NHS Foundation Trust copyright, e.g. external websites, please contact the named party directly.

Yours sincerely

Freedom of Information team

Great Ormond Street Hospital for Children NHS Foundation Trust
Email: foiteam@gosh.nhs.uk

[Enclosed – Your rights – see next page]

Your Rights

Should you have any questions relating to the response you have received to your request for information, please do not hesitate to contact the FOI Team. Alternatively, you are entitled to make a request for an internal review within two months from the date of receiving our final response to your original request. You can also write to the Head of Quality & Safety at the following address:

Quality & Safety team
Great Ormond Street Hospital
LONDON
WC1N 3JH

If, however, you remain dissatisfied with the outcome of the internal review then you have the right to appeal to the Information Commissioner as the final stage of the FOI process. You can contact the Information Commissioner's Office at the following address:

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

Telephone: 0303 123 1113
Fax: 01625 524510