

FOI REF: 23/570

Eastbourne District General Hospital  
Kings Drive  
Eastbourne  
East Sussex  
BN21 2UD

22<sup>nd</sup> September 2023

Tel: 0300 131 4500  
Website: [www.esht.nhs.uk](http://www.esht.nhs.uk)

## FREEDOM OF INFORMATION ACT

I am responding to your request for information under the Freedom of Information Act. The answers to your specific questions are as follows:

**The questions relate to how much the trust paid consultants during recent industrial action by junior doctors and whether the paid rates in line with the BMA's 'rate card'.**

**Please answer the following questions:**

- 1) Did the trust pay the hourly rates outlined on the BMA rate card for consultants' non-contractual work, during either of the junior doctors' strikes in July or August?**

**Please answer Yes or No. Please provide a further explanation if the trust wants to expand on the answer.**

No.

- 2) If the trust answered "No" to question 1, what was the maximum hourly rate (£/hour) the trust paid for non-contractual shifts, or for consultants to act down during contractual shifts required to cover junior doctors' shifts during either the July or August junior doctors' strike?**

**If you answered "yes" to question 1, please leave this answer blank. Please provide a further explanation if the trust wants to expand on the answer.**

Whilst the Trust holds the information requested, it is applying a Section 43(2) exemption in relation to this part of the request as the release of the information is likely to prejudice its commercial interests.

In applying the exemption consideration has been given to the public interest in enabling scrutiny of public sector decision making and the general public interest in accountability and transparency.

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We have concluded that by providing the maximum hourly rate (£/hour) the trust paid for non-contractual shifts, or for consultants to act down during contractual shifts, could cause harm to the Trust, as this could be used by agencies to inflate their prices should we need to use an agency doctor during any future strike actions, resulting in the Trust, and wider NHS organisations, not obtaining best value for money.

In this instance, we consider that the public interest in withholding the information is greater than the public interest in disclosing the information.

- 3) **Does the trust pay the hourly rates outlined on the BMA rate card for consultants' non-contractual shifts as of August 2023 for extra shifts taking on by consultants when there is not a strike on?**

**Please answer Yes or No. Please provide a further explanation if the trust wants to expand on the answer.**

No.

- 4) **If the trust answered “No” to question 3, what is the maximum hourly rate (£/hour) the trust paid consultants for non-contractual shifts as of August 2023?**

**If the trust answered “yes” to question 3, please leave this answer blank. Please provide a further explanation if the trust wants to expand on the answer.**

Whilst the Trust holds the information requested, it is applying a Section 43(2) exemption in relation to this part of the request as the release of the information is likely to prejudice its commercial interests.

In applying the exemption consideration has been given to the public interest in enabling scrutiny of public sector decision making and the general public interest in accountability and transparency.

We have concluded that by providing the maximum hourly rate (£/hour) the trust paid consultants for non-contractual shifts, could cause harm to the Trust, as this could be used by agencies to inflate their prices should we need to use an agency doctor, resulting in the Trust, and wider NHS organisations, not obtaining best value for money.

In this instance, we consider that the public interest in withholding the information is greater than the public interest in disclosing the information.

If I can be of any further assistance, please do not hesitate to contact me.

Should you be dissatisfied with the Trust's response to your request, you have the right to request an internal review. Please write to the Freedom of Information Department ([esh-tr.foi@nhs.net](mailto:esh-tr.foi@nhs.net)), quoting the above reference, within 40 working days. The Trust is not obliged to accept an internal review after this date.

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Should you still be dissatisfied with your FOI request, you have the right of complaint to the Information Commissioner at the following address:

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

Telephone: 0303 123 1113

Yours sincerely

Linda Thornhill (Mrs)  
Corporate Governance Manager  
[esh-tr.foi@nhs.net](mailto:esh-tr.foi@nhs.net)