

FOI REF: 23/491

6th October 2023

Tel: 0300 131 4500
Website: 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:

- 1) **When junior doctors are not on strike, how much is the average consultant at your trust paid for the following:**
 - a) **Day shift**
 - b) **Night shift**

East Sussex Healthcare NHS Trust does not centrally record the average amount the Trust paid for consultants' shifts. To enable the Trust to provide this information would require a manual review of each individual consultant's salary which we estimate would take in excess of 18 hours. We are therefore applying Section 12(1) to this part of your request.

Section 12(1) of the Act allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations). These state that this cost limit is £450 for public authorities which are not part of central government or the armed forces. The costs are calculated at £25 per hour per person regardless of the rate of pay, which means that the limit will be exceeded if the work involved would exceed 18 hours. The Trust estimates that the cost of complying with this request would significantly exceed the above limit.

However, we are able to provide a response to questions 6 to 10 within the 18-hour timescale, as shown on pages 4 to 5.

2) When junior doctors are not on strike, how much is the average junior doctor at your trust paid for the following:

a) Day shift

b) Night shift

The Trust does not centrally record the average amount the Trust paid for junior doctor shifts. To enable the Trust to provide this information would require a manual review of each individual junior doctor's salary which we estimate would take in excess of 18 hours. We are therefore applying Section 12(1) to this part of your request.

Section 12(1) of the Act allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations). These state that this cost limit is £450 for public authorities which are not part of central government or the armed forces. The costs are calculated at £25 per hour per person regardless of the rate of pay, which means that the limit will be exceeded if the work involved would exceed 18 hours. The Trust estimates that the cost of complying with this request would significantly exceed the above limit.

However, we are able to provide a response to questions 6 to 10 within the 18-hour timescale, as shown on pages 4 to 5.

3) Over the days 13th, 14th, 15th March and 11th, 12th, 13th, 14th April 2023, when Junior doctors were on strike, how much was the average consultant at your trust paid to cover a junior doctor's shift for:

a) Day shift

The information you have requested in respect of the amount paid to an individual is exempt under section 41 of the Freedom of Information Act 2000. This is because the information would originally have been provided in confidence. Information is exempt information if –

(a) it was obtained by the public authority from any other person (including another public authority), and,

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

b) Night shift

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 information requested 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.

4) How much did the trust spend on senior doctors/consultants' salaries in total to cover the junior doctors' shifts when the junior doctors were on strike in March and April 2023?

- a) 13th March
- b) 14th March
- c) 15th March
- d) 11th April
- e) 12th April
- f) 13th April
- g) 14th April

The Trust does not centrally record the amount the Trust paid on senior doctors / consultants' salaries to cover the junior doctors' shifts when the junior doctors were on strike. To enable the Trust to provide this information would require a manual review of each individual senior doctor / consultants' salary which we estimate would take in excess of 18 hours. We are therefore applying Section 12(1) to this part of your request.

Section 12(1) of the Act allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations). These state that this cost limit is £450 for public authorities which are not part of central government or the armed forces. The costs are calculated at £25 per hour per person regardless of the rate of pay, which means that the limit will be exceeded if the work involved would exceed 18 hours. The Trust estimates that the cost of complying with this request would significantly exceed the above limit.

However, we are able to provide a response to questions 6 to 10 within the 18-hour timescale, as shown on pages 4 to 5.

5) How much did the trust spend on senior doctor/consultants' salaries in total on dates in March and April 2023 when junior doctors were NOT on strike?

- a) 20th March
- b) 21st March
- c) 22nd March
- d) 18th April
- e) 19th April
- f) 20th April
- g) 21st April

The Trust does not centrally record the amount the Trust paid on senior doctors / consultants' salaries broken down by month when junior doctors were not on strike. To enable the Trust to provide this information would require a manual review of each individual senior doctor / consultants' salary which we estimate would take in excess of 18 hours. We are therefore applying Section 12(1) to this part of your request.

Section 12(1) of the Act allows a public authority to refuse to comply with a request for information if the authority estimates that the cost of compliance would exceed the 'appropriate limit', as defined by the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004 (the Regulations). These state that this cost limit is £450 for public authorities which are not part of central government or the armed forces. The costs are calculated at £25 per hour per person regardless of the rate of pay, which means that the limit will be exceeded if the work involved would exceed 18 hours. The Trust estimates that the cost of complying with this request would significantly exceed the above limit.

However, we are able to provide a response to questions 6 to 10 within the 18-hour timescale, as shown on pages 4 to 5.

6) During the junior doctors strike days in March and April 2023, how much did your trust spend on locum/agency staff to cover shifts?

- | | | |
|----|------------|------------|
| a) | 13th March | £9,243.60 |
| b) | 14th March | £11,235.58 |
| c) | 15th March | £10,619.31 |
| d) | 11th April | £10,424.43 |
| e) | 12th April | £11,347.34 |
| f) | 13th April | £11,773.25 |
| g) | 14th April | £8,414.84 |

7) How much extra money did your trust pay during the junior doctors' strike days (13th, 14th, 15th March and 11th, 12th, 13th, 14th April) in total?

£281,548.27

8) How did your trust afford to pay for extra locum staff/ agency staff/ senior doctors/consultants to cover junior doctors' shifts during the strike days in March and April 2023? Where did the money come from?

There is no additional funding, this is a cost pressure.

9) How much did your trust spend on giving locum shifts to junior doctors during the strike days in March and April 2023?

a) 13th March	£1,379.40
b) 14th March	£3,077.90
c) 15th March	£2,385.92
d) 11th April	£9,335.66
e) 12th April	£7,171.43
f) 13th April	£7,442.34
g) 14th April	£4,063.44

10) How many junior doctors who were on strike from your trust were employed as locums on strike days in March? And in April? (please supply individual figures for each month)

March	0
April	0

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), quoting the above reference, within 40 working days. The Trust is not obliged to accept an internal review after this date.

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