

FOI REF: 23/619

Eastbourne District General Hospital

Kings Drive
Eastbourne
East Sussex
BN21 2UD

13th 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) **Please confirm how many shifts were sent out for agencies to fill (per month), for Band 5 and Band 2 between July 2022 and June 2023.**

[Please refer to page 2.](#)

- 2) **Please confirm how many of these shifts were filled by agencies per month for the same timespan as detailed in Q1. (Please can this be broken down per agency.)**

[Please refer to page 2.](#)

- 3) **Where there is a Tiered structure of agency suppliers, please can you confirm how many shifts per month were filled by each 'Tier' of supplier used.**

[Please refer to page 2.](#)

- 4) **Between July 2022 and June 2023, what was the trust spend, per month, for each agency supplier?**

[Please refer to page 2.](#)

- 5) **Please confirm the average charge rate across this 12 month period for a Band 5 General nurse.**

[Please refer to page 2.](#)

- 6) **Please confirm Total off-framework spend across the period July 2022 to June 2023. Can this also be broken down per month.**

[Please refer to page 2.](#)

Cont.../

East Sussex Healthcare NHS Trust does not centrally record the information requested for questions 1 and 5. To enable the Trust to provide this information would require a manual review which we estimate would take in excess of 18 hours to respond to your request. We are therefore applying Section 12(1) to 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 can provide the number of filled and unfilled shifts by month, by staff group, but not by banding.

If you wish to resubmit your request, please bear this in mind and also be advised that we would apply a Section 43(2) exemption to questions 2 and 4 in their current form should you resubmit these.

Whilst the Trust holds the information requested, it is applying a Section 43(2) exemption in relation to questions 2 and 4 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 providing the information requested could cause harm to the Trust as Agencies may use this information across the ICS to request increased rates to the Trust and the NHS, putting supply at risk.

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

Cont.../

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