

8 March 2016

By email

Dear

Request under the Freedom of Information Act 2000 (the "FOI Act")

I refer to your email of 22 February 2016 in which you requested information under the FOI Act.

Your request

You made the following request:

"On November 23rd 2015, a cap was introduced on the fees that can be charged by NHS staffing agencies.

Please can you send me a breakdown of the number of shifts when that cap was exceeded, for every week since November 23rd until this request is answered - including a breakdown of the occupations/grades for which the cap was exceeded, for each week?

Are you able, please, to tell me the cost of shifts exceeding the cap in each week - and the highest fee paid in each week?

Also, can you tell me whether Monitor is taking - or is considering - any enforcement action against any Trusts which have exceeded the cap on a regular basis?"

Decision

Monitor holds some of the information requested and has decided to release some information while withholding other information, as set out in the answers to your questions below.

Please can you send me a breakdown of the number of shifts when that cap was exceeded, for every week since November 23rd until this request is answered - including a breakdown of the occupations/grades for which the cap was exceeded, for each week?

Monitor holds the information you have requested and has decided to release part of it from the week commencing 23 November 2015 to the week commencing 28 December 2015. Please see the attached annex.

Monitor has decided to withhold the remaining information that it holds on the basis of the applicability of the exemption in section 22(1) of the FOI Act as explained below.

Section 22- Future publication

Section 22 provides that information is exempt if;

- (a) the information is held by the public authority with a view to its publication, by the authority or any other person, at some future date (whether determined or not);
- (b) the information was already held with a view to such publication at the time when the request was made; and
- (c) it is reasonable in all the circumstances that the information should be withheld from disclosure until the date referred to in paragraph (a).

Monitor will be publishing information on the level of shifts in breach of the price caps (for the monitoring periods) on its website in due course.

Are you able, please, to tell me the cost of shifts exceeding the cap in each week - and the highest fee paid in each week?

Monitor has carried out a search for the information you have requested in the second part of your request. Monitor does not hold this information.

Also, can you tell me whether Monitor is taking - or is considering - any enforcement action against any Trusts which have exceeded the cap on a regular basis?

Monitor has not taken any enforcement action to date. Monitor may investigate NHS foundation trusts in breach of the agency price caps if 'there is sufficient evidence to suggest inefficient and/or uneconomical spending at the trust'. Please see the Enforcement section in the Price Caps for agency staff: rules which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/484834/price_caps_for_agency_staff_rules_final_rev11dec.pdf.

Review rights

If you consider that your request for information has not been properly handled or if you are otherwise dissatisfied with the outcome of your request, you can try to resolve this informally with the person who dealt with your request. If you remain dissatisfied, you may seek an internal review within Monitor of the issue or the decision. A senior member of Monitor's staff, who has not previously been involved with your request, will undertake that review.

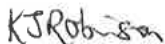
If you are dissatisfied with the outcome of any internal review conducted by Monitor, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

A request for an internal review should be submitted in writing to FOI Request Reviews, Monitor, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to foi@monitor.gov.uk.

Publication

Please note that this letter and the annex will shortly be published on our website. This is because information disclosed in accordance with the FOI Act is disclosed to the public at large. We will, of course, remove your personal information (e.g. your name and contact details) from the version of the letter published on our website to protect your personal information from general disclosure.

Yours sincerely,



Katharine Robinson
Senior Manger- Finance

Annex

Part (b)	Number of shifts exceeding price caps					
	w/c 23 Nov 2015	w/c 30 Nov 2015	w/c 7 Dec 2015	w/c 14 Dec 2015	w/c 21 Dec 2015	w/c 28 Dec 2015
Nursing & Midwifery & Health Visiting	14,913	14,943	14,016	12,035	8,797	7,848
Medical & Dental	10,358	10,955	9,877	9,806	8,741	7,944
Scientific, Therapeutic & Technical (AHPs)	3,121	4,076	3,353	3,171	2,284	1,771
Health Science	236	309	241	320	269	191
Healthcare assistants and other support	839	826	877	572	729	654
Administration and Estates	5,876	5,914	5,377	5,351	3,905	2,603
Other	319	386	307	485	427	266
TOTAL	35,662	37,409	34,048	31,740	25,152	21,277