

21 April 2017

[REDACTED]

By email

[REDACTED]

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Dear [REDACTED]

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

I refer to your email of 22 March 2017 which you requested information under the FOI Act from NHS Improvement. Since 1 April 2016, Monitor and the NHS Trust Development Authority are operating as an integrated organisation known as NHS Improvement. For the purposes of this decision, NHS Improvement means Monitor and the TDA.

Your request

You made the following request:

"Please can you confirm (as of 22/3/2017):

1. *The number of staff you employ that meet the definition of agency staff as defined on page 18 of the Agency Rules for Trusts guidance.*
 - a. *The number of these staff that have been in post for more than six months*
 - b. *The number of these staff that are employed at '55% above basic pay rates' as calculated using the NHS Improvement Agency Rules for Trusts Guidance.*

2. *The number of these staff that are in roles that appear as permanent roles on your structure*
 - a. *How many of these have been in post for more than 6 months*
 - i. *How many of these roles were advertised publicly in the last 6 months*
 - a. *Where they have not been advertised, why not?*
 - ii. *How many of these roles are at 8c, 8d, 9 (or Monitor equivalent)?*
 - b. *How many of these staff are employed at '55% above basic pay rates' as calculated using the NHS Improvement Agency Rules for Trusts methodology*

3. *How many VSM posts that appear as permanent roles on your structure are filled by agency staff that meet the definition 'Agency staff are defined as those who work for the NHS but who, for the purposes of the transaction, are not on the payroll of an NHS organisation offering employment.'*
 - a. *How many of these have been in this role for more than six months*
 - i. *Which roles are these?*
 - ii. *How many of these have been advertised in the last six months?*
 - iii. *Which of these roles have not been advertised in the last six months?*

- iv. *Why not?*
- v. *Why do you consider that it is not possible to fill these roles with permanent staff?"*

Decision

We have not been able to progress your request, because to do so would exceed the cost limit under section 12 of the FOI Act.

Cost Limit under section 12 of the FOI Act

Under section 12(1) of the FOI Act, NHS Improvement is not required to comply with any request that potentially exceeds the relevant cost limit. The relevant cost limit is £450, which is set out in The Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. This equates to a period of approximately eighteen hours in which to locate, retrieve and extract the information that you have requested.

In NHS Improvement's view, compliance with your request will exceed this limit because of the volume of documents that would need to be reviewed to locate the information covered by the request is significant.

NHS Improvement does not have centralised management of temporary staff nor do we have a master vendor. NHS Improvement would need to locate information from various teams within the organisation in order to provide an answer to this request.

Advice and Assistance provided under section 16 of the FOI Act

Under section 16 of the FOI Act, NHS Improvement is required, as a public authority, to provide advice and assistance so far as is reasonable, to individuals who have made a request to it under the FOI Act.

Given NHS Improvement's indication above of the volume of documentation that would need to be reviewed to locate the information sought, NHS Improvement would provide the following indications to assist you to make a request that can be complied without the time limits in section 12 becoming applicable. You may wish to limit the request to certain groups of employees or levels of seniority and narrow the scope of your request to substantially reduce the level of detail requested.

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 NHS Improvement of the issue or the decision. A senior member of NHS Improvement'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, 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, NHS Improvement, Wellington House, 133-155 Waterloo Road, London SE1 8UG or by email to nhsi.foi@nhs.net.

Publication

Please note that this letter 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,



Madeline Poulton
Interim Senior Resourcing Manager

