

27 January 2016

[REDACTED]

**By email**

[REDACTED]

Dear [REDACTED]

### **Request under the Freedom of Information Act 2000 (the “FOI Act”)**

I refer to your email of 24 December 2015 in which you requested information under the FOI Act.

#### **Your request**

You made the following request:

*“As hospitals now do a weekly return on use of agency staff, please can you advise:*

*A) the number of shifts filled by agency staff in November 2015 in hospitals under the agency price cap rules*

*B) how many of (answer A) were breaches of the new pay caps that recently came into effect.”*

#### **Decision**

##### **Part A**

Monitor does not hold the information that you have requested in part A of your request. This is because NHS foundation trusts and NHS trusts only report weekly on the number of agency shifts where they have made payments in excess of the price caps. They do not, therefore, report generally on the number of shifts filled by agency staff.

##### **Part B**

Monitor holds the information that you have requested in part B of your request. It has decided to release this information and I set it out below for the first week on which the price caps came into effect, the week commencing 23 November 2015, to the week commencing 30 November 2015.

- For the week commencing 23 November 2015, NHS foundations trusts and NHS trusts reported a total of 35,662 agency shifts where they made payments in excess of the price caps.
- For the week commencing 30 November 2015, this figure was 37,409.

It may be helpful to provide some context to the information disclosed under part B of your request. Whilst Monitor does not hold information on the total number of shifts filled by agency staff, we estimate that this may be approximately 165,000 agency shifts per week across the country. Further, the rules on price caps include a 'break glass' provision where NHS trusts and foundation trusts need to override the caps on exceptional safety grounds.

Please note that the reporting NHS trusts and foundation trusts may change the data they input into these weekly returns for up to 4 weeks from the date of the report so there may be slight variations to these figures, particularly within the first few weeks of the monitoring process when they were less familiar with the submissions process and forms. The figures above were taken from a review of the weekly returns as at 6 January 2016.

### **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](mailto:foi@monitor.gov.uk).

### **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,

A handwritten signature in black ink that reads "Robinson". The signature is written in a cursive style with a large, prominent 'R'.

**Katharine Robinson**  
Senior Manager – Finance