

6 April 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 February 2016 in which you requested information under the FOI Act.

You made the following request:

*“For the years 2014, 2015 and the current year (2016):*

- 1. How many agency supplied staff has monitor utilised for the period?*
- 2. What was the lowest daily cost paid for an agency supplied person?*
- 3. What was the highest daily cost paid for an agency supplied person?*
- 4. What was the total spend on agency supplied staff for the period (2014, 2015 and year to date 2016)?”*

### **Decision**

Monitor holds the information requested. Monitor has decided to release some of the information it holds as set out in the responses below.

#### **Question 1**

Monitor holds the information you have requested on how many agency staff Monitor has utilised for the period 2014-2015 and for 2015-2016.

For the financial years 2014-2015, Monitor considers that this information is exempt from disclosure under section 21 of the FOI Act as the information is reasonably accessible by other means. This information is provided in Monitor’s annual report and accounts 2013/14 which can be found [here](#) and 2014/15 which can be found [here](#)

For the current year (2016), Monitor considers this information to be exempt from disclosure on the basis of the applicability of section 22 of the FOI Act as explained in detail below.

### Question 2 and 3

Monitor has understood your request in line with the meaning of agency staff as set out in the Agency Rules for NHS trusts and NHS foundation trusts, which can be found [here](#). 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. Please find below the highest and lowest rates for temporary staff members.

Note that figures here include agency fees where applicable.

<b>Financial Year</b>	<b>Highest</b>	<b>Lowest</b>
<b>2013/14</b>	<b>£2050 per day</b>	<b>£115.69 per day</b>
<b>2014/15</b>	<b>£2050 per day</b>	<b>£128.59 per day</b>
<b>2015/16</b>	<b>£1800 per day.</b>	<b>£128.81 per day.</b>

### Question 4

Monitor has decided to withhold the information it holds with regard to the total spend on agency supplied staff for the financial year 2015/16 on the basis of the applicability of section 22 of the Freedom of Information Act 2000, as set out below.

It is to be noted that the figures referenced here represent all temporary workers. This classification includes individuals on secondment from other organisations, specialist contractors as well as agency staff members.

Monitor has also decided to withhold the information it holds with regard to the agency spend for financial year 2014/15 on the basis that the information is exempt from disclosure under section 21 of the FOI Act. The information is reasonably accessible to the applicant by other means via the annual report and accounts published on our website, accessible [here](#).

### **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 some 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 for information 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 considers that the total spend on agency supplied staff for the period of 2015-2016 and the number of staff supplied for that period is exempt from disclosure as it is intended for future publication and will be published as part of our annual accounts in July 2016.

The section 22 exemption is subject to the public interest test. Monitor has weighed the public interest in disclosing this information, against the public interest in withholding the information until it is published in Monitor's annual reports and accounts in accordance with Monitor's standard business procedures. Monitor's view is that there is a greater public interest in withholding the information in this instance.

### **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.

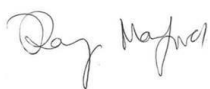
If you are dissatisfied with the outcome of any internal review conducted by Monitor, you may complain to the Information Commissioner for a decision on whether your request for information has been dealt with in accordance with the FOI Act.

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,



**Kathryn Mountford**

Head of Organisational Development