

Information Governance

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27 July 2023

Our reference: FOI DA4571

I am responding to your request for information received 1 February 2023. I am sincerely sorry for the delay in responding to your request. This has been treated as a request under the Freedom of Information Act 2000.

When an organisation receives a request for information under the Freedom of Information Act, it is allowed under the Act to apply a blanket exemption to this where it has concluded that providing a response would take in excess of eighteen hours. When the cost of compliance and extracting information would exceed eighteen hours, a cost limit of £450 can be applied. This is explained in Section 12 of the Freedom of Information Act 2000 and is based on a rate of £25 per hour, regardless of the rate of pay of any individual involved in the retrieval of requested information, and equates to eighteen hours work.

Having reviewed your request, the Trust has noted that it would not be able to provide all the information requested within the eighteen hours specified in the Freedom of Information Act 2000. However, in this instance and in order to be helpful, we have provided a partial response to your request as per below.

In order to assist you with your request, I have advised below the timing each question would take to support you to refine your request. If you wish to refine your request to comply with the eighteen hour time limit, please do get in touch.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,



Keshia Harvey
Senior Information Governance Manager – Compliance

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:



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Chair: Eileen Taylor

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



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Request:

Question 1: Please provide your trust's spending on 'on-framework' recruitment agencies in 2021/22 and this financial year (2022/23);

Answer: Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit

When the Trust identifies that the request is likely to take over 18 hours, we are not obliged to provide information for any part of the request. We are required to provide advice on how you may refine your request to information that can be collated within the 18-hour timeframe. You may then choose what information you would like to receive and confirm the same to us, upon which we will process your request.

The Trust has reviewed your request for data relating to financial years 2021/2022 and 2022/2023 and to collate this information, staff would need to review invoices to establish if the agency is on or off framework and estimate that it would take 24 hours to collate.

Therefore, the Trust is unable to comply with this particular part of your request as the cost of compliance and extracting your exact requirements would exceed the appropriate cost limit of £450 which is specified in Section 12 of the Freedom of Information Act 2000. This is based on a rate of £25 per hour, regardless of the rate of pay of any individual involved in the retrieval of requested information and equates to 18 hours work.

Question 2: Please provide your trust's total spending on 'off-framework' recruitment agencies in 2021/22 and this financial year (2022/23);

Answer: Section 12(1) of the Freedom of Information Act 2000 states:

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Question 3: Please provide a list of all the 'off-framework' recruitment agencies that your trust uses and show how much each agency has been paid in 2021/22 and this financial year (2022/23);

Answer: Section 12(1) of the Freedom of Information Act 2000 states:

Section 12(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit

When the Trust identifies that the request is likely to take over 18 hours, we are not obliged to provide information for any part of the request. We are required to provide advice on how you may refine your request to information that can be collated within the 18-hour timeframe. You may then choose what information you would like to receive and confirm the same to us, upon which we will process your request.

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Question 4: How many times has your trust 'broken glass' and paid above NHS capped rates for doctors, nurses and other clinical staff in 2021/22 and this financial year (2022/23);

Answer: The Trust has reviewed question 4 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and
(b) if that is the case, to have that information communicated to them.*

East London NHS Foundation Trust does not record the Trust's 'broken glass' data and is therefore unable to provide a response.

Question 5: Can you please state how many times your trust filled shifts with staff supplied by Thornbury Nursing Services in 2021/22 and this financial year (2022/23);

Answer: The Trust has no record of using this agency.

Question 6: Can you please provide the highest per hour rate paid to Thornbury Nursing Services for a shift in 2021/22 and this financial year (2022/23)? In each case, can you please detail the job category of the role provided.

Answer: Not applicable.



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