

**Information Governance**

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**Website:** <https://www.elft.nhs.uk>

25 August 2023

**Our reference: FOI DA4850**

I am responding to your request for information received 24 July 2023. I am sorry for the delay in responding. 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 assist you, we have provided a partial response to your request as per below.

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,

Information Rights Coordinator

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:

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



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'what matters' to everyone, achieve a better quality  
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**Chief Executive:** Paul Calaminus  
**Chair:** Eileen Taylor

Tel: 0303 123 1113  
Web: [www.ico.org.uk](http://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:** I am writing to you under the Freedom of Information Act 2000 to request information from East London NHS Foundation Trust.

**Question 1:** A list of non-NHS trade invoices that were not paid within 30 days for the last 6 financial years (2017/18 to 2022/23 inclusive), which would feed into the Regulation 113 Notice you are required to publish each year as part of your obligations under The Public Contracts Regulations 2015, with the following information for each invoice (where available):

- a) The name of the Supplier.
- b) Supplier email address.
- c) Supplier company registration number.
- d) Supplier postal address.
- e) Supplier telephone number.
- f) Supplier website.
- g) The date of the invoice.
- h) The invoice reference.
- i) The gross value of the Invoice.
- j) The date the invoice should have been paid by.
- k) The actual payment date of the invoice.
- l) The total amount of interest liability due to late payment of the invoice.
- m) The total amount of interest paid to the supplier due to late payment of the invoice.

**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 information and informs you that Invoices can be delayed for payment for a number of reasons; submission delays by the vendor, problems with supplier invoices and disputes over charges. Because of this the calculation of interest charges owed need to be undertaken with the individual vendor.

The rate of interest potentially chargeable is calculated by reference to the Bank of England base rate at the time the invoice becomes overdue, so that figure needs to be reviewed for every invoice where it is agreed that the delay was the fault of the Trust.

In order to collate this information, staff would have to scrutinise each invoice individually, determine and agree the cause of delayed payment with the vendor, then calculate the interest rate that should be applied. This would take staff over the 18-hour cost limit as there may be several thousand invoices each year.

In an effort to be helpful, we refer you to summaries of information that are available in the Annual Accounts. These show the total invoices paid, those paid within target and the percentage of those invoices paid within target.

Section 21(1) of the FOI Act states:



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*(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.*

The information requested is accessible here:

Financial year 2021/22 - (page 213)

<https://www.elft.nhs.uk/sites/default/files/2022-10/East%20London%20NHSFT%20Annual%20Report%20and%20Accounts%202021-2022%20FINAL%20%28for%20publication%29.pdf>

Financial year 2020/21 (page 187)

[https://www.elft.nhs.uk/sites/default/files/2022-01/ELFT%20Annual%20Report%20and%20Accounts%202020-2021\\_0.pdf](https://www.elft.nhs.uk/sites/default/files/2022-01/ELFT%20Annual%20Report%20and%20Accounts%202020-2021_0.pdf)

Financial year 2019/20 (page 148)

<https://www.elft.nhs.uk/sites/default/files/2022-01/ELFT%20Annual%20Report%20and%20Accounts%202019-2020.pdf>

Financial year 2018/19 (page 242)

<https://www.elft.nhs.uk/sites/default/files/2022-01/ELFT%20Annual%20Report%20and%20Accounts%202018-19.pdf>

Financial year 2017/18 (page 206)

<https://www.elft.nhs.uk/sites/default/files/2022-01/ELFT%20Annual%20Report%20and%20Accounts%202017-%202018.pdf>

Please note – the Annual Report for financial year 2022/23 is currently being audited and is due to be published in December. The Trust is therefore unable to provide data for this period at the current time.



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