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|-------------------------|-----------------|
| Reference: | FOI.4260.20 |
| Subject: | Agency doctors |
| Date of Request: | 13 October 2020 |

Requested:

1. Since 1st April 2020, what are the top three / most expensive hourly rates (including all cost elements i.e. pay, agency fee, NI, PAYE taxes, VAT and any associated managed service / master vendor fee) paid for agency doctors working at each of the following grades?

Please respond to question one by populating the template below as per the example. Please clarify the Specialty for which each of the rates was paid as shown.

| Grade | Highest | | Second highest | | Third highest | |
|----------------|-------------------|-------------|------------------|-------------|---------------|-------------|
| | Specialty | Hourly rate | Specialty | Hourly rate | Specialty | Hourly rate |
| Consultant | | | | | | |
| ST4-ST8 | | | | | | |
| ST1-ST3 | | | | | | |
| <i>Example</i> | <i>Cardiology</i> | <i>£100</i> | <i>Acute Med</i> | <i>£90</i> | <i>Psych</i> | <i>£80</i> |

2. Since 1st April 2020, what are the bottom three / least expensive hourly rates (including all cost elements i.e. pay, agency fee, NI, PAYE taxes, VAT and any associated managed service / master vendor fee) paid for agency doctors working at each of the following grades?

Please respond to question one by populating the template below as per the example. Please clarify the Specialty for which each of the rates was paid as shown.

| Grade | Lowest | | Second lowest | | Third lowest | |
|----------------|-------------------|-------------|------------------|-------------|--------------|-------------|
| | Specialty | Hourly rate | Specialty | Hourly rate | Specialty | Hourly rate |
| Consultant | | | | | | |
| ST4-ST8 | | | | | | |
| ST1-ST3 | | | | | | |
| <i>Example</i> | <i>Cardiology</i> | <i>£100</i> | <i>Acute Med</i> | <i>£90</i> | <i>Psych</i> | <i>£80</i> |

3. For each of the “job titles” (Grade / Specialty) mention in your response to questions 1 and 2, please disclose the average hourly rate paid for agency doctors of the same Grade and Specialty since 1st April 2020.

There should be a maximum of 18 unique “job titles” in the tables above; please use the template below as per the example given at the bottom.

| Job Title | Grade / Speciality | Average hourly rate | Number of individual doctors worked |
|----------------|--------------------------------|---------------------|-------------------------------------|
| 1 | | | |
| 2 | | | |
| 3 | | | |
| 4 | | | |
| 5 | | | |
| 6 | | | |
| 7 | | | |
| 8 | | | |
| 9 | | | |
| 10 | | | |
| 11 | | | |
| 12 | | | |
| 13 | | | |
| 14 | | | |
| 15 | | | |
| 16 | | | |
| 17 | | | |
| 18 | | | |
| <i>Example</i> | <i>Consultant / Psychiatry</i> | <i>£82.40</i> | <i>4</i> |

Response:

Hywel Dda University Health Board (UHB) is unable to provide you with the details of the three (3) highest and lowest paid specialisms due to the low numbers of consultants within these specialities (5 and under), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This information is protected by the Data Protection Act 2018/ General Data Protection Regulations 2016 (GDPR), as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles 6 and 9 of the GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

In reaching this decision, the Data Protection Act 2018/General Data Protection Regulations 2016 defines personal data as data which relates to a living individual who can be identified solely from that data or from that data and other information which is in the possession of the data controller.

As the three (3) highest and lowest consultant hourly rates requested from the UHB relates to third parties, the UHB considers that Section 43 applies, as answering would be Prejudicial to their Commercial Interests. Section 43(2) exempts information, disclosure of which would or would be likely to prejudice the commercial interests of any person, in this case the provider listed above. Commercial interests may be prejudiced where disclosure would, or would likely to:

- Weaken a company’s position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors
- Damage a company’s business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b).

The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

In favour of disclosure: There is a public interest in transparency and in the accountability of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

Against Disclosure: Disclosure of this information would have a direct impact and cause substantial harm to the agencies as it would disclose their pricing and products/services provided to the UHB, and this would be likely that this would damage their ability to work within a highly competitive sector. The information being requested is likely to be used by their competitors to gain a competitive advantage.

It has therefore been decided above that releasing the information under the Freedom of Information Act 2000, to which the UHB is subject, will give an unfair advantage to the agencies' competitors. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body, and that there is a public interest in ensuring that there is competition for public sector contracts.

Decision: - The UHB considers that the public interest in withholding the hourly rates is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the company to which this information concerns.

Under section 45 of the Chancellor's Code of Practice, we are required, as a public authority, to provide advice and assistance so far as it is reasonable, to individuals who have made a request under the FOI and therefore provides, within the table below, the average highest and lowest agency Consultant and Speciality Trainee (ST) 1-3 hourly rates paid, between 1 April and 30 September 2020.

| | Average highest hourly rate | Average lowest hourly rate |
|------------|------------------------------------|-----------------------------------|
| Consultant | £132.15 | £92.65 |
| ST 1-3 | £96.36 | £49.44 |