

<b>Reference:</b>	FOI.7476 & 7477.21
<b>Subject:</b>	Agency nursing hourly rates and agency doctor costs
<b>Date of Request:</b>	19 November 2021

**Requested:**

**FOI 7476**

**Part 1 – Outlying Rates**

- 1) Between 1<sup>st</sup> November 2020 and 31<sup>st</sup> October 2021, what were 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 Nurses working at each of the following Bands?

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
Band 2 / HCA						
Band 5						
Band 6						
<i>Example</i>	<i>General</i>	<i>£27.50</i>	<i>Critical</i>	<i>£33.20</i>	<i>Theatres</i>	<i>£43.80</i>

- 2) Since 1<sup>st</sup> November 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 Nurses working at each of the following bands?

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
Band 2 / HCA						
Band 5						
Band 6						
<i>Example</i>	<i>HCA</i>	<i>£19.40</i>	<i>RMN</i>	<i>£22.40</i>	<i>Midwife</i>	<i>£25.90</i>

**Part 2 – Average Rates**

- 1) Please respond to question one by populating the template below.

a) Average cost per hour (inclusive of base pay, agency margin, NI, PAYE etc. but excluding VAT) paid for Band 5 agency Nurses for <u>Standard Day</u> hours between 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021	
b) Average cost per hour (inclusive of base pay, agency margin, NI, PAYE etc. but excluding VAT) paid for Band 5 agency Nurses for <u>Saturday &amp; Evening</u> hours between 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021.	
c) Average cost per hour (inclusive of base pay, agency margin, NI, PAYE etc. but excluding VAT) paid for Band 5 agency Nurses for <u>Sunday &amp; Bank Holiday</u> hours between 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021.	

### Part 3 – High-Rate Hours / Shifts

For the below questions, please answer number of shifts rather than number of hours if this figure is easier to obtain – please clarify which unit you’re referring to within your response. Please also indicate how many individual nurses make up the figure in response to each of the below.

a) For Band 5 Agency Nurses, regardless of rate type (i.e., Days, Nights, Bank Holidays etc.), how many hours since 1 <sup>st</sup> November 2020 cost £50 per hour or more?	
b) For Band 5 Agency Nurses, regardless of rate type (i.e. Days, Nights, Bank Holidays etc.), how many hours since 1 <sup>st</sup> November 2020 cost £75 per hour or more?	
c) For Band 5 Agency Nurses, regardless of rate type (i.e., Days, Nights, Bank Holidays etc.), how many hours since 1 <sup>st</sup> November 2020 cost £100 per hour or more?	

### **FOI 7477**

- 1) Between 1st November 2020 and 31st October 2021, what were 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 November 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 between 1st November 2020 and 31st October 2021.

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 / Specialty	Average hourly rate	Number of individual doctors worked
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
<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 information requested for part 3, as it is estimated that the cost of answering your request would exceed the “appropriate limit” as stated in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The “appropriate limit” represents the estimated cost of one person spending 18 hours (or 2 ½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

In order to provide you with the information requested, the UHB would need to undertake a manual search of two (2) systems, as the information is not recorded centrally. Once the data has been collated, it will require interrogation to identify the shift types and the days they were undertaken, to calculate the costs requested.

The UHB is therefore applying an exemption under Section 12 of the Freedom of Information Act 2000 (FoIA), which provides an exemption from a public authority’s obligation to comply with a request for information where the cost of compliance is estimated to exceed the appropriate limit.

However, under Section 16 of the FoIA, 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 FoIA. Therefore, the UHB provides the information it holds for parts 1 and 2 of your request below.

- 1) The UHB provides, within the table below, the top three most expensive hourly rates paid for agency nurses and the pay bands, during the period 1 November 2020 and 31 October 2021.

Grade	Highest		Second highest		Third highest	
	Specialty	Hourly rate	Specialty	Hourly rate	Specialty	Hourly rate
<i>Example</i>	<i>General</i>	<i>£27.50</i>	<i>Critical</i>	<i>£33.20</i>	<i>Theatres</i>	<i>£43.80</i>
Band 2 / HCA	All	£49.95	All	£46.45	All	£33.45
Band 5	All	£76.45	All	£72.45	All	£57.95
Band 6	Specialist	£93.45	Specialist	£86.95	Specialist	£69.95

The Band 6 Specialist Nurse areas include: Prisons and Mental Health and Learning Disabilities specialist/one-to-one assignments.

- 2) The (UHB) provides, within the table below, the three least expensive hourly rates paid for agency nurses and the pay bands, during the period 1 November 2020 and 31 October 2021.

Grade	Lowest		Second lowest		Third lowest	
	Specialty	Hourly rate	Specialty	Hourly rate	Specialty	Hourly rate
<i>Example</i>	<i>HCA</i>	<i>£19.40</i>	<i>RMN</i>	<i>£22.40</i>	<i>Midwife</i>	<i>£25.90</i>
Band 2 / HCA	All	£17.56	All	£24.76	All	£32.14
Band 5	All	£30.30	All	£39.39	All	£48.47
Band 6	Specialist	£37.46	Specialist	£48.69	Specialist	£59.93

The Band 6 Specialist Nurse areas include: Accident and Emergency (A&E), Intensive Therapy Unit (ITU), Neo-Natal Intensive Care Unit (NICU), Paediatric Intensive Care Unit (PICU), Coronary Care Unit (CCU), Minor Injuries Unit (MIU), Child and Adolescent Mental Health Service (CAMHS), Scrub Nurses and Midwifery.

## Part 2 – Average Rates

1) The (UHB) provides, within the table below, the average cost per hour for Band 5 agency nurses for a standard day shift, Saturday and Evening shifts and Sunday and Bank Holiday shifts, during the period 1 November 2020 and 31 October 2021.

a) Average cost per hour (inclusive of base pay, agency margin, NI, PAYE etc. but excluding VAT) paid for Band 5 agency Nurses for <u>Standard Day</u> hours between 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021	£39.48
b) Average cost per hour (inclusive of base pay, agency margin, NI, PAYE etc. but excluding VAT) paid for Band 5 agency Nurses for <u>Saturday &amp; Evening</u> hours between 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021.	£50.10
c) Average cost per hour (inclusive of base pay, agency margin, NI, PAYE etc. but excluding VAT) paid for Band 5 agency Nurses for <u>Sunday &amp; Bank Holiday</u> hours between 1 <sup>st</sup> November 2020 and 31 <sup>st</sup> October 2021.	£57.42

## Part 3 – High-Rate Hours / Shifts

Section 12 exemption applied; full explanation provided above.

### **FOI 7477**

The 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 FoIA. 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 define 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 relate to third parties, the UHB considers that Section 43 of the FoIA 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 be 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 to 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.

**Decision:** - Releasing the information under the FoIA, 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.

Therefore, 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.

However, whilst operating in accordance with the Section 45 Freedom of Information Code of Practice, the UHB has a duty to provide advice and assistance. Therefore, the UHB provides, within the table below, the average highest and lowest agency Consultant and Speciality Trainee (ST) 1-3 hourly rates paid, between 1 November 2020 and 31 October 2021.

	<b>Average highest hourly rate</b>	<b>Average lowest hourly rate</b>
Consultant	£147.25	£97.22
ST 1-3	£102.72	£45.23