

Ref no: 467201016
From: Press
Date: 20/10/16
Subject: Agency pay rules

REQUEST

Is about the compliance with the agency pay rules. The NHS Improvement document 'Agency Rules, March 2016' contains all definitions of phrases used in this FOI (see Annex 1).

The FOI seeks information for the period July 1st 2016 to September 30th 2016.

For clarity, Questions 1 – 4 apply to the agency price caps set by NHS Improvement.

1. How many shifts have over-ridden the price caps on total hourly charge paid to an agency for i) *core hours* ii) *unsocial hours*, as set out in Annex 2 of the above document for
 - a) Consultants
 - b) ST3 Registrars
 - c) FY2 doctors
 - d) Staff grade doctors

2. What was the i) average and ii) maximum hourly rate paid during *core hours* for:
 - a) Consultants
 - b) ST3 Registrars
 - c) FY2 doctors
 - d) Staff grade doctors

3. What was the i) average and ii) maximum hourly rate paid during *unsocial hours* for:
 - a) Consultants
 - b) ST3 Registrars
 - c) FY2 doctors
 - d) Staff grade doctors

4. What is the total amount (£) the Trust spent between July 1st and Sept 30th on paying staff above the rate cap?

5. How many doctors did you pay through a limited/personal service company during that period?

6. How many of these complied with the HMRC's IR35 legislation?

7. How much in total was this group (doctors paid through a limited/personal service company) paid during that period?
8. How much did the Trust pay in total for the highest earning individual (whether through an agency OR a limited/personal service company) in the three months July 1st to September 30th?

RESPONSE

Is about the compliance with the agency pay rules. The NHS Improvement document 'Agency Rules, March 2016' contains all definitions of phrases used in this FOI (see Annex 1).

The FOI seeks information for the period July 1st 2016 to September 30th 2016.

For clarity, Questions 1 – 4 apply to the agency price caps set by NHS Improvement.

1. How many shifts have over-riden the price caps on total hourly charge paid to an agency for i) *core hours* ii) *unsocial hours*, as set out in Annex 2 of the above document for:

- a) Consultants
- b) ST3 Registrars
- c) FY2 doctors
- d) Staff grade doctors

Our reporting system only provides the total number of breaches; these are not split by social and unsocial hours. Additionally, the system does not record Doctors as you have split them for data. The data provides breach information based on the below generic grades rather than specific levels of training.

Grade	No. of Shift Breaches
Consultants	561
SPR's	833
FY2	3
Staff Grades	25

2. What was the i) average and ii) maximum hourly rate paid during *core hours* for:
 - a) Consultants
 - b) ST3 Registrars
 - c) FY2 doctors

d) Staff grade doctors

Under section 12 of the Freedom of Information Act St Helens & Knowsley Teaching Hospitals Trust does not have to comply with a request if we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in regulations. This represents the estimated cost of one person spending 2½ working days in answering the remainder of your questions. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further.

3. What was the i) average and ii) maximum hourly rate paid during *unsocial* hours for:

- a) Consultants
- b) ST3 Registrars
- c) FY2 doctors
- d) Staff grade doctors

Under section 12 of the Freedom of Information Act St Helens & Knowsley Teaching Hospitals Trust does not have to comply with a request if we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in regulations. This represents the estimated cost of one person spending 2½ working days in answering the remainder of your questions. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further.

4. What is the total amount (£) the Trust spent between July 1st and Sept 30th on paying staff above the rate cap?

Under section 12 of the Freedom of Information Act St Helens & Knowsley Teaching Hospitals Trust does not have to comply with a request if we estimate that the cost of complying with your request would exceed the appropriate limit of £450. The appropriate limit has been specified in regulations. This represents the estimated cost of one person spending 2½ working days in answering the remainder of your questions. Under section 12 of the Freedom of Information Act the Department is not obliged to comply with your request and we will not be processing your request further.

5. How many doctors did you pay through a limited/personal service company during that period?

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6. How many of these complied with the HMRC's IR35 legislation?

As part of the contract of engagement, the Trust requires all limited/PSCs to sign an agreement to state that they abide by HMRC regulations in respect of their taxation liabilities. The Trust then follows its Off Payroll Engagement

Policy whereby the doctors must provide evidence that the company is operating the IR35 legislation on payments received from the Trust.

7. How much in total was this group (doctors paid through a limited/personal service company) paid during that period?

£184,807

8. How much did the Trust pay in total for the highest earning individual (whether through an agency OR a limited/personal service company) in the three months July 1st to September 30th?

£69,648