



University Hospitals
of North Midlands
NHS Trust

Royal Stoke University Hospital
Data, Security and Protection
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Ref: FOIA Reference 2020/21-560

Date: 19th March 2021

Email foi@uhn.nhs.uk

Dear

I am writing in response to your email dated 8th March 2021 (received into our office 9th March) requesting information under the Freedom of Information Act (2000) regarding European Working Time Directive

The University Hospitals of North Midlands Trust is committed to the Freedom of Information Act 2000.

However, the NHS is facing unprecedented challenges relating to the coronavirus (COVID-19) pandemic at the current time. Understandably, our resources have been diverted to support our front-line colleagues who are working tremendously hard to provide care for our patients, and to those in need of our services.

We strive to be transparent and to work with an open culture. But at this time, whilst care of our patients and the safety of our staff takes precedent, it is likely that responses to some requests for information will be delayed. We apologise for this position in advance, and will endeavour to provide you with as much information as we can, as soon as we are able.

The Information Commissioners Office has recognised the current situation in the NHS

I can neither confirm nor deny whether the information you have requested is held by the Trust in its entirety. This is because the information requested in your question is not held centrally, but may be recorded in individual staff records. In order to confirm whether this information is held we would therefore have to individually access all individual staff records within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: *cost of compliance is excessive*. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all individual staff records and then extracting relevant information would take longer than the 18 hours allowed for. In addition to the section 12 exemption the Trust is also applying section 14 (1) exemption: *oppressive burden on the authority*

Under section 16 of the FOI Act we are required to provide requestors with advice and assistance where possible. We would therefore like to advise you that if your request is shortened to just the questions that we are able to comply within the 18 hour time frame. In order to avoid delay to your response we have provided this below.



As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 I would be grateful if you could provide me with the number of Emergency Medicine, Anaesthetic and Intensive Care Consultants who have currently 'Opted out' of the protection provided under the European Working Time Directive for the safeguard limiting the number of hours worked per week to an average of 48hours.

Could you please provide this information broken down as to the parent/base specialty numbers?

For example

- **Emergency Medicine 6**
- **Anaesthetics 17**
- **Intensive Care 4**

A1 See below:

- Anaesthetics = 62
- Intensive Care =11
- Emergency Medicine = 32

European Working Time Directive Opt Out forms are held on individual personal files. We estimate it would exceed 18 hours to go through all personal files to establish if an opt out form had been signed and placed on the file – Section 12 exemption as detailed above.

Consultants who sign up to be on the Trust's Medical Bank sign an Opt Out form as part of the worker agreement, therefore the numbers given above are the number of Consultants who have a substantive contract and bank assignment within each of the requested specialities as at 28 February 2021.

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

Where the Trust owns the copyright in information provided, you may re-use the information in line with the conditions set out in the Open Government Licence v3 which is available at <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>. Where information was created by third parties, you should contact them directly for permission to re-use the information.

An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

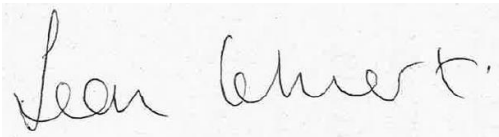
Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 671612.

Yours,



Jean Lehnert
Data, Security & Protection Manager