

## Freedom of Information Request

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Reference Number: EPUT.FOI.20.1632

Date Received: 26<sup>th</sup> August 2020

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### Information Requested:

This is an information request relating to losses and special payments.

Please include the following information for the 2019-20 financial year:

1. The total cost of each of the following;
  - a. constructive losses  
Please refer to note 29 of the Trusts published accounts for 2019/20.  
  
As this information is publicly available on the Trusts Website it is therefore applying Section 21 exemption of the Act (Information accessible to applicant by other means)  
  
However in an effort to be helpful the link to the published accounts is <https://eput.nhs.uk/about-us/reports-accounts/>
  - b. extra-statutory payments  
As above
  - c. extra-regulatory payments  
As above
2. The name, size of payment and description of the service they provided of any company who received a payment from the Trust as a result of exiting a contract which would be classified as a constructive loss  
The Trust believes that this information is of commercial interest and may prejudice either the supplier or the Trust. The Trust is therefore applying Section 43 of the Act (Commercial Interests).
3. A breakdown of extra-statutory and extra-regulatory payments made as well as any reasoning for giving them  
The 14 extra statutory and extra regulatory payments made by the Trust in 2019/20 all relate to Final Pay Controls which were introduced for all members of the 1995 NHS Pension Scheme and who retired with an entitlement to officer benefits.

This means that if a member received an increase to pensionable pay in any of the three years prior to them retiring or transferring out of the scheme that is more than the specified amount, then the employer is responsible for a final pay control charge in the year that the individual retires or transfers out. These charges are paid by the Trust to the NHS Business Services Authority.

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### Applied Exemption:

#### Section 21 (Information accessible to applicant by other means):

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
  - (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
  - (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

#### Section 43 (Commercial Interests):

- (1) Information is exempt information if it constitutes a trade secret.
- (2) Information is exempt information if its disclosure under this Act would, or would be likely to; prejudice the commercial interests of any person (including the public authority holding it).
- (3) The duty to confirm or deny does not arise if, or to the extent that, compliance with section 1(1)(a) would, or would be likely to, prejudice the interests mentioned in subsection (2).

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### Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT's Publication Scheme is located on its Website at the following link <https://eput.nhs.uk>