

## Freedom of Information Request

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**Reference Number:** EPUT.FOI.20.1750  
**Date Received:** 18<sup>th</sup> November 2020

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### Information Requested:

1. Is there a mechanism in the Trust for staff to be appointed a pay point higher than the starting pay point  
This is detailed in section 5.2 of the Trust's Recruitment and Retention Procedure. Trusts Policies and Procedures are available on its public website and is therefore unable to provide you with this information direct as the Freedom of Information Act prohibits the re-release of information that is already published within the public domain. The Trust is therefore applying Section 21 Exemption (Information accessible to applicant by other means).  
  
However in an effort to be helpful we can provide you with the link on where to locate the Policies and Procedures <https://eput.nhs.uk/publication-category/class-5-our-policies-and-procedures/>
2. Which circumstances allow for this to happen and how is this decided  
Please see response to Question 1
3. Is there a circumstance within the Trust in which a member of staff had been appointed to a higher pay point whilst they have not been working to this higher level  
The only circumstance where this would be done is via a discretion to appoint memo which is Appendix 3 of the Trust's Recruitment and Retention Procedure (please see response to Question 1). This is assessed against the policy and procedure and is only agreed if it is in line with this and evidence is provided that the individual has the relevant documented experience to place them at that higher point
4. How many times has this been the case and why  
This information is not recorded centrally. To collate this information would require a manual trawl of every personnel file. As this would exceed the time and cost limits as set out in the Act The Trust is therefore applying Section 12 of the Act (where cost of compliance exceeds appropriate limit)

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### Applied Exemption:

#### Section 12 (Exemption where cost of compliance exceeds appropriate limit):

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

- (3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.
- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
  - (a) by one person, or
  - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated

**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

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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>