

**Freedom of Information response- November 2009**

**Why do you use 0845 numbers?** The 0845 4647 number was chosen by the Department of Health in circa 1997, and as such created prior to 2004, when 0845 numbers were classed as lo-call rate by British Telecom. At the time NHS Direct paid a subsidy for every call received. NHS Direct also provides services on behalf of commissioners whose numbers were often also chosen prior to 2004. NHS Direct now offers 0345 numbers to all of its commissioners. Should commissioners wish to change existing numbers we will work with them to make this happen.

**What is the equivalent geographical number?** This information is being withheld under the Freedom of Information Act 2000. The exemption which applies to this information is: section 38 of the Freedom of Information Act, which is the Health and Safety exemption.

NHS Direct feels that the disclosure of the equivalent geographical numbers would, or would be likely to, endanger the physical or mental health of an individual or group of individuals, or would, or would be likely to, endanger the safety of an individual or group of individuals.

Section 38 is a prejudice based exemption. This means that NHS Direct must show that prejudice would be caused by the disclosure of the information. Section 38 is also a qualified exemption, so even if there is prejudice, NHS Direct must undertake the Public Interest Test to weigh up whether it may still be in the public interest to release this information.

Currently calls to the 0845 46 47 number are delivered via our call routing platform to the next available advisor, irrespective of the origin of the call (so for example a call made from a patient in Bristol might be answered by an operator in Newcastle.) If NHS Direct were to make the geographic numbers available to the public, calls to them would circumvent the load-balancing mechanisms within our call routing platform, meaning that lines in specific areas could become congested, leading to the users receiving busy tone. There is a high probability that this means their call would take longer to reach an available advisor because they would need to retry. This would also have an adverse impact on users of the non-geographic (0845) service. In addition, in the event of there being a failure at the geographic site called, the user may experience "number unobtainable" tone. The prejudice is that in an emergency situation these delays could exacerbate a medical condition, with potentially fatal outcomes. The below statistics give an indication of how many calls to NHS Direct end up being referred to 999, or to other urgent care providers such as Accident and Emergency or Primary Care Service Urgent (PCS urgent-requiring that the caller seek an urgent face to face consultation with a trained clinician, be it GP or nurse)

Year	08454647 calls answered	Number referred to 999	% referred to 999	Number referred to A&E	% referred to A&E	Number referred to PCS Urgent	% referred to PCS Urgent
<b>2006</b>	5,266,425	158,529	3.01 %	338,447	6.43 %	549,176	10.43 %

<b>2007</b>	4,738,762	156,220	3.30 %	330,212	6.97 %	478,299	10.09 %
<b>2008</b>	5,021,768	152,036	3.03 %	337,744	6.73 %	405,504	8.07 %

The Information Commissioner's Office Guidance document in relation to prejudice and adverse affect states:

**"The Information Tribunal has emphasised that in considering the "would prejudice" limb of the prejudice test, the prejudice must be at least more probable than not. The burden of evidence on a public authority is therefore stronger than it is when considering whether prejudice is "likely" (see below). A public authority is expected to provide evidence to show that there is a causal relationship between the potential disclosure and the prejudice. However, it does not have to prove that prejudice would occur beyond any doubt."**

From NHS Direct's perspective the causal relationship between disclosure and prejudice is as follows.

We are aware that there are websites such as saynoto0870 that routinely make available geographical numbers which people can use to access a variety of organisations (including NHS bodies). If our geographical numbers were made available via Freedom of Information requests we believe it is likely that these numbers would be published on sites such as these. This means our geographical numbers will be freely available to any member of the public who wished to use them. As we have already stated, the prejudice that might occur from the misuse of geographical numbers behind the 0845 number is that people will be able to circumvent the load-balancing mechanisms within our call routing platform, meaning that lines in specific areas could become congested, and there will be periods when the specific access point to our telephone platform that would be available through the geographic number will be out of service as a result of a failure or during periods of planned maintenance, leading to the users receiving busy tone and hence being delayed in accessing medical assistance

The second branch of the prejudice test relates to the likelihood of the prejudice occurring. Again the following is taken directly from the ICO guidance document:

**"The Information Tribunal has also considered the evidential burden in establishing the likelihood of prejudice. A public authority cannot be expected to prove exactly what would happen on disclosure. However, it is not sufficient for a public authority to put forward unsupported speculation or opinion; the public authority must be able to provide some evidence from which it can then extrapolate in order to come to a conclusion about what is likely."**

NHS Direct offer the following evidence:

1. Websites exist whose sole purpose is to disseminate geographical numbers behind 0845/0844/0870 numbers and to encourage their use amongst the general public.
2. At least 3% of callers to NHS Direct end up being referred to 999 due to the emergency nature of their calls. Additionally more than 6% are referred to A&E and at least a further 8% are advised to see a clinician urgently. In 2008 alone almost 900,000 callers to the 08454647 number were classed as urgent calls, and over 150,000 of them required an ambulance.

3. From time to time individual access points to the telephony platform which would be addressed by the geographic numbers will be out of service as a result of a failure or during a period of planned maintenance. (Currently four hours of downtime is planned per quarter for maintenance)

From the above evidence taken together, NHS Direct believes it is possible to extrapolate that there is a strong likelihood (if not certainty) of emergency calls either being delayed in being answered/ or not being answered at all, with potentiality severe or fatal consequences. As such we believe Section 38 to be fully engaged.

Having determined the prejudice that may occur due to the disclosure of this information, NHS Direct must also undertake the Public Interest Test to determine if it would still be in the public interest to disclose the information in spite of the prejudice that might occur.

Whilst we accept that there is a public interest in being transparent regarding geographical (01 02) numbers that could provide a more cost effective access to NHS Direct services, we must balance this against the public interest in maintaining patient safety. Since releasing these numbers would, or would be likely to endanger the physical or mental health of individuals we feel Section 38 is still applicable and, as stated above, we retain the view that the public interest in withholding these numbers outweighs the public interest in releasing them

**What revenue do you receive per minute and in total from the use of 0845 numbers?**

NHSD does not receive any direct or indirect revenue from the use of 0845 numbers in accordance with COI guidelines.

**Are you aware of the revenue collected by your telecom provider, from your callers? NHS**

Direct are aware of the cost of calling 0845 numbers, however this varies dependant on provider, it is therefore extremely difficult for NHS Direct to calculate the exact amount of revenue collected by providers.

**Have you considered the revised COI guidelines? Yes**

**If so, what conclusions did you come to?** NHSD is deferring any number change until the outcome of 3 digit review.

**Do you realise that all calls (local/national) cost the same?** NHSD is aware of current call tariffs.

**Do you realise that 0845 numbers now offer no cost advantage to callers, irrespective of their location, only disadvantages?** NHSD is aware of current call tariffs.

**Are you aware of the cost implications to your callers, when using 0845 numbers?**

NHSD is aware of current call tariffs.