

Our ref: 767597

Mr Andrew Wright
request-416585-9e124ca7@whatdotheyknow.com

Green Claims Team

The Cube
199 Wharfside Street
Birmingham
B1 1RN

www.highwaysengland.co.uk

24 January 2019

Dear Mr Wright

Request for information under the Freedom of Information Act 2000

Thank you for your request for information, which we received on 20 November 2018, following our response of 14 November 2018, ref 766514. I have dealt with your request under the terms of the Freedom of Information Act 2000.

In your request you asked us to provide:

1. "I've been sent an annotation link providing more information than you. Is the content correct? If so, I need a review of this immediately and an explanation."

We do not hold this information. We are unable to comment on annotations that do not form part of a request made under the Act.

2. "I wanted how much are you charged for a TM Programmer and why am I charged £63.29? I didn't ask if it was possible to compare. Where is my info'?"

We do not hold this information. This is because Highways England are not specifically charged for a (Highways England) TM Programmer. We refer you to our full response of 14 November 2018, ref 766514.

3. "Why am I charged 1.5x if you aren't? Either they cost this or they don't and the info' I've now got says they are not."

This is the mechanism used by the Provider for recovering the defined cost of resources.

4. “I’ve not asked who prescribe patterns. Do AIW’s work shifts or not? Yes or no. Seems they are 24/7.”

We refer you to our full response of 14 November 2018, ref 766514. The working patterns are the responsibility of the Provider. There will be a mixture of patterns across the various contracts that are used to provide a 24/7 response. This will be dependent on the actual resource that is deployed to deliver the service.

5. “Why am I charged £73.05 for an AIW? I didn’t ask why it was not possible to compare. I’m asking why the difference, if it’s cause there’s another comparison reason, what is it? Seems you pay the same as I should be charged. Is this true cause if so why not tell me?”

We refer you to our full response of 14 November 2018, ref 766514. An explanation of why it is not possible to compare rates in the way you suggest was set out in our response to question 1 of ref 766514.

6. “What’s the defined cost for an AIW, their truck and planning staff? How much?”

The definition of ‘defined cost’ is as defined in the various contracts.

6. “What’s the bit on top, the uplift.”

I refer you to Annex 23 of the Area 9 contract, via the link below, which sets out the ‘uplift’.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/625097/Area_9_ASC_S_I_Annex_23_Contract_Rev_0.pdf

Please note that Highways England operates a number of contracts and that the contracts are different. The Area 9 contract has been provided solely for illustrative purposes and is not a guarantee of the Annex 23 provisions in all contracts.

6. “You say the Provider does not seek to claim more than the amount calculated in accordance with the contract. What bit of the contract, where can I find this? I’ve got an email that says”

I refer you to Annex 23 of the Area 9 contract.

Please note that Highways England operates a number of contracts and that the contracts are different. The Area 9 contract has been provided solely for illustrative purposes and is not a guarantee of the Annex 23 provisions in all contracts.

6. “I’ve annotated your request and supplied a link to <http://www.englandhighways.co.uk/kier-highways-alert-systematic-state-enabled-exaggeration/> and tried to deal with what you sent me, the figures. They are well known to us. The figures you have cited for an AIW of £73.05 /

hour related to Area 9 from 10/2015. The charge of £73.05 / hour does NOT accord with the process agreed between HE and Kier - see Appendix A to Annex 23. The contract states you should be charged no more than the defined cost or base rate (about £24 plus percentage uplift.)”

I refer you to Annex 23 of the Area 9 contract. The Annex does not contain rates that must be charged by the Provider.

Please note that Highways England operates a number of contracts and that the contracts are different. The Area 9 contract has been provided solely for illustrative purposes and is not a guarantee of the Annex 23 provisions in all contracts.

6. “It appears every invoice issued to people in Area 9 (West Midlands) is exaggerated.

We are told, as is a Judge, that the cost to you and HE is the same, the base rate or defined cost is identical, it is the uplift that differs. The defined cost should be the same to you and HE. It is the uplift which makes the difference; to HE it is a 'fee' of about 7.3% to you it is the Third Party Claims Overhead and 25.29%. I don't know why you have not been told this as the information is out there and I've linked to it – see above link.

Do the math' the difference to you and HE is 25.29% - 7.3% so about 18%. But the reality is, you're charged an uplift of an bout 200%. £24/hr to HE should be less than £30 / hour to you ... 25% of £24 being £6 added to the £23.71 ... you get about £30.”

The definition of 'defined cost' is set out in the various contracts. This is applied to below and above threshold claims. An explanation of why it is not possible to compare rates in the way you suggest was set out in our response to question 1 of ref 766514.

6. “But it is the multiplier you need to look at, the 1.5x (time and a half) charge because the AIW was working after 5pm. Kier say AIW's work 8am to 5pm, they have told a Court this when giving evidence for HE. They also said that they pay their AIW's the uplift. We understand that AIW's are not paid this sum and as we have yet to find HE paying such an uplift for out of office or 'core' hours, it appears Kier do not incur this charge. So why do Kier say to the contrary and who is getting the money?”

We do not hold this information.

6. “Is the annotation true? Seems you need to tell me the defined cost of an AIW in 10/2015 and the overhead they can add. What are they? If they don't add up to £73.05 why not and what are you going to do about it?”

We do not hold this information. We are unable to comment on annotations that do not form part of a request made under the Act.

If you are unhappy with the way we have handled your request you may ask for an internal review. Our internal review process is available at:
<https://www.gov.uk/government/organisations/highways-england/about/complaints-procedure>

If you require a print copy, please phone our customer contact centre on 0300 123 5000; or email: info@highwaysengland.co.uk. You should contact me if you wish to complain.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If you have any queries about this letter, please contact me. Please remember to quote reference number CRS 767597 in any future communications.

Yours sincerely

Green Claims Team