

**Our Ref:** FOI/2019.023/JM

**Date:** 11 February 2019

Mr D Chaplin

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**Freedom of Information Team**

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Dear Mr Chaplin

**Request for information under the Freedom of Information Act**

Thank you for your email dated 15 January 2019 requesting information regarding status assessments under chapter 10.

Please find detailed below a summary of your request, together with our response.

***Summary of your original request:***

***A monthly breakdown, from April 2017 onwards of the number of assessments conducted by you, together with the number of assessments that are considered to be “inside IR35” (i.e. 61M(1)(d) applies) and the number that are “outside IR35” (i.e. 61M(1)(d) does not apply)***

We have made enquires with our Contracts Team and can confirm that there are 44 people currently working under a self-employed contract following ESI confirmation completed by Service Managers which meet the IR35 rules between 2018-19. Unfortunately it is not possible for us to provide this information broken down by month as this information is not recorded centrally or in a way that would allow us to identify this.

We are also not able to provide details of how many did not meet the IR35 as they would not then come to our Contracts Team for a contract, they would either go on bank, become employed or not be used by the Trust.

If you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to: [kcht.foi@nhs.net](mailto:kcht.foi@nhs.net).

Please remember to quote the reference number in any future communications.

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, and Cheshire, SK9 5AF.

Yours sincerely

**Freedom of Information Act Team**

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*Any information we provide following your request under the Freedom of Information Act will not confer an automatic right for you to re-use that information, for example, to publish it.*

*If you wish to re-use the information that we provide and you do not specify this in your initial application for information then you must make a further request for its re-use as per the Re-Use of Public Sector Information Regulations 2015 [www.opsi.gov.uk](http://www.opsi.gov.uk). This will not affect your initial information request. If you wish to re-use any third party copyright material we have identified you will need to obtain permission from the copyright holders. Any enquiries regarding this document/publication should be sent to us at the address above.*