

Our ref: IG/FOI/FOI.335.25

16 June 2025

Sent via email to: [REDACTED]

Dear [REDACTED]

Request under the Freedom of Information Act 2000

I write further to your request for information which was received on 19 May 2025, to confirm, in accordance with S.1(1)(a) of the Freedom of Information Act 2000, that Powys Teaching Health Board (PTHB) does hold the information that you require, but have applied an exemption to elements of this request.

For ease of reference your request is set out below and my response follows.

Your Freedom of Information (FOI) Request:

Q1a. A copy of any policies that set out how the Trust/Board ensures that employees have a legal right to work in the UK, and how these policies are enforced.

Q1b. A copy of any records or audits, from within the last two years, that set out details as to how far these policies are complied with.

1c. The job title and grade of the person (or people) responsible for overseeing and enforcing this policy? (For the avoidance of doubt, I am not seeking any personal information other than job title and grade).

Q2a. A copy of any policies that set out how the Trust/Board ensures that employees contracted through third parties have a legal right to work in the UK, and how these policies are enforced.

Q2b. A copy of any records or audits, from within the last two years, that set out details as to how far these policies are complied with.

Q2c. The job title and grade of the person (or people) responsible for overseeing and enforcing this policy. (For the avoidance of doubt, I am not seeking any personal information other than job title and grade).

Q3a. Information that sets out, for each of the last three years, how many asylum seekers were hired on a temporary right to work visa by the Trust.

Q3c. Information that sets out, for each of the last three years, how many asylum seekers were registered volunteers at the Trust.

Q3d. A copy of any policy concerning how you ensure that asylum seekers who are registered volunteers are not replacing paid roles.

Q4a. Information that sets out, for each of the last three years, how many checks have been conducted due to expiration of a Positive Verification Notice of a Temporary work visa.

Q5a. Information that sets out, for each of the last three years, how many employees had an employment contract terminated due to a change in their immigration status?

Q6a. Information regarding any schemes or partnerships that your Trust has with charities or other external organisations that support or promote the employment of foreign nationals, asylum seekers or those who have recently successfully claimed asylum. I am seeking information on the name of the charity or organisation and any partnership agreement or document that sets out the nature of the relationship or scheme.

Powys Response:

Q1a. I can confirm that Powys Teaching Health Board (PTHB) complies with its legal requirements to check the Right to Work status for all newly appointed staff, and also for monitoring any current employees who hold the legal Right to Work via a visa. We ensure robust systems and processes are in place to verify and check an individual's right to work. As this is a legal duty, there is no policy that specifically covers this.

Q1b. I can confirm that PTHB has an Electronic Staff Record (ESR) system which automatically generates reports to remind managers of any Right to Work expiry dates. The system automatically generates notifications to relevant managers if they have a worker in their service whose Right to Work is due to expire.

PTHB is not able to provide copies of the records or audits as these are generated on an individual basis and would identify staff members. To provide such detailed information would render the individual identifiable if this was disclosed. Therefore, the data is classed as personal data as defined under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of UK GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test

Q1c. Please see response to question 1a.

Q2a. I can confirm that the legal duty rests with the agency and therefore there is no policy which specifically covers this. However, PTHB has systems and processes in place to check that agencies provide confirmation of the workers' Right to Work, and this is evidenced to the health board via an individual checklist.

Q2b. Please see response to question 2a.

Q2c. The legal duty rests with the agency to ensure that their workers have the correct right to work status. Checklists are completed by agencies when a new worker is engaged by the Health Board. The checklists are checked by the Temporary Staffing Unit before they are added to the Health Board's system.

Q3a. We are unable to identify any asylum seekers based on the visa status report of our employees.

Q3c. We do not hold any information on volunteers with regards to their visa status. As volunteers do not undertake paid employment the legal duty to check their visa status does not apply.

Q3d. The recruitment and selection policy requires all paid roles are to be advertised on the TRAC recruitment system, and selection will be open, transparent, and accountable. Working with our local trade union colleagues, we have an informal agreement that no voluntary role would replace substantive staff positions.

Q4a and Q5a. PTHB is unable to provide these exact numbers due to the low numbers of individuals involved (5 or less). PTHB believes there is a potential risk of the individuals being able to be identified, when considered with other information already available within the public domain, if this was disclosed. Therefore, the data is classed as personal data as defined under the UK General Data Protection Regulation (UK GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of UK GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

Q6a. NHS Wales Shared Services Partnership co-ordinate international nurse and medic recruitment for all health boards in Wales, including Powys Teaching Health Board; I therefore recommend you contact them for further information via: shared.services@wales.nhs.uk.

Under the terms of the Health Board's Freedom of Information procedure, individuals seeking access to recorded information held by the Health Board are entitled to request an internal review of the handling of their requests. If you would like to complain about the Health Board's handling of your request, please contact us directly at the address below or register your complaint via Powys.FOI@wales.nhs.uk

If after Internal Review you remain dissatisfied you are also entitled to refer the matter to the information commissioner at the Information Commissioner's Office (Wales), 2nd Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 0330 414 6421.

Yours sincerely



Mark McIntyre
Deputy Director for People and Culture

Rydym yn croesawu derbyn gohebiaeth yng Nghymraeg. Byddwn yn ateb y fath ohebiaeth yng Nghymraeg ac ni fydd hyn yn arwain at oedi.

We welcome receiving correspondence in Welsh. We will reply to such correspondence in Welsh and this will not lead to a delay.