



GIG  
CYMRU  
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WALES

Bwrdd Iechyd Prifysgol  
Bae Abertawe  
Swansea Bay University  
Health Board

Cadeirydd Dros Dro/ Interim Chair: **Emma Woollett**  
Prif Weithredwr/Chief Executive: **Tracy Myhill**

**gofalu am ein gilydd, cydweithio, gwella bob amser**  
**caring for each other, working together, always improving**

Rydym yn croesawu gohebiaeth yn y Gymraeg ac yn y Saesneg. We welcome correspondence in Welsh or English.

Dyddiad/Date: 29<sup>th</sup> October 2019  
Ein Cyf / Our Ref: 19-J-007

☎ 01639 648363

✉ FOIA.Requests@wales.nhs.uk

[REDACTED]

Corporate Services  
Headquarters  
1 Talbot Gateway  
Baglan  
Port Talbot, SA12 7BR

[REDACTED]

I refer to your Freedom of Information Act Request acknowledged by ourselves on 3<sup>rd</sup> October 2019. Your request sought information relating to non-UK residents & burns treatment.

**1. What is your policy regarding charging patients for NHS treatment if they are found to be ineligible for free healthcare?**

If it is found that a patient has no entitlement to NHS treatment Swansea Bay Health Board has a legal obligation to charge for the treatment provided. Burns care is deemed to be "immediate and necessary" and therefore we provide treatment in the first instance and request payment in retrospect. Wherever possible the patient is informed of the charges at the earliest opportunity.

**2. What test do you use to ascertain whether someone is ordinarily resident in the UK and thus eligible for free treatment?**

Every patient is assessed on an individual basis and it depends on the pointers as to what residency checks are made.

- a) Is the patient a European resident? Request a European Health insurance Card (EHIC) or Provisional Replacement Certificate (PRC).
- b) Is the patient from a country with whom the UK has a Reciprocal Agreement? Request documentary evidence of the patient's residence in that country.
- c) Has the patient paid the Immigration Health Surcharge (IHS) of £400 per person per year (£300 for students)? If the IHS has been paid, patients are issued with a Biometric Residence Permit (BRP) which allows them to receive free NHS treatment on the same basis as anyone who is ordinarily resident in the UK. Request to see the BRP.



**Pencadlys BIP Bae Abertawe, Un Porthfa Talbot, Port Talbot, SA12 7BR / Swansea Bay UHB Headquarters, One Talbot Gateway, Port Talbot, SA12 7BR**

Bwrdd Iechyd Prifysgol Bae Abertawe yw enw gweithredu Bwrdd Iechyd Lleol Prifysgol Bae Abertawe  
Swansea Bay University Health Board is the operational name of Swansea Bay University Local Health Board

- d) Is the patient an Asylum Seeker or Refugee? Request documentary evidence to prove entitlement to treatment.
- e) Is the patient travelling on a Visitor Visa? Apply charges.
- f) Is the patient in UK illegally? Apply charges.

**3. Which department is responsible for investigating whether a patient is entitled to free NHS treatment and does this department have any private affiliations? On 22<sup>nd</sup> October you clarified that you would like to know whether the department responsible for investigating and charging ineligible patients for NHS treatment is an in-house team within your finance department or whether any part of this process has been subcontracted to an external company.**

I can confirm that we have an in-house team and this is not subcontracted to an external company.

**4. Specifically regarding patients who present with burn injuries, we would be most grateful if you could provide us with a table, showing:**

- **How many patients with burns have been admitted in your burns centre/unit/facility since 01/01/2015?**

1658 patients

- **How many of these patients were tested for ordinary residence since 01/01/2015 and how many of those tested were found not to be eligible for free NHS treatment? Please could you provide dates of each patient's episode.**

23 patients, 9 were found to be ineligible for NHS treatment.

- **How many of the ineligible patients were adults and how many were children?**

Due to the small numbers, we are unable to provide you with the level of detail you are seeking as there is a potential risk of identifying the individual if this was disclosed. Therefore, the data is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of 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.

- **How much was each ineligible patient charged and how many of these charges have you recovered?**

In total £608,334 has been invoiced and £594,244 has been received to date.

- **How do you calculate costs for ineligible patients i.e. what formula do you use? Is this a different formula to that used when calculating costs for patients entitled to free healthcare?**

The basis for the charge calculation is the same for patients not entitled to free NHS healthcare as those covered by contract for NHS treatment. It is a set HRG-based charge (taking account of severity and acuity of treatment) plus a set cost per day for any ITU stay plus the cost of high cost consumables.



I hope this information is helpful. If you require anything further please contact us at [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@wales.nhs.uk).

Under the terms of the Health Board's Freedom of Information policy, individuals seeking access to recorded information held by the Health Board are entitled to request 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 me directly at the address below or register your complaint via [FOIA.Requests@wales.nhs.uk](mailto:FOIA.Requests@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), 2<sup>nd</sup> Floor, Churchill House, Churchill Way, Cardiff, CF10 2HH. Telephone Number: 029 2067 8400.

Yours sincerely



Pam Wenger  
**Director of Corporate Governance**

