

FOI REF: 23/596

4th October 2023

Tel: 0300 131 4500
Website: www.esht.nhs.uk

FREEDOM OF INFORMATION ACT

I am responding to your request for information under the Freedom of Information Act. The answers to your specific questions are as follows:

I am requesting information from the following financial years: 2018/19; 2019/20; 2020/21; 2021/22; 2022/23; and 2023/24 to the present day.

Please disclose the following:

- 1) a) **How many employment tribunal (ET1) claims have been made against the organisation since 2018/19?**

18.

- b) **If possible, please break this down by type (e.g., public interest disclosure, unfair dismissal, discrimination). If this breakdown takes too long to respond to the FOI then please omit it.**

7	x	Unfair/constructive dismissal
3	x	Redundancy
5	x	Discrimination
3	x	Pay claim

- 2) a) **Of those ET1 claims, how many have been defended against by the organisation since 2018/19?**

6.

- b) **Again, continue with a breakdown by type. If this exceeds the time limit then please omit it from the FOI request.**

4	x	Unfair/constructive
2	x	Pay claim

Cont.../

3) **The outcomes from each claim (e.g., 12 were in favour of the claimant, 24 were in favour of the respondent, 53 were discontinued/settled out of court).**

12 x Withdrawn/settled
1 x In favour of claimant
3 x In favour of respondent
2 x Ongoing

4) a) **How much (£) has the organisation spent on defending claims since 2018/19?**

£151,985.

b) **If possible, please provide total figures based on case outcomes (e.g., £200,000 where the tribunal favoured claimant, £120,000 where the tribunal favoured respondent). If this takes too much time, please provide the total figure for each financial year (e.g., £500,000 in 2018/19, £250,000 in 2019/20).**

2018/19	£0
2019/20	£0
2020/21	£83,496
2021/22	£20,797
2022/23	£47,692

5) a) **Of the cases defended, how many led to an employment tribunal ruling the organisation must pay costs to the claimant?**

We have taken costs to mean award to the claimant – 1 case.

b) **If possible, please provide figures for each individual case alongside the total. If this takes too much time, please provide the total figure for each financial year (e.g., £500,000 in 2018/19, £250,000 in 2019/20).**

Due to low number of cases, the information you have requested is exempt under section 41 of the Freedom of Information Act 2000. This is because the information would originally have been provided in confidence. Information is exempt information if -

(a) it was obtained by the public authority from any other person (including another public authority), and,

(b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

- c) Please also break this down by case type. However, as with above, if this takes too long then please omit it from the FOI.**

Due to low number of cases, the information you have requested is exempt under section 41 of the Freedom of Information Act 2000. This is because the information would originally have been provided in confidence. Information is exempt information if -

- (a) it was obtained by the public authority from any other person (including another public authority), and,
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

If I can be of any further assistance, please do not hesitate to contact me.

Should you be dissatisfied with the Trust's response to your request, you have the right to request an internal review. Please write to the Freedom of Information Department (esh-tr.foi@nhs.net), quoting the above reference, within 40 working days. The Trust is not obliged to accept an internal review after this date.

Should you still be dissatisfied with your FOI request, you have the right of complaint to the Information Commissioner at the following address:

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

Telephone: 0303 123 1113

Yours sincerely

Linda Thornhill (Mrs)
Corporate Governance Manager
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