



FOI REF: 23/670

3<sup>rd</sup> November 2023

Tel: 0300 131 4500

Website: [www.esht.nhs.uk](http://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:

**This request relates to employment tribunals/disputes defended by your Trust relating to claims made under the Public Interest Disclosure Act 1998 (i.e., where claimants allege to have suffered detriment, including unfair dismissal, as a result of making a ‘protected disclosure’ or ‘public interest disclosure’ or ‘whistleblowing disclosure’) since the start of the 2012/13 tax year.**

### Question 1:

- a) **Please state the total number of employment tribunals/disputes brought under the Public Interest Disclosure Act defended by your Trust since April 2012.**

2.

- b) **If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 1.a.**

2012/2013 1  
2014/2015 1

**Question 2:**

- a) **Please state the total paid out in legal fees (including legal advice) by your Trust defending employment tribunals/disputes brought under the Public Interest Disclosure Act since April 2012.**

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.

- b) **If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 2.a.**

Section 41 applied, please see above.

**Question 3:**

- a) **Please state the total amount spent on the individual employment tribunal / dispute brought under the Public Interest Disclosure Act defended by your Trust, which cost your Trust the highest sum in legal fees, since April 2012.**

Section 41 applied, please see above.

**Question 4:**

- a) **Please state the total number of employment tribunals / disputes brought under the Public Interest Disclosure Act defended by your Trust, which resulted in the use of a Non-Disclosure Agreement ('NDA' or 'confidentially clause'), since April 2012.**

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- b) **If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 4.a.**

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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](mailto: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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