

Ref. No: 0278
Date: 22/09/23
Subject: Disclosures

REQUEST

1. How many individual cases regarding disclosures made under the Public Interest Disclosure Act 1998 and / or whistle-blowers have you fought at employment tribunals since 2015? Please include a year-by-year breakdown.
2. How much has been spent on external lawyers and legal advice for Employment Tribunal Litigation pertaining to public interest disclosures in the past five years? Please include a year-by-year breakdown.
3. Please can you include the name(s) of the law firm(s) and barristers involved and itemise how much was spent on each?
4. How many ongoing cases are there pertaining to the above and in which year did they start?
5. What is the longest ongoing case relating to any of the above and what has been the cost of this to date?
6. How many 'guardians' has the Trust employed each year since 2015 to date? Please provide a breakdown for each.

RESPONSE

St Helens and Knowsley Teaching Hospitals NHS Trust and Southport and Ormskirk Hospital NHS Trust became a single legal entity known as Mersey and West Lancashire Teaching Hospitals NHS Trust on 1st July 2023, as such parts of the response may be provided in two sections relating to the hospital sites of each of the legacy organisations.

1. How many individual cases regarding disclosures made under the Public Interest Disclosure Act 1998 and / or whistle-blowers have you fought at employment tribunals since 2015? Please include a year-by-year breakdown.

St Helens and Knowsley:

0

Southport and Ormskirk:

<5

Section 40: personal information

We are unable to provide precise figures when those figures refer to individuals in volumes of 5 or less due to the risk that individuals will be re-identified, as we are required to protect their identity under the General Data Protection Regulations & Data Protection Act 2018. In such circumstances Section 40(2) and Section 40(3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle which states that personal data should be processed "lawfully, fairly and in a transparent manner". It is the lawful aspect of this principle which, in our view, would be breached by disclosure, and in such circumstances, Section 40 confers an absolute exemption on disclosure.

- 2. How much has been spent on external lawyers and legal advice for Employment Tribunal Litigation pertaining to public interest disclosures in the past five years? Please include a year-by-year breakdown.**

Section 12: cost of compliance exceeds the appropriate limit

Unfortunately we are unable to easily determine which invoices relate to employment disputes and thus would need to undertake a manual review of invoices.

Under Section 12 of the Freedom of Information Act, Mersey and West Lancashire Teaching Hospitals NHS Trust does not have to comply with a request where it is estimated that the cost of compliance would exceed the appropriate limit of £450. The appropriate limit is specified within the regulations and represents the estimated cost of one person spending 2½ working days answering the request, either wholly or partially.

- 3. Please can you include the name(s) of the law firm(s) and barristers involved and itemise how much was spent on each?**

St Helens and Knowsley:

N/A

Southport and Ormskirk:

Weightmans

4. How many ongoing cases are there pertaining to the above and in which year did they start?

0

5. What is the longest ongoing case relating to any of the above and what has been the cost of this to date?

N/A

6. How many 'guardians' has the Trust employed each year since 2015 to date? Please provide a breakdown for each.

5 each year. 6 with effect from 2024.