

Ref. No: 0311
Date: 06/10/23
Subject: PIDA Employment Dispute Costs

REQUEST

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.
- 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.

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.
- 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.

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.

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.
- 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.

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.

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.**

St Helens and Knowsley:

We do not have any dispute costs for this year and last year. However we cannot comment on previous years.

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.

- 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.**

St Helens and Knowsley:

N/A

Southport and Ormskirk:

We are unable to provide a yearly breakdown due to low figures, which would enable the identification of single cases when combined with the response to question one.

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.**

We do not have any dispute costs for this year and last year. However we cannot comment on previous years.

- 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.**

N/A

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.**

We do not have any dispute costs for this year and last year. However we cannot comment on previous years.

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.**

We do not have any dispute costs for this year and last year. However we cannot comment on previous years.

- 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.**

N/A