



Wrightington, Wigan and Leigh Teaching Hospitals

NHS Foundation Trust

Information Governance Department
Suite 9
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Brick Kiln Lane
Wigan
WN1 1XX

Email: foi@wwl.nhs.uk
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Ref: FOI/2023/9194

Date Received: 6th September 2023

Response Due: 4th October 2023

Date: 21st September 2023

Dear Sir/Madam

You asked:

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. How many employment tribunal (ET1) claims have been made against the organisation since 2018/19;

2018/19

<5 – discrimination

2019/20

<5 – unfair dismissal

2020/21

<5 – constructive dismissal and discrimination

2021/22

<5 – unfair dismissal / discrimination

2022/23

<5 - discrimination

2023/24

None so far

Refusal Notice: Sec 40(2) Personal Information

The Trust has a policy of not releasing information when the data involved is less than 5. This is because we feel that such low numbers could make the individuals involved identifiable and therefore may cause undue harm and distress.

To disclose this information would:

- a) Contravene the Data Protection Act principles in that it would amount to unfair and possibly unlawful processing, as there was a legitimate expectation by the third parties that this information would remain confidential, and
- b) Disclosure may cause damage or distress to the individual(s) involved, and that damage or distress would be unwarranted (section 10 of the DPA).

2. Of those ET1 claims, how many have been defended against by the organisation since 2018/19;

2018/19

<5 – discrimination

2019/20

<5 – unfair dismissal

2019/20

<5 – constructive dismissal and discrimination

2021/22

<5 - unfair dismissal / discrimination

2022/23

<5- discrimination

2023/24

N/A

Refusal Notice: Sec 40(2) Personal Information

The Trust has a policy of not releasing information when the data involved is less than 5. This is because we feel that such low numbers could make the individuals involved identifiable and therefore may cause undue harm and distress.

To disclose this information would:

- c) Contravene the Data Protection Act principles in that it would amount to unfair and possibly unlawful processing, as there was a legitimate expectation by the third parties that this information would remain confidential, and
- d) Disclosure may cause damage or distress to the individual(s) involved, and that damage or distress would be unwarranted (section 10 of the DPA).

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);

2018/19

<5 – settled out of court

2019/20

<5 – discontinued

2020/21

<5 – settled out of court

2021/22

<5– discontinued

2022/23

<5 – settled out of court

<5 – discontinued

2023 /24

N/A

Refusal Notice: Sec 40(2) Personal Information

The Trust has a policy of not releasing information when the data involved is less than 5. This is because we feel that such low numbers could make the individuals involved identifiable and therefore may cause undue harm and distress.

To disclose this information would:

- e) Contravene the Data Protection Act principles in that it would amount to unfair and possibly unlawful processing, as there was a legitimate expectation by the third parties that this information would remain confidential, and
- f) Disclosure may cause damage or distress to the individual(s) involved, and that damage or distress would be unwarranted (section 10 of the DPA).

4. How much (£) has the organisation spent on defending claims since 2018/19; and 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).

The information that you have requested is exempt under Section 12 of the Freedom of Information Act because it will take more than 18 hours to retrieve and extract the relevant information. The Trust would have to go through all invoices to try to locate the individual cases and confirm costs and this would go over the 18 hours mark.

5. Of the cases defended, how many led to an employment tribunal ruling the organisation must pay costs to the claimant;

2018/19

0

2019/20
0

2020/21
0

2021/22
0

2022/23
0

2023/24
0

If you are not entirely satisfied with this response, please do not hesitate to contact the Information Governance Department via the email address provided. If we do not hear from you within 40 days, we will assume that we have been able to accommodate your request under the Freedom of Information Act 2000.

Yours sincerely,



Juliette Tait
Chief People Officer

PLEASE NOTE:

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to: Information Governance Department, Wrightington, Wigan and Leigh NHS Foundation Trust, Suite 9, Buckingham Row, Brick Kiln Lane, Wigan, WN1 1XX.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision at:

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

Helpline number: 0303 123 111