

**Information Governance**

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13 November 2023

**Our reference: FOI DA4937**

I am responding to your request for information received 6 September 2023 and clarified on 12 September 2023. I am sorry for the delay in responding to your request. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Senior Information Governance Manager - Compliance

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

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

Tel: 0303 123 1113  
Web: [www.ico.org.uk](http://www.ico.org.uk)

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'what matters' to everyone, achieve a better quality  
of life and continuously improve our services.  
**We care . We respect . We are inclusive**

**Interim Chief Executive Officer:** Lorraine Sunduza  
**Chair:** Eileen Taylor

**Request:** I am submitting this request under the Freedom of Information Act 2000. 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:

**Clarification – Yes, I am happy for the response to be in calendar years rather than financial years.**

**Question 1:** How many employment tribunal (ET1) claims have been made against the organisation since 2018/19;

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.

**Answer:** Please see table below:

Year	Number of employment tribunals	Type of Claim
2018/2019	4	2 - Unfair dismissal - Disability Discrimination 1 - Redundancy 1 - Constructive dismissal
2019/2020	5	2 - Unfair Dismissal 3 - Constrictive Dismissal
2020/2021	6	4 - Redundancy payment 1 - Discrimination - Race 1 - Unfair Dismissal – Disability and Race Discrimination
2021/2022	6	1 - Unfair Dismissal, Disability Discrimination 1 - Constructive Dismissal. 2 - Discrimination, Breach of contract & Constructive Dismissal 1 - Breach of Contract 1 - Discrimination Race, Sex and Harassment
2022/2023	5	2 - Unfair Dismissal – Disability & Race Discrimination 1 - Grievance – TU Duties 1 - Disability Discrimination Religion 1 - Constructive Dismissal - Disability & Race Discrimination
2023/2024	9	2 - Discrimination Disability 1 - Disability Discrimination and Harassment 1 - Claim of salary deductions 1 - Indirect Discrimination (Sex) 1 - Unfair prejudicial treatment 1 - Unfair dismissal, Discrimination, Harassment and Victimisation 1 - Redundancy payment claim 1 - Direct Discrimination Pregnancy Related.

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

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



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Answer: Please see table below:

Year	Number of employment tribunals	Type of Claim
2018/2019	4	<ul style="list-style-type: none"> <li>• Unfair Dismissal - Redundancy non Payment</li> <li>• Constructive Dismissal, Disability Dismissal</li> <li>• Unfair Dismissal,</li> <li>• Disability Discrimination</li> </ul>
2019/2020	4	<ul style="list-style-type: none"> <li>• Constructive Dismissal</li> <li>• Constructive Dismissal, Discrimination - Race and Sex</li> <li>• Constructive Dismissal, Discrimination - Race and Sex</li> <li>• Unfair Dismissal, Discrimination</li> </ul>
2020/2021	2	<ul style="list-style-type: none"> <li>• Unfair Dismissal / Discrimination Disability &amp; Race</li> <li>• Unfair Dismissal / Discrimination Race</li> </ul>
2021/2022	5	<ul style="list-style-type: none"> <li>• Discrimination Disability</li> <li>• Constructive Dismissal</li> <li>• Discrimination Pay Deductions, Race and Sex Discriminations</li> <li>• Breach of Contract, Discrimination Disability</li> <li>• Discrimination Race, Sex and Harassment</li> </ul>
2022/2023	4	<ul style="list-style-type: none"> <li>• Discrimination Disability</li> <li>• Discrimination TU Duties</li> <li>• Discrimination, Race, Sex</li> <li>• Disability Discrimination Religion</li> </ul>
2023/2024	9	<ul style="list-style-type: none"> <li>• Discrimination Disability</li> <li>• Discrimination Disability</li> <li>• Disability Discrimination and Harassment</li> <li>• Claim of salary deductions</li> <li>• Indirect Discrimination (Sex)</li> <li>• Unfair prejudicial treatment</li> <li>• Unfair dismissal, Discrimination, Harassment and Victimisation</li> <li>• Redundancy payment claim</li> <li>• Direct Discrimination Pregnancy Related.</li> </ul>

**Question 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);**

Answer: The Trust does not have enough data to show the outcome of each claim and who in whose favour the claims were settled.

**Question 4: How much (£) has the organisation spent on defending claims since**



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**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).**

**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).**

Answer: The Trust has reviewed question 4 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 21(1) of the FOI Act states:

*(1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.*

The information requested is accessible here: Question 5

<https://www.elft.nhs.uk/sites/default/files/2023-08/ANON%20Response%20-%20FOI%20DA4857%20%282%29.pdf>

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

**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).**

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

**If question 5 takes too long to answer alongside questions 1-4, then please omit it from the FOI request.**

Answer: The Trust has reviewed question 5 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

*(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.*

The information you have requested relates to less than five individuals and therefore has the potential for those individuals to be identified. We can therefore not provide this information which could contravene the Data Protection Act 2018 / UK GDPR.



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