



**East London**

**NHS Foundation Trust  
Information Governance**

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14<sup>th</sup> June 2024

**Our reference: FOI DA5331R**

I am responding to your request for a further internal review under the Freedom of Information Act 2000 which was received on 24<sup>h</sup> May 2024. This was regarding our response on 24<sup>th</sup> May 2024.

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.

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

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

**Request:** Upon reviewing the information provided, I am disappointed to note that the Trust has inaccurately applied provision of s40 Freedom of Information Act 2000.

The question included in my FOI request, relate to the number of staff with protected characteristics involved in the grievance and/or disciplinary proceedings.

The conclusion as if providing me with pure number of staff members involved, in the context of data disclosed regarding overall make up of the workforce, and significant number of staff members overall, would somehow make those staff members identifiable, evidences that Trust's approach to the decision-making is irrational and contradicts the principles behind the FOIA 2000.

By providing the pure number of the staff involved with breakdown by the protected characteristic, does not make it in any way possible to identify those staff members. This information would not be detailed enough to risk staff being identified and potentially breach provisions of the Data Protection Act 2018.

I am concerned that the Trust's approach aims to hide important information which could be considered as uncomfortable for the Trust to explain to the public.

Therefore, please accept this email as formal appeal from the Trust's decision to refuse to provide the information described in questions 4, 5 and 6.

**Question 4:** Number of dignity at work procedures undertaken in each year between 2020-2023 with breakdown by any protected characteristic of both person raising grievance and person against whom the grievance was raised,

		2020	2021	2022	2023
Total number of dignity at work procedures		10	14	13	7
<b>Breakdown of characteristics</b>					
Gender	Number of male claimants	<5*	<5*	<5*	<5*
	Number of female claimants	8	10	8	<5*
Ethnicity	Number of white claimants	<5*	<5*	<5*	<5*
	Number of BAME claimants	7	11	8	<5*
Disability	Number of disabled claimants	10	13	12	6
	Number of non-disabled claimants	0	<5*	<5*	<5*
Gender	Number of male respondents	<5*	8	<5*	<5*
	Number of female respondents	9	<5*	8	<5*
Ethnicity	Number of white respondents	<5*	<5*	<5*	<5*
	Number of BAME respondents	8	9	7	<5*



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Disability	Number of disabled respondents	0	0	0	0
	Number of non-disabled respondents	0	0	0	0
Organisation	Respondents	0	<5*	<5*	<5*

\* 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 has the potential for those individuals to be identified. The Trust is therefore unable to provide this information in detail.

**By providing the pure number of the staff involved with breakdown by the protected characteristic, does not make it in any way possible to identify those staff members. This information would not be detailed enough to risk staff being identified and potentially breach provisions of the Data Protection Act 2018.**

**Therefore, please accept this email as formal appeal from the Trust's decision to refuse to provide the information described in questions 4, 5 and 6.**

**Answer:** The Trust has reviewed its previous response and upholds its decision not to disclose the particular information requested under Section 40(2) of the Freedom of Information Act 2000.

The data above, if disclosed for those totals less than 5, could assist and be aggregated to help identify particular individuals who are dignity at work claimants or respondent to these procedures through the protected characteristics, case type and dates. As a result, the application of Section 40 under the Freedom of Information Act has been upheld.

**Question 5: Number of cases where the decision was to proceed to the disciplinary process in each year between 2020-2023 with breakdown by any protected characteristic of both person raising grievance and person against whom the grievance was raised.**

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.*

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**Answer:** The Trust has reviewed its previous response and upholds its decision not to disclose the information requested under Section 40(2) of the Freedom of Information Act 2000.

If the number of cases where the decision was to proceed to the disciplinary process is disclosed and broken down by protected characteristics producing totals less than 5, this could assist and be aggregated to help identify particular individuals who raised a grievance and those against whom the grievance was raised; through protected characteristics, case type and dates. As a result, the application of Section 40 under the Freedom of Information Act has been upheld.

**Question 6: Number of disciplinary processes conducted in each year between 2020-2023 with breakdown by any protected characteristic of both person raising grievance and person against whom the grievance was raised and their outcomes.**

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.*

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**Original Request FOI DA5331:**

**Question 1: Staff employed by ELFT with breakdown by ethnicity (%).**

Answer: Please see table below:

<b>Ethnicity</b>	<b>Percentage</b>
Any Other Ethnic Origin	3.68%
Asian	18.67%
Black	34.34%
Mixed	4.23%
Not Stated	2.25%
White	36.83%

**Question 2: Staff employed by ELFT with breakdown by gender (%).**

Answer: Please see table below:

<b>Gender</b>	<b>Percentage</b>
Female	71.91%
Male	28.09%

**Question 3: Staff employed by ELFT with breakdown by other protected characteristics.**

Answer: Please see tables below:

<b>Disability</b>	<b>Number of staff</b>
No	9137
Not Declared	528
Prefer Not To Answer	10
Unspecified	281
Yes	740

<b>Sexual Orientation</b>	<b>Number of staff</b>
Bisexual	223
Gay or Lesbian	264
Heterosexual or Straight	9275
Not stated	836
Other sexual orientation not listed	47
Undecided	51

<b>Religious Belief</b>	<b>Number of staff</b>
Atheism	1725
Buddhism	124
Christianity	5143
Hinduism	349
No wish to disclose religion/belief	920
Islam	1590



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Religious Belief	Number of staff
Jainism	18
Judaism	154
Other	552
Sikhism	121

**Question 4:** Number of dignity at work procedures undertaken in each year between 2020-2023 with breakdown by any protected characteristic of both person raising grievance and person against whom the grievance was raised,

Answer: Please see table below:

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**Question 6: Number of disciplinary processes conducted in each year between 2020-2023 with breakdown by any protected characteristic of both person raising grievance and person against whom the grievance was raised and their outcomes.**

**Answer:** The Trust has reviewed question 6 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.*

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