

Freedom of Information Request: Our Reference CTMUHB_444_23

You asked:

I am sending this request under then Freedom of Information Act.

This request relates to employment tribunals/disputes defended by your Board 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 Board since April 2012.
- b) If possible without triggering s40 (personal information) 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 Board 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 Board, which cost your Board 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 Board, which resulted in the use of a Non-Disclosure Agreement ('NDA' or 'confidentiality 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.

Our response:

In completing a search for the information requested, the Health Board has confirmed that this information is not centrally recorded or collated. To retrieve the information requested would require a manual search through individual records and the UHB considers that this would exceed the limit set within regulations for responding to a request. The UHB has therefore relied upon the Section 12 exemption ('Exemption where cost of compliance exceeds appropriate limit') of the Freedom of Information Act 2000 and is refusing your request.

The UHB has estimated that to complete the work needed to respond to this request would exceed the time limit as set within regulations to respond to a Freedom of Information Act request. Under the Act there is an allowance of 18 hours, to comply with a request and the cost limit set within the Fees Regulations for this amount of work (18 hours) is £450 for the UHB. The Fees Regulations

specify that the cost of complying with a request must be calculated at the rate of £25 per hour.

However, in response to Q1 we can confirm that for the years 2021 – 2023 there were less than 5.

The exact figures/details have been withheld due to the low numbers involved.

Where numbers are low we have considered that there is the potential for the individuals to be identified from the information provided, when considered with other information that may also be in the public domain. Also, responses under the Freedom of Information Act are made available to the public at large. The data is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute as unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.