

Title

PIDA employment dispute costs

Reference Number: RDF1944-23

Date of Response: 13/11/2023

Further to your Freedom of Information Act request, please find the Trust's response(s) below:

Please be aware that the Royal Devon University Healthcare NHS Foundation Trust (Royal Devon) has existed since 1st April 2022 following the integration of the Northern Devon Healthcare NHS Trust (known as Northern Services) and the Royal Devon and Exeter NHS Foundation Trust (known as Eastern Services).

Question 1:

Please state the total number of employment tribunals/disputes brought under the Public Interest Disclosure Act defended by your Trust since April 2012.

If possible, without triggering Section 40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23).

For the purposes of this response, we have provided information in relation to legal proceedings issued against the Trust based on the year they were issued: These figures also include defending claims issued against the Trust but where the claims were withdrawn by the claimants.

2012 - 2014 - no cases
2015 – less than *5 cases
2016 - less than *5 cases
2017 – less than *5 cases
2019 – less than *5 cases
2020 – less than *5 cases

Section 40(2) *

Please note: Where the figures are between 1 and 5, this has been denoted by *5. Due to the low numbers, we have considered that there is the potential for individuals to be identified from the information provided, when considered with other information that may also be in the public domain. In our view disclosure of these low figures would breach one of the Data Protection Principles set out in Schedule 1 of the Data Protection Act, namely Principle 1. The Trust therefore finds that the Section 40(2) exemption contained within the Freedom of information Act 2000 is engaged. This follows NHS Digital (formerly HSCIC) analysis guidance (2014) which states that small numbers within local authorities, wards, postcode districts, providers and Trusts may allow identification of staff and should not be published.

Question 2:

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.

If possible, without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23).

2015	£6,075 plus VAT
2016	£35,650 plus VAT
2017	£81,965 plus VAT
2019	£6,830 plus VAT
2020	£61,900 plus VAT
2021	£13,900 plus VAT
2022	£0
2023	£0

Question 3:

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. £62,780 plus VAT.

Question 4:

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.

If possible, without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23).

2018 – less than *5 cases

2021 – less than *5 cases

All other years are zero cases.

Please note that in relation to non-confidentiality provisions, these provisions did not prevent the individuals from making protected disclosures, reporting to regulators or to the police.

Section 40(2) *5

Please note: Where the figures are between 1 and 5, this has been denoted by *5. Due to the low numbers, we have considered that there is the potential for individuals to be identified from the information provided, when considered with other information that may also be in the public domain. In our view disclosure of these low figures would breach one of the Data Protection Principles set out in Schedule 1 of the Data Protection Act, namely Principle 1. The Trust therefore finds that the Section 40(2) exemption contained within the Freedom of information Act 2000 is engaged. This follows NHS Digital (formerly HSCIC) analysis guidance (2014) which states that small numbers within local authorities, wards, postcode districts, providers and Trusts may allow identification of staff and should not be published.