

Executive Corridor
Darlington Memorial Hospital
Hollyhurst Road
Darlington
DL3 6HX
Switchboard Tel: 01325 38 0100
Foundation Trust Office: 01325 74 3625
Corporate Records Office: 01325 74 3700

Request for Information Reference: 09.23.08

FOI Direct line: 01325 743700
Email: cdda-tr.cddftfoi@nhs.net

Email only

4th October 2023

Dear

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 6th September 2023 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to Employment Tribunal Claims and Costs and I am providing the following information in response to your specific questions:

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;

2018-2019	-	Zero
2019-2020	-	4
2020-2021	-	5
2021-2022	-	5
2022-2023	-	6
2023-2024	-	4 (all ongoing)

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.

Please note that this includes duplicated numbers due to some claimants making multiple claims i.e. claiming Unfair Dismissal & Discrimination

Unfair Dismissal	- 9
Discrimination	- 17
Pay/Holidays	- 4
Protected Disclosure	- 2
Redundancy/failure to consult	- 1
Part time status	- 2

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.

This number only includes those that went to Tribunal Hearing, and does not include those that were settled prior or withdrawn.

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);**

In Favour of Respondent	- 8
Settled	- 4
Withdrawn	- 7
Struck Out	- 1
Ongoing	- 4

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).

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).

The Trust does not centrally record this information and estimates that it would take a significant amount of time to gather the information requested. In order to gather this information it would require a member of staff to manually examine invoices and time spent by individuals on the cases. Therefore, we are refusing this section of your request for information pursuant to section 12 of the Act on the grounds that we estimate that the cost of complying with the request would exceed the appropriate limit. The appropriate limit at the present time is £450.00

which equates to eighteen hours of work by a member of staff at the rate of £25 per hour.

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

Zero

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.

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via cdda-tr.cddftfoi@nhs.

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; www.ico.gov.uk.

Yours sincerely

Corporate Records and Freedom of Information Facilitator