

Ref. No: 0237  
Date: 06/09/23  
Subject: Employment Tribunal Claims / Costs

## 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:

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.

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.

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);

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).

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.

## RESPONSE

1. How many employment tribunal (ET1) claims have been made against the organisation since 2018/19?

Year	Reason	Total
2018/19	Discrimination	<5
2019/20	Discrimination	<5
2019/20	Unfair dismissal	<5
2020/21	Discrimination	<5
2021/22	Discrimination	<5
2022/23	N/A	0
2023/24	Unfair dismissal	<5
<b>Total</b>		<b>12</b>

### Section 40: personal information

We are unable to provide precise figures when those figures refer to individuals in volumes of 5 or less due to the risk that individuals will be re-identified, as we are required to protect their identity under the General Data Protection Regulations & Data Protection Act 2018. In such circumstances Section 40(2) and Section 40(3) of the Freedom of Information Act apply. In this case, our view is that disclosure would breach the first data protection principle which states that personal data should be processed "lawfully, fairly and in a transparent manner". It is the lawful aspect of this principle which, in our view, would be breached by disclosure, and in such circumstances, Section 40 confers an absolute exemption on disclosure.

2. Of those ET1 claims, how many have been defended against by the organisation since 2018/19?

12 cases have been defended, please refer to the response to question 1 for breakdown.

3. The outcomes from each claim?

- 3 for Complainant
- 4 for Respondent

- 1 where within the claim the allegations were split with some allegations found for the respondent and some for the claimant.
- 1 Settled
- 2 Ongoing
- 1 Discontinued by claimant

**4. How much (£) has the organisation spent on defending claims since 2018/19?**

Section 12: cost of compliance exceeds the appropriate limit

Under Section 12 of the Freedom of Information Act, Mersey and West Lancashire Teaching Hospitals NHS Trust does not have to comply with a request where it is estimated that the cost of compliance would exceed the appropriate limit of £450. The appropriate limit is specified within the regulations and represents the estimated cost of one person spending 2½ working days answering the request, either wholly or partially.

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

Please refer to the response to question 4.