Freedom of Information Act 2000 disclosure log entry

Reference

23-24233

Date response sent

14/09/23

Subject

Employment Tribunals Since 2018/19

Details of enquiry

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 sent

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

Number of Employment Tribunals against the Trust since 2018/19				
Year	No of Cases	Defended by the Trust (Yes/No)	Type of ET	Outcomes
2018	1	Yes	discrimination/unfair dismissal	Partially Upheld
2019	2	Yes	1 X whistleblowing/victimisation 1 X discrimination/unfair dismissal	in favour of complainant in favour of respondent
2020	3	Yes	2 X discrimination 1 X discrimination/unfair dismissal	one settled and one withdrawn in favour of respondent
2021	1	Yes	1 X discrimination	claim struck out
2022	0	Yes	nil cases	
2023	3	Yes	1 X whistleblowing/victimisation 1 X discrimination/whistleblowing/ victimisation/unfair dismissal 1 X discrimination/breach of contract	All 3 cases have not yet been heard.

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

3. The outcomes from each claim
   See data provided in table above.

4. How much (£) has the organisation spent on defending claims since 2018/19
   Please note the following four points, which are relevant to the spend indicated in the table below.

   a) The annual spend does not correlate to the number of ETs (Employment Tribunals) in that year, because judgements made can experience significant delays at either the ET or EAT stages.

   b) Work to defend ET cases would normally start soon after notification from ACAS, which would be the time when spend accrual would typically start and does not necessarily fall into same year as the ET itself.

   c) Financial accounting procedures mean that reporting of spend can sometimes fall into the next year, depending on when invoices are paid and finance department cut-off dates.

   d) Spend beyond the date of the ET can sometimes continue to accrue because judgements may be delayed and further legal advice may be sought prior to conclusion.

Year	Trust Spend on Defending Claims per Annum
2018	£6,459.50
2019	£44,121.20
2020	£73,356.50
2021	£204,476.96
2022	£57,681.90
2023	£11,560.50

5. Of the cases defended, how many led to an employment tribunal ruling the organisation must pay costs to the claimant;
There were no rulings that the Trust should pay costs to the respondents.