FOI 2540

Date 17/10/2023

Dear Requester,

Thank you for your Freedom of Information request. Please note, this is a cross-site response for Bedford site and Luton site.

You asked:

**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.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year |  | Number |  | Reason(s) |
|  |  |  |  |  |
| 2018/19 |  | 1 |  | Constructive Unfair Dismissal |
|  |  |  |  |  |
| 2019/20 |  | 4 |  | Disability Discrimination, Unlawful Deduction from Wages, Race Discrimination & Unfair Dismissal |
|  |  |  |  |  |
| 2020/21 |  | 5 |  | Detriment following a Protected Disclosure, Race Discrimination following a Protected Disclosure, Disability Discrimination, Race Discrimination (2) |
|  |  |  |  |  |
| 2021/22 |  | 5 |  | Unlawful Deduction from Wages, Race Discrimination, Disability Discrimination (2), Unfair Dismissal |
|  |  |  |  |  |
| 2022/23 |  | 4 |  | Constructive Unfair Dismissal (2), Annual Leave Pay, Other Terms and Conditions |
|  |  |  |  |  |
| 2023/24 |  | 9 |  | Constructive Unfair Dismissal (2), Race Discrimination (2), Detriment following a Protected Disclosure, Other, Other Terms and Conditions, Annual Leave Pay and Unfair Dismissal |

1. **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.**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year |  | Number |  | Reason(s) |
|  |  |  |  |  |
| 2018/19 |  | 0 |  | The Trust actively defends all employment Tribunal claims that are submitted; the figures included within this table do not reflect claims that are withdrawn or struck out. |
|  |  |  |  |
| 2019/20 |  | 0 |  |
|  |  |  |  |
| 2020/21 |  | 4 |  |
|  |  |  |  |
| 2021/22 |  | 0 |  |
|  |  |  |  |
| 2022/23 |  | 1 |  |
|  |  |  |  |
| 2023/24 |  | 8 |  |

1. **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);**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Year |  | Number |  | Outcomes(s) |
|  |  |  |  |  |
| 2018/19 |  | 1 |  | Claim withdrawn |
|  |  |  |  |  |
| 2019/20 |  | 4 |  | 3 claims withdrawn, 1 claim struck out |
|  |  |  |  |  |
| 2020/21 |  | 5 |  | 1 claim withdrawn, 3 won by Trust, 1 lost by Trust |
|  |  |  |  |  |
| 2021/22 |  | 5 |  | Claims withdrawn |
|  |  |  |  |  |
| 2022/23 |  | 4 |  | 3 claims withdrawn, 1 claim won by Trust |
|  |  |  |  |  |
| 2023/24 |  | 9 |  | 3 claims withdrawn, 1 claim won by Trust, 5 claims on-going |

1. **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).**

|  |  |  |
| --- | --- | --- |
| Year |  | Amount |
|  |  |  |
| 2018/19 |  | N/A |
|  |  |  |
| 2019/20 |  | N/A |
|  |  |  |
| 2020/21 |  | £5,000 |
|  |  |  |
| 2021/22 |  | N/A |
|  |  |  |
| 2022/23 |  | N/A |
|  |  |  |
| 2023/24 |  | N/A |

1. **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.**

|  |  |  |
| --- | --- | --- |
| Year |  | Amount |
|  |  |  |
| 2018/19 |  | N/A |
|  |  |  |
| 2019/20 |  | N/A |
|  |  |  |
| 2020/21 |  | N/A |
|  |  |  |
| 2021/22 |  | N/A |
|  |  |  |
| 2022/23 |  | N/A |
|  |  |  |
| 2023/24 |  | N/A |

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If you are not satisfied with the Trust review under the Freedom of Information Act 2000 you may apply directly to the Information Commissioners Officer (ICO) for a review of your appeal decision. The ICO can be contacted at: ICO, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF www.ico.org.uk

Yours sincerely,

*FOI Officer*

Bedfordshire Hospitals NHS Foundation Trust