

Ref. No: 073
Date: 27/7/23
Subject: employment tribunals/non-disclosure agreements

REQUEST

This request is for STHK ONLY

Can I please request the following information under the Freedom of Information Act.

Between 2017 and 2023 (or the latest available date), please provide yearly figures for the below:

- 1) The number of employment tribunal claims made by members of staff against the trust each year.
- 2) The number of employment tribunal claims in which the trust was the losing party.
- 3) How much the trust has paid in compensation each year following employment tribunals.
- 4) The number of non-disclosure agreements (to also include terms such as settlement agreements, confidentiality agreements, etc.) between the trust and members of staff each year, including full- and part-time employees, agency, interim and contracted staff.
- 5) How much has been spent on non-disclosure agreements (to also include terms such as settlement agreements, confidentiality agreements, etc.) between the trust and members of staff each year, including full- and part-time employees, agency, interim and contracted staff.

If you are encountering practical difficulties complying with this request, please contact me as soon as possible (in line with your Section 16 duty to advise and assist requesters) so that we can discuss the matter, and if necessary, I can modify the request. If any redactions are needed, please state under what exemption/s. Redactions should not be included as part of the estimated costs/time.

RESPONSE

Section 12 of the FOIA allows a public authority to refuse a request where it estimates that it would exceed the appropriate limit to comply with the request. The relevant section states:

12. (1) - Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

where the appropriate limit is equal to 18 hours of staff time as set by the *Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulation 2004*

In determining the time limit, the Trust can only take into account

- determining whether the information is held;
- locating the information, or a document containing it;
- retrieving the information, or a document containing it; and
- extracting the information from a document containing it.

In order to determine whether the information is held in respect of your request, the Trust would need to review Information which is not held centrally and in doing so will exceed the time allowed under the act the time needed is estimated to be in excess of 52.5 hours. A simple report cannot be produced.

.