

**Freedom of Information Request**

**Ref: 23-712**

23 October 2023

By Email

Dear Sir/Madam

Thank you for your request for information under the Freedom of Information Act 2000. The Trust's response is as follows:

- We can confirm that we do hold the information you are requesting

**How many individual cases regarding disclosures made under the Public Interest Disclosure Act 1998 and/or whistleblowers have you fought at employment tribunals since 2015?**

**Please include a year by year breakdown.**

We are able to obtain this information however we have decided to apply Section 21 of the FOIA as this information is reasonably accessible in the public domain on the Trust's website on the following link: [https://www.uhbw.nhs.uk/assets/1/23-558\\_response.pdf](https://www.uhbw.nhs.uk/assets/1/23-558_response.pdf). Section 21 of the FOIA provides that we are not obliged to provide the requested information is already reasonably accessible and therefore we are withholding this information at this time.

**How much has been spent on external lawyers and legal advice for Employment Tribunal Litigation pertaining to public interest disclosures in the past five years?**

**Please include a year by year breakdown.**

Please note, the Trust does not hold the data in a format that would enable us to fully respond to your request to the level of detail required and a manual trawl for this information would significantly exceed the 18 hours limit set down by the FOI as the reasonable limit. Section 12 of the FOIA provides that we are not obliged to spend in excess of 18 hours in any sixty-day period locating, retrieving and identifying information in order to deal with a request for information and therefore we are withholding this information at this time.

**Please can you include the name(s) of the law firm(s) and barristers involved and itemise how much was spent on each?**

DAC Beachcroft. We do not hold the information on the names of the barristers.

**How many ongoing cases are there pertaining to the above and in which year did they start?**

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Please note: Where the figures are between 1 and 5, this has been denoted by \*. Due to the low numbers, we have considered that there is the potential for individuals to be identified from the information provided, when considered with other information that may also be in the public domain. In our view disclosure of these low figures would breach one of the Data Protection Principles set out in Schedule 1 of the Data Protection Act, namely Principle 1. The Trust therefore finds that the Section 40(2) exemption contained within the Freedom of information Act 2000 is engaged. This follows NHS Digital (formerly HSCIC) analysis guidance (2014) which states that small numbers within local authorities, wards, postcode districts, providers and Trusts may allow identification of patients and should not be published.

**What is the longest ongoing case relating to any of the above and what has been the cost of this to date?**

We have not provided the information in the requested format as we have considered that there is the potential for the individuals to be identified, when considered with other information that may be in the public domain. In our view disclosure of information would breach the Data Protection Act. Therefore please find that Section 40 (2) exemption contained within the Freedom of Information Act 2000 is engaged. Section 40 is the exemption for personal information.

**How many 'guardians' has the trust employed each year since 2015 to date? Please provide a breakdown for each.**

2015-16: 0.4 WTE

2016-17: 0.4 WTE

2017-18: 0.4 WTE

2019-20: 0.4 WTE

2020-21: 1.4 WTE

2021-22: 1.4 WTE

2022-23: 1.4 WTE

This concludes our response. We trust that you find this helpful, but please do not hesitate to contact us directly if we can be of any further assistance.

If, after that, you are dissatisfied with the handling of your request, you have the right to ask for an internal review. Internal review requests should be submitted within two months of the date of receipt of the response to your original letter and should be addressed to:

Data Protection Officer  
University Hospitals Bristol and Weston NHS Foundation Trust  
Trust Headquarters  
Marlborough Street  
Bristol  
BS1 3NU

Please remember to quote the reference number above in any future communications.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

#### Publication

Please note that this letter and the information included/attached will be published on our website as part of the Trust's Freedom of Information Publication Log. This is because information disclosed in accordance with the Freedom of Information Act is disclosed to the public, not just to the individual making the request. We will remove any personal information (such as your name, email and so on) from any information we make public to protect your personal information.

To view the Freedom of Information Act in full please click [here](#).

Yours sincerely

**Freedom of Information Team**  
**University Hospitals Bristol and Weston NHS Foundation Trust**