

Freedom of Information Request

Ref: 24-091

22 February 2024

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

1) The number of allegations of workplace racism reported by present and former staff. Please provide the figures for the following calendar years: 2023, 2022, 2021 and 2020 - i.e in 2020, 20 allegations of workplace racism were made by past and present staff

There have been 28 incidences between 2020 and 2023 - we have not provided this in the requested format 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. (Section 40 is the exemption for personal information).

2) The number of allegations of workplace racism reported by present and former staff which resulted in disciplinary action. Please provide the figures for the following calendar years: 2023, 2022, 2021 and 2020

- i.e in 2020, 20 allegations of workplace racism were made by past and present staff, 11 complaints resulted in disciplinary actions

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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local authorities, wards, postcode districts, providers and Trusts may allow identification of patients and should not be published.

3) In instances when compensation payments were made to former and present staff following allegations of racism/ racial discrimination, please provide the figures for the following calendar years: 2023, 2022, 2021 and 2020

- i.e in 2020, 20 allegations of workplace racism were made by past and present staff, 11 complaints resulted in disciplinary action and in four instances the complaint was escalated to an employment tribunal, two compensation payments were paid amounting to £12,000

Please note: By workplace racism – I mean allegations made by past or present staff relating to other staff members – rather than racism incidents involving members of the public against NHS staff

Please note: if for data protection reasons you are unable to provide the figures broken down by year, please collate the figures over the four year period.

• - I.e. between 1st January 2020 and 31st December 2023, the trust recorded in total 10 instances of racially motivated workplace harassment. Within that period, 5 complaints resulted in disciplinary action and 0 compensation payments were paid out.

If you believe the contents of any such files are exempt from disclosure, please provide summaries of any such exempt files.

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.

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