



40/42 Friars Walk
Lewes
East Sussex
BN7 2XW

foi@secamb.nhs.uk

1st November 2016

Email:

Dear

I am writing in response to your further enquiry under the Freedom of Information Act 2000 (FOIA) reference FOI/16/10/07.

You requested the following information:

I am looking at how effectively cases are managed where an employee leaves the NHS as a result of a dispute. To clarify what I mean by the term 'dispute'. I refer to situations where staff leave maintaining the primary reason is negative action or treatment on the part of the organisation or its staff. This would cover:

- a) staff who have been dismissed as a result of disciplinary or capability action, but make it known they dispute this action; and**
- b) staff who leave stating they feel they had no option because of the circumstances they were working in or the way they feel they have been treated.**

Such cases are likely to be characterised by:

- a) a grievance being issued by the member of staff, or reasons being given for leaving that merit investigation as a grievance; or**
- b) Union involvement surrounding the departure of the member of staff; or**
- c) Employment Tribunal proceedings being issued, or a settlement being agreed to avoid this.**

Over the past 5 financial years (01 April 2011 – 31 March 2016), please provide the total number of employees who have left the Trust. Of these, please list for each case where you were made aware the employee left because of a dispute:

- a. Was the employee offered a settlement/compromise agreement? If so:**
 - i. Was an agreement reached?**
 - ii. Payment made (in bands of £10k if preferred)?**

During the period from 1st April 2011 to 31st March 2016 there were 14 appeals against dismissal due to disciplinary dismissals and there were 11 appeals against dismissal due to Stage 3 sickness dismissal.

Unfortunately due to staff changes we do not hold any historical data on settlement / compromise agreements and in connection with any recent settlement/ compromise agreements we cannot provide you with this information as due to the numbers involved this could be potentially identifiable information.

b. Were Employment Tribunal proceedings issued against the Trust? If so:

i. Did it reach the hearing?

ii. Did the hearing reach a judgement? (i.e. not settled prior to judgement or withdrawn by the employee)

iii. What was the outcome/award (in £10k bands if preferred)?

Employment Tribunal proceedings were issued against the Trust and please see the details relating to these in the table below:

Employment Tribunal details	Number
Settled	7
Trust won	5
Withdrawn	6
Dismissed/ unknown	7

c. What did it cost you in legal advice/fees?

Unfortunately we cannot provide the information on fees attributable to each case on the grounds of the exemption contained within s12 of the FOIA. To retrieve the information would necessitate contacting the Trusts solicitors for historical information and manually searching through personnel files. This would exceed the appropriate limit of 18 hours as set down in the guidance on the application of the Freedom of Information and Data Protection (Appropriate Limit and Fees).

I am sorry that I cannot be more helpful on this occasion.

If, for whatever reason you are unhappy with our response, you are entitled to pursue any dissatisfaction through South East Coast Ambulance NHS Foundation Trust's (SECamb) Internal Review Procedure at:

South East Coast Ambulance Service NHS Foundation Trust
40-42 Friars Walk
Lewes
East Sussex
BN7 2XW
Email: complaints@secamb.nhs.uk

Should you remain unhappy with the outcome of any such internal review, you may request a decision from the Information Commissioner at:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

If I can be of further assistance to you, please do not hesitate to contact me, quoting the above reference number.

Yours sincerely

Freedom of Information Coordinator
South East Coast Ambulance Service NHS Foundation Trust