

**Freedom of Information Act 2000 - Request Reference Fol/21/209**  
**Tribunal Costs**

**Request Details**

- 1. I request all information relating to the amount of money paid in out of court settlements (tribunals only) since 2016. What is the highest sum awarded, and what the nature of the tribunal, e.g. discrimination was?**

Cardiff and Vale University Health Board (the UHB) can advise that since 2018 the UHB has settled 8 Employment Tribunal cases. The total cost being £284,161.71.

Please note the UHB's central records only go back to 2018.

With regards to your question concerning the highest sum awarded and the nature of the case, after considering your request, the UHB believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

- 2. How many whistleblowing tribunals have the Trust been engaged in since 2016, what is the highest award.**

Since 2018 the UHB can advise that there have been 2 Employment Tribunal Claims relating to Claimants which have alleged to have suffered a detriment as a result of raising protected disclosures.

Please note the UHB's central records only go back to 2018.

With regards to your question concerning the highest award, after considering your request for this information the UHB believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.

- 3. How much money has the trust paid to Blake Morgan solicitors since 2015 in regards to my case.**

After considering your request, Cardiff and Vale University Health Board (the UHB) considers this information to be exempt from disclosure under the Freedom of

Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of Blake Morgan Solicitors. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

**In favour of disclosure:** There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

**Against disclosure:** There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with agencies. This in turn could lead to less effective use of public funds in future. It has been established above that releasing the information under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. The UHB believes that there is wider established public interest in Blake Morgan Solicitors not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

**Decision:** The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of Blake Morgan Solicitors to which this information concerns. Blake Morgan Solicitor's rates are confidential and are specifically agreed for work carried out on behalf of the UHB. If details of these rates are put into the public domain, this could adversely affect their commercial position in the market place with competitors. Such disclosure could also hinder the UHB's ability to obtain commercially competitive rates in the future if suppliers did not feel their confidential information was being appropriately protected. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

#### **4. How much money has the Trust paid to [REDACTED] QC and [REDACTED] QC in relation to [REDACTED]**

After considering your request, the UHB believes that the data requested is classed as personal data as defined under the General Data Protection Regulation (GDPR) and Data Protection Act 2018 and its disclosure would be contrary to the data

protection principles and constitute unfair and unlawful processing in regard to Articles 5, 6, and 9 of GDPR. We are therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This exemption is absolute and therefore there is no requirement to apply the public interest test.