

Freedom of Information Act 2000 - Request Reference FoI/23/516
Claims Made under the Public Interest Disclosure Act 1998

Information Requested:

This request relates to employment tribunals/disputes defended by your Board relating to claims made under the Public Interest Disclosure Act 1998 (i.e., where claimants allege to have suffered detriment, including unfair dismissal, as a result of making a 'protected disclosure' or 'public interest disclosure' or 'whistleblowing disclosure') since the start of the 2012/13 tax year.

Question 1:

- a) Please state the total number of employment tribunals/disputes brought under the Public Interest Disclosure Act defended by your Board since April 2012.
- b) If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 1.a.

Question 2:

- a) Please state the total paid out in legal fees (including legal advice) by your Board defending employment tribunals/disputes brought under the Public Interest Disclosure Act since April 2012.
- b) If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 2.a.

Question 3:

- a) Please state the total amount spent on the individual employment tribunal/dispute brought under the Public Interest Disclosure Act defended by your Board, which cost your Board the highest sum in legal fees, since April 2012.

Question 4:

- a) Please state the total number of employment tribunals/disputes brought under the Public Interest Disclosure Act defended by your Board, which resulted in the use of a Non-Disclosure Agreement ('NDA' or 'confidentially clause'), since April 2012.
- b) If possible without triggering s40 of the FOIA, please provide a yearly breakdown in tax years (2012/13-2022/23) of question 4.a.

Response Details:

In response to Question 1:

- a) The total number of employment tribunals/disputes brought under the Public Interest Disclosure Act defended by Cardiff and Vale University Health Board (the UHB) is 13. Please note that the UHB can only provide information from the 2018—2019 financial year onwards.
- b) Please see the below table.

2018—2019	2019—2020	2020—2021	2021—2022	2022—2023
2	1	2	4	4

In response to Questions 2—4:

In completing a search for the information requested, the UHB has confirmed that this information is not centrally recorded or collated. To retrieve the information requested would require a manual search through individual records and the UHB considers that this would exceed the limit set within regulations for responding to a request. The UHB has therefore relied upon the Section 12 exemption ('Exemption where cost of compliance exceeds appropriate limit') of the Freedom of Information Act 2000 and is refusing your request.

The UHB has estimated that to complete the work needed to respond to this request would exceed the time limit as set within regulations to respond to a Freedom of Information Act request. Under the Act there is an allowance of two and a half days, or 18 hours, to comply with a request and the cost limit set within the Fees Regulations for this amount of work (18 hours) is £450 for the UHB. The Fees Regulations specify that the cost of complying with a request must be calculated at the rate of £25 per hour.