

FOI 0477_2025 Response

Please provide information for each of the past 5 years for the following:

1. How many Employment Tribunal cases and Employment Appeal Tribunal cases have been brought against the Trust and the reason?

No cases in the Employment Appeal Tribunal.

Employment Tribunal claims;

2020:5 claims.

2021: 2 claims.

2022:3 claims.

2023:1 claim.

2024: 5 claims.

2025:0 claims

2. The outcomes of those Tribunals? 2020

2020: 4 withdrawals and 1 claim unsuccessful at trial.

2021: Both settled. One for payment of wages owed and one for £500 following permission from HM Treasury.

2022: 2 of the claims are still ongoing and 1 withdrew at trial following claimant giving evidence.

2023: The claim is still ongoing.

2024: All of the claims are ongoing.

2025: Not applicable

3. For each claim, the amount of money awarded to that Claimant and to include the award of any costs?

Not applicable.

4. The Trust's expenditure on legal fees, external and internal lawyers and professional advice to defend those claims? (Preferably broken down on a case-by-case basis.)

The external legal fees:

2020: Approx £35k. Counsel's fees of £15k for a claim settled just prior to final hearing and £20k for Counsel's fees for claim that went to final hearing.

2021: None.

2022: None.

2023- None.

2024 - £27k. Counsel's fees for a Claim that went to final hearing.

2025 – None

5. Whether the Trust has entered into any 'non-disclosure agreement' with any party relating to employment disputes and the monies paid out by the Trust for each of the above years (if any)?

Not applicable.

6. Details and numbers of any disciplinary or other formal or informal, performance guidance or training given to managers whose conduct has been criticised by Tribunal Judges in published outcomes of Hearings? (In other words what learning has there been from the process?)

Not applicable.

7. How many complaints have there been against the Trust – formal, informal, either concluded or still ongoing – by staff claiming their right to redundancy is being evaded by the employer? Have any of those complaints been found to be substantiated or partly substantiated?

In relation to employment tribunal claims, none.

8. Are there discussions or plans as of 8th February 2025, which may involve staff losing their contracted role? What plans are in place to protect the employee's right to redundancy payments? **Clarification: The request is made to identify whether the employer is planning (or involved in discussions or plans) to amend employee's roles due to restructuring, merging Trusts, outsourcing or TUPE transfers due to cutting services (or increasing of services). Also to identify where roles are likely to be made redundant to establish whether redundancy is being avoided by offering very similar roles or evaded by offering dissimilar roles or simply cancelling employment contracts by giving notice.

Evading redundancy rights, rather than avoiding redundancy by agreed redeployment, is a concern raised against other employers, and we are investigating to determine whether this is a widespread issue across the region.

There are no staff employed by BSMHT that are at risk of redundancy.

If such situation arose then BSMHT would utilise the Management of Organizational Change policy/procedure.

This policy sets out procedures for managing change (redundancy, TUPE, redeployment and at[1]risk of job loss), changes to terms & conditions of employment, redesign – this list is not exhaustive) to ensure that change is handled in a way that is sensitive, consistent, fair and in line with our values, statutory requirements, and best practice.

It seeks to ensure all colleagues experience compassion as we balance the need for fairness and full colleague involvement, with the aim of ensuring that the organisation can be efficient and flexible in the way it responds to an ever-changing environment.

In cases where a redundancy payment may be payable, the Trust will consistency apply the Organisational Change policy to ensure the fair consideration of employee rights.

9. How many claims for redundancy have been filed at the Employment Tribunal but settled by the Trust before the case has been listed and what is the cost to settle?

None

10. Very specifically during this period how many Employment Tribunal cases have been filed relating to allegations of discrimination for any of the recognised protected characteristics - age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex, and sexual orientation? What has been the outcome for each case?

2020: 2 claims alleging race discrimination, 1 alleging age discrimination. 1 alleging disability discrimination. Please refer to question2 for the outcome.

2021: Not applicable.

2022: 2 of the claims alleging race discrimination. 2 of the claims alleging disability discrimination. Please refer to question2 for the outcome.

2023:1 claim alleging race and disability discrimination. Claim is still ongoing.

2024: 3 of the claims alleging disability discrimination. Claims are still ongoing.

2025: Not applicable.

The above information is required for a Health Service Journal article discussing the costs of legal cases before Employment Tribunals. These questions are being submitted to several NHS Healthcare and Hospital Trusts across this region.