

Dear

FREEDOM OF INFORMATION – EMPLOYMENT TRIBUNAL CLAIMS

I write in response to your request for information in relation to employment tribunal claims by nurses working in NHS Lothian.

Question:

For each financial year between 2020 and 2025 (or the latest available date), please provide yearly figures for the below:

1. The number of employment tribunal claims brought by nurses, trainee nurses and nursing associates against the trust.

Answer:

The information you have requested is detailed in the table below. This is for qualified nurses only, as NHS Lothian does not employ trainee nurses or nursing associates.

I have not released numbers of 5 or fewer in the table, as this information could lead to the identification of the individuals involved. Since we do not have their consent to release their personal data, the information is exempt under section 38 of the Freedom of Information (Scotland) Act 2002 as to provide it would breach the principles of the Data Protection Act 2018.

Employment tribunal claims by qualified nurses, NHS Lothian	
Year	Number of claims
2020-21	≤5
2021-22	0
2022-23	≤5
2023-24	0
2024-25	≤5

Question:

2. The outcome from each claim.

Answer:

The information you have requested is detailed in the table below.

I have not released numbers of 5 or fewer in the table, as this information could lead to the identification of the individuals involved. Since we do not have their consent to release their personal data, the information is exempt under section 38 of the Freedom of Information (Scotland) Act 2002 as to provide it would breach the principles of the Data Protection Act 2018.

Employment tribunal claims by qualified nurses - outcomes NHS Lothian			
Year	Claims settled	Claims withdrawn	Claims ongoing
2020-21	≤5	≤5	0
2021-22	0	0	0
2022-23	0	≤5	0
2023-24	0	0	0
2024-25	0	0	≤5

Question:

3. How many cases each year led to an employment tribunal ruling the organisation must pay costs to the claimant, and how much was paid.

Answer:

None of the cases lead to NHS Lothian being ruled to pay costs to the claimant.

Question:

4. If possible, please break down each claim by type.

Answer:

The information requested is detailed in the table below. I have not released numbers of 5 or fewer in the table, as this information could lead to the identification of the individuals involved. Since we do not have their consent to release their personal data, the information is exempt under section 38 of the Freedom of Information (Scotland) Act 2002 as to provide it would breach the principles of the Data Protection Act 2018.

Employment tribunal claims by qualified nurses – category, April 2020 – March 2025 NHS Lothian	
Category	Number of cases
Disability discrimination	≤5
Constructive dismissal including race discrimination	≤5
Unfair dismissal including disability discrimination	≤5

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at <https://www.foi.scot/appeal>. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the reviewer at the address at the top of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI>

Yours sincerely

ALISON MACDONALD
Executive Director of Nursing Midwifery and AHPs
Cc: Chief Executive