

Our ref: VT/gf/FOI 359

12 February 2021

By Email: [request-718555-6f4a7ecf@whatdotheyknow.com](mailto:request-718555-6f4a7ecf@whatdotheyknow.com)

Dear Mr Ward-Robb

## **FREEDOM OF INFORMATION ACT 2000 – INFORMATION REQUEST**

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Your request for information regarding being named and shamed by the Department for Business Energy and Industrial Strategy (BEIS) has now been considered. Please see response below.

If you are unhappy as to how this request has been handled, you should write to Dr Catherine Weaver, the FOI lead for the Trust. You have the right to seek a review within the Trust in the first instance.

If, after receiving a response, you remain unhappy, you can refer your complaint to the Information Commissioner at The Information Commissioner's office, Wycliffe House, Water Lane, Wilmslow, SK9 5AF. It is important to note that if you refer any matter to the Information Commissioner, you will need to show evidence of having gone through the Trust's review procedure to try to resolve the matter with the Trust in the first instance.


If you have any queries or concerns then please contact the Dr Catherine Weaver at the following address:

Head of Information Governance  
Southern Health & Social Care Trust  
Ferndale Bannvale Site  
10 Moyallen Road  
Gilford BT63 5JX

Tel: 028 3756 1458

Email: [Foi.Team@Southerntrust.hscni.net](mailto:Foi.Team@Southerntrust.hscni.net)

Yours sincerely



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**VIVIENNE TOAL (MRS)**  
**Director of Human Resources & Organisational Development**

**Att.**

### FOI Response 359

Southern HSC Trust was recently included on a "Rogue Employers List" for its failure to pay the statutory minimum wage. The listing indicated arrears of £11,285 to 269 workers.

Please confirm (a) the amounts paid back to the 269 workers concerned, (b) the fines imposed and paid by the Trust in respect of the £11,285 arrears of pay and (c) the date(s) of receipt and payment of fine demands?

In addition please provide a copy of all communications received from the Department for Business Energy and Industrial Strategy (BEIS) indicating the Trust was to be included on a forthcoming Naming and Shaming List.

**The Trust can confirm arrears of £11,285 were paid to 269 employees due to a delay in progressing a pay award at that time. This was substantiated by HMRC's Compliance team and recorded in a 'Notice of Underpayment – section 19 of the National Minimum Wage Act 1998' dated 23 March 2018.**

**HMRC calculate penalties based on the amount of arrears paid and the year which these arrears relate to. The Notice of Underpayment set out the penalty as a maximum of 200% of the arrears paid ie £22,570, or 100% of the arrears if the penalty was paid by 9 April 2018 ie £11,285. The penalty of £11,285 was paid on the Trust's behalf by the Business Services Organisation prior to 9 April 2018.**

**The Notification of Underpayment received from HMRC on 23 March 2018 highlighted that this matter was 'referred to BEIS for consideration under the NMW Naming scheme.' All other enquiries were handled by Department of Health press office.**