



Mr Ed Ward-Robb
request-718558-db6b6e13@whatdotheyknow.com

22 March 2021

Our Ref: RFI 37364

Dear Mr Ward-Robb

**Freedom of Information Act 2000
Information in relation to Rogue Employers List.**

I am writing to confirm that the South Eastern Health & Social Care Trust (the Trust) has now completed its search for information relating to above which you requested on 15 January 2021. Please accept our sincere apologies for the delay in responding to you. Thank you for your patience.

A response to each of the questions raised has been provided by the Finance & Estates Directorate and is attached in Appendix A.

If you are unhappy as to how this request has been handled, you have the right to seek a review within the Trust in the first instance. You should write to the Information Governance Department, Lough House, Ards Community Hospital (informationgovernance@setrust.hscni.net) within two months of the date of this response and your complaint will be considered and a response provided, within 20 working days of receipt.

If, after receiving a response, you remain unhappy, you can refer your complaint to the Information Commissioner at The Information Commissioner's Office –Northern Ireland, 3rd Floor, 14 Cromac Place, Belfast, BT7 2JB. 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 internal review procedure to try to resolve the matter with the Trust in the first instance.

If you have any queries about this letter, please do not hesitate to contact me. Please remember to quote the reference number above in any future communications.

Yours sincerely

Rebecca Manning
Information Governance Assistant

Q1. South Eastern HSC Trust was recently included on a "Rogue Employers List" for its failure to pay the statutory minimum wage. The listing indicated arrears of £7,564 to 193 workers.

Please confirm:

- **The amounts paid back to the 193 workers concerned.**
- **The fines imposed and paid by the Trust in respect of the £7,564 arrears of pay.**
- **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.

A1. The Trust can confirm arrears of £7,564.27 were paid to 193 employees following a delay in progressing a pay award. 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 £15,129.44, or 100% of the arrears if the penalty was paid by 9 April 2018 ie £7564.27. The penalty of £7564.27 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 National Minimum Wage Naming scheme.' All other enquiries were handled by the Department of Health press office.

Please See Attachment 1 – BEIS National Minimum Wage Naming Scheme Page 1, 2, 3, 4 & 5 which is the correspondence received from BEIS on 29th December 2020 informing the Trust that it would be publicly named under the National Minimum Wage Naming Scheme via a BEIS press release.

NB. The last page of the document, section 'Notes to Editors' the website to view the Government review of Naming Scheme published on 11th February 2020 is <https://www.gov.uk/government/news/naming-employers-who-fail-to-pay-minimum-wage-to-be-resumed-under-revamped-rules>

* Please note that third party identifiable information has been blackened out (removed) where consent has not been obtained.