

28th January 2021

Ed Ward-Robb
[mailto:request-718563-d3fa7035@whatdotheyknow.com]

Our ref.: FOI/21/030

Dear Mr Robb

RE: Freedom of Information (FOI) request – Payment of arrears of pay / salary

We refer to your Freedom of Information request which was received by the Western Health and Social Care Trust on 15th January 2021. Please see below a Trust response to your request.

Your request

“Western HSC Trust was recently included on a "Rogue Employers List" for its failure to pay the statutory minimum wage. The listing indicated arrears of £6,171 to 170 workers.

Please confirm (a) the amounts paid back to the 170 workers concerned, (b) the fines imposed and paid by the Trust in respect of the £6,171 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.”

Trust response

The Trust can confirm arrears of £6170.97 was paid to 179 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 i.e. £12,341.94, or 100% of the arrears if the penalty was

paid by 9 April 2018 i.e. £6,170.97. The penalty of £6,170.97 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.

We hope you find this response helpful.

Yours sincerely

(Not signed – issued by email)

**Freedom of Information Office
Western Health and Social Care Trust**

Freedom of Information: 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 FOI Office, Lime Villa, Gransha Park, Clooney Road, Londonderry, BT47 6WJ (foi.request@westerntrust.hscni.net) within two months of the date of this response and your complaint will be considered and a response provided, usually 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, Wycliffe House, Water Lane, Wilmslow, Cheshire 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 internal review procedure to try to resolve the matter with the Trust in the first instance.