

5th November 2013

Cliftonville
Northampton
NN1 5BD

Mrs S. Mood

Direct Dial: 01604 523881
Switchboard: 01604 634700

E-Mail: request-176061-3b151cc9@whatdotheyknow.com

E-mail- foi@ngh.nhs.uk

Dear Mrs Mood

Request under Freedom of Information Act 2000

Request Ref: NGFOI 13/14: 218

Response Letter

Thank you for your request for information received at Northampton General Hospital NHS Trust (NGH) on 10th September.

I am pleased that we are now able to provide you with a response to your request as shown below.

Response from Northampton General Hospital NHS Trust (NGH):

Please find your questions answered below.

1. I require details of all staff who have had their contract of employment terminated by the Trust in the last 3 years on the grounds of the following:

Response 1: Please see the figures below in relation all permanent staff who have had their contract of employment terminated during the last three years.

- a) sickness absence

Response: 0 recorded specifically as *sickness absence*.

- b) capability

Response: 19

- c) conduct

Response: 15

- d) some other substantial reason

Response: 13

- e) breach of statutory duty or enactment

Response: 0

This information must be broken down by:

- Staff group
- Salary Band/Grade
- Ethnicity
- Gender
- Disability
- Age group categorised using the following age bands 16 - 20, 21 - 25, 26 - 35, 36 - 45, 46 - 55, 56 - 65 and 65+.

Refusal to supply under Section 40

Disclosure of personal data or information about a third party would not be 'fair', under the Data Protection Principles in the Data Protection Act. As such, we are unable to disclose a breakdown of the information into the categories stated as it constitutes personal information as defined under the Data Protection Act 1998. Consequently, in accordance with section 7 (4) and 7 (6) of the Act the Trust owes a duty of confidence to the individuals to whom the data relates.

Applying First Principal of Data Protection Act - Due to the small number of staff records involved in your request and the unique circumstances of each case, to disclose information such as the ethnicity, gender or staff group etc, could potentially cause unnecessary and unjustified distress or damage to the persons to whom the information relates. Due to the unique circumstances of each case and other information which might be available, it may be possible for an individual to be identified. The Trust reserves the right under the FOI Act to withhold information, including statistical information, if its disclosure would breach the law of confidentiality in cases where small numbers may allow the identification of individuals by association.

Exemption Description	Reason/Explanation
Section 40 (2) – Personal Information	<p>Personal information of third parties is exempt from disclosure under Part II (Section 40 (2) - Personal Information) of the Act.</p> <p>Access to personal information is governed by different legislation, the Data Protection Act 1998.</p>

2. I require details of all staff who have requested flexible working arrangements or a reduction in hours over the last 3 years to include the following:

- the reasons for the request
- the timescale in which the decision was made from the date of the request (the number of days it took to consider and make the decision)
- the resultant outcome of the decision
- the name of the department/service in which this decision was made
- the name of the directorate in which this decision was made

This information must be broken down by:

- Staff group
- Salary Band/Grade
- Ethnicity
- Gender
- Disability
- Age group categorised using the following age bands 16 - 20, 21 - 25, 26 - 35, 36 - 45, 46 - 55, 56 – 65 and 65+.

Response:

The Trust only started recording flexible working in 2012/13 and not all is recorded centrally. In order to provide this information it would need every manager in the Trust to search individual personnel files.

Refusal to supply information under Section 12 of the Freedom of Information Act (FOIA)

Under section 12 (1) of the FOIA a public authority does not have to comply with a request for information if the cost of compliance exceeds the appropriate limit¹.

We estimate that the time it would take to locate, retrieve and review files in order to extract the information at the level of detail requested would be disproportionately expensive, costing more than the appropriate limit for FOI requests.

In order to provide you with the information that you have requested, each departmental manager within the Trust would be required to manually search individual personnel files to extract this information.

Consequently your request is being refused under the provisions at Section 12(1) of the Freedom of Information Act 2000.

3. I require details of all staff who have requested Maternity, Paternity or Adoption leave over the last 3 years to include the following:

Response:

Our records show that from 2009 to date the following number of people have taken maternity, adoption or maternity leave:

- a) the reasons for the request

Response:

Maternity = 938

Adoption = 7

Paternity = 29

- b) the timescale in which the decision was made from the date of the request (the number of days it took to consider and make the decision)

Response:

We do not centrally record the date documents are submitted and the date that their leave and pay entitlements are confirmed by the Trust.

- c) the resultant outcome of the decision

Response:

All members of staff who meet the statutory and contractual eligibility criteria are entitled to leave. The level of pay that they may be entitled to from the Trust is dependent on meeting specific statutory and contractual eligibility criteria.

¹ The appropriate limit in regulations and for the NHS is set at £450. This represents the cost of one person, regardless of the actual cost or rate of pay, spending 18 hours in determining whether the Trust holds the information and locating, retrieving and extracting the information.

d) the name of the department/service in which this decision was made

Response:

Not applicable as all members of staff who meet the statutory and contractual eligibility criteria are entitled to leave. Decisions are not made within the department in which they work.

e) the name of the directorate in which this decision was made

Response:

Please refer to the attachment entitled 'Maternity, Paternity, Adoption leave' which details the Directorate employees worked in along with the type of leave given.

4. How many staff have voluntarily left either permanently or on a temporary basis the employment of the HR Directorate over the last 3 years including:

Response 4:

Please see the tables which follow. Please note this information pertains to permanent staff only and relates to those who are recorded under the term 'voluntary resignation'.

Leavers Headcount October 2010 – September 2011
8

Leavers Headcount October 2011 – September 2012
5

Leavers Headcount October 2012 – September 2013
9

a) the reason for leaving

Response:

Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide a breakdown of the reasons for leaving as low numbers in each category along with other information which may be available could allow the identification of the individuals by association. This data is therefore exempt under section 40 of the Freedom of Information Act.

We have applied the **First Principal of the Data Protection Act** in order that it is not possible for individuals to be identified.

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b) the period of notice which was provided

Response:

Please refer to the attachment entitled 'Question 4'. Please note data has been generalised.

c) the duration of their employment with the Trust

Response:

Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide a breakdown of each individual's length of service within the Trust as this information is held to a detailed level, specific to each employee and could allow the identification of the individuals by association. This data is therefore exempt under section 40 of the Freedom of Information Act.

We have applied the **First Principal of the Data Protection Act** in order that it is not possible for individuals to be identified.

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d) the duration of their employment with the Directorate and department they left

Response:

Please refer to the attachment entitled 'Question 4'. Please note data has been generalised.

e) whether they completed an exit interview

Response:

This information is not recorded within our current system.

f) the name of the department in which they worked

Response:

Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide a breakdown of the departments in which they worked as low numbers in certain departments along with other information which may be available could allow the identification of the individuals by association. This data is therefore exempt under section 40 of the Freedom of Information Act.

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- Salary Band/Grade
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5. What is the Annual Turnover of the HR Directorate over the last 3 years as a value and a percentage at yearly intervals to include the following:

Response:

It should be noted that this information pertains to all permanent staff that have left the employment of the HR Directorate for any reason.

- The number of leavers by reason

Response:

Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide a breakdown of the reasons for leaving the HR Directorate, as low numbers in each category along with other information which may be available could allow the identification of the individuals by association. This data is therefore exempt under section 40 of the Freedom of Information Act.

We have applied the **First Principal of the Data Protection Act** in order that it is not possible for individuals to be identified.

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- The percentage of leavers against Total Headcount (Staff in Post) by reason

Response:

Please refer to the table which follows.

- The number of leavers against Budgeted Establishment by Department

Response:

Please refer to the table which follows.

- The percentage of leavers against Budgeted Establishment by Department

Response:

Please refer to the table which follows.

- The number of posts which have been given up to cost improvement, redundancy or not otherwise recruited to by department.

Response:

During the last three years the following number of posts have been given up to cost improvement, redundancy or not otherwise recruited to by the department

2 x band 3

2.8 x band 4

1 x band 5

3 x band 7
1 x band 8b

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Staff Turnover - Permanent Only	Headcount	FTE	Budgeted FTE	Starters Headcount	Starters FTE	Leavers Headcount	Leavers FTE	LTR Headcount %	% Leavers vs Budgeted FTE	LTR FTE %
October 2010 - September 2011										
Human Resources	59.00	53.85	62.3	2	1.80	12	11.80	20.34	18.94	21.91
Staff Turnover - Permanent Only	Headcount	FTE	Budgeted FTE	Starters Headcount	Starters FTE	Leavers Headcount	Leavers FTE	LTR Headcount %	% Leavers vs Budgeted FTE	LTR FTE %
October 2011 - September 2012										
Human Resources	52.00	46.65	64.65	3	3.00	8	6.53	15.09	10.10	14.00
Staff Turnover - Permanent Only	Headcount	FTE	Budgeted FTE	Starters Headcount	Starters FTE	Leavers Headcount	Leavers FTE	LTR Headcount %	% Leavers vs Budgeted FTE	LTR FTE %
October 2012 - September 2013										
Human Resources	54.50	48.78	65.8	9	8.80	13	12.20	23.85	18.54	25.01



6. How many grievances have been raised against the HR directorate over the last 3 years?

Clarified as:

With regards to question 6 of the request, I require data in relation to the whole of the HR Directorate (includes Transformation, E-workforce, HR Business Partners, HR Service Centre, Medical Staffing, Learning and Development and Occupational Health) but I would like the information to have a breakdown by those categories above.

IN addition if it could be indicated which business partner looks after each sub directorate that would be useful.

Response:

Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide the names and responsibility of each of the HR Business Partners as this information constitutes personal data. This data is therefore exempt under section 40 of the Freedom of Information Act.

We have applied the **First Principal of the Data Protection Act** in order that it is not possible for individuals to be identified.

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- The number of grievances raised by reason

Response:

From 2011 to date, the following numbers of grievances have been raised against the HR Directorate.

8 x Bullying and Harassment
<5 x Failure to follow Policy

Section 40 Personal Information

Regrettably, due to the low number of cases represented above as “<5” i.e. where there are fewer than 5 cases meeting the specification of ‘failure to follow policy’, the Trust is unable to provide the exact number of cases or a breakdown by department, as this could allow identification of those involved and is therefore exempt under section 40 of the Freedom of Information Act. The Trust reserves the right under the FOI Act to withhold information, including statistical information, if its disclosure would breach the law of confidentiality in cases where small numbers may allow the identification of individuals by association.

We have applied the **First Principal of the Data Protection Act** in order that it is not possible for individuals to be identified.

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- The percentage of these grievances against total number of Trust grievances

Response:

2011/12 – 70%

2012/13 – 8.3%

April 2013 to date- up to date information is not available as not all cases have been logged onto the system at this time.

- The timescale in which these grievances were investigated from the day the grievance was put in writing.

Response:

Information not recorded.

- Whether these grievances were raised by employees internally working in the directorate or externally working outside of the directorate but within the Trust

Response:

The grievances in question were raised by both internal and external employees to the HR Directorate.

- The outcome of the grievances

Response:

Outcomes were recorded as one of the following:

- Outcome unknown
- No case to answer
- Case to answer
- Resolved informally
- Non-attendance by individual

- The grievances raised as broken down by the department they were raised against

Response:

Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide a breakdown of grievances by department they were raised against as low numbers in each category along with other information which may be available could allow the identification of the individuals by association. This data is therefore exempt under section 40 of the Freedom of Information Act.

We have applied the **First Principal of the Data Protection Act** in order that it is not possible for individuals to be identified.

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- The grievances raised as broken down by the department the employee is from who raised the grievance.

Response:

Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide a breakdown grievances broken down by department the employee worked in as low numbers in each category along with other information which may be available could allow the identification of the individuals by association. This data is therefore exempt under section 40 of the Freedom of Information Act.

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Refusal to supply under Section 40 Personal Information

Regrettably, the Trust is unable to provide a breakdown of information into the categories listed as low numbers in each category along with other information which may be available could allow the identification of the individuals by association. This data is therefore exempt under section 40 of the Freedom of Information Act.

We have applied the **First Principal of the Data Protection Act** in order that it is not possible for individuals to be identified.

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We hope that you will find the information provided both informative and helpful. We also hope that you will be satisfied with the manner in which we have dealt with your Freedom of Information request. If not, please do let me know or you may ask for an independent internal review under the Freedom of Information complaints procedure at Northampton General Hospital NHS Trust. Internal review requests should be submitted within two months of the date of receipt of this response. Please see the attached leaflet.

If you remain dissatisfied after the internal review, you may make an approach to the Information Commissioner as outlined in the attached leaflet.

This completes the Trust response to your request, but please note:

The information provided is the property of Northampton General Hospital NHS Trust and subject to Copyright Protection, Intellectual Property and Database Rights. You are free to use the information supplied for your own use, including non-commercial research purposes. However, any other type of re-use including for example publishing the information or issuing copies to the public or any commercial application or use of this information may be subject to the provisions of the Re-use of Public Sector Information Regulations 2005. This means that if you wish to re-use the information provided for commercial purposes for any reason you must ask us for permission to do so. Should we agree that you can use the information it will be subject to the issue of a licence, which may or may not involve a fee.

If you have any questions about this process please contact:

Information Governance Manager
Northampton General Hospital NHS Trust
Cliftonville, Northampton
NN1 5BD

Tel.(direct dial): 01604 523881

E-mail – foi@ngh.nhs.uk

If there is anything you need clarification on, please do not hesitate to contact me on the above address or if by e-mail to foi@ngh.nhs.uk quoting the reference NGFOI 13/14:218 in any future communications.

Yours sincerely,

Sarah Checketts

**Information Governance Assistant
Northampton General Hospital NHS Trust**

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