

CONFIDENTIAL

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12th October 2016

Dear Mr Jones

Re: Your freedom of information appeal FOI 54500

Thank you for your appeal request in relation to your request of FOI 54500. Normally FOI appeals are conducted by the Chief Executive Officer, Julie Dawson, but as she is currently on leave I have looked into your request.

You asked us the following:

In respect of the unfair dismissal of RMN Sharon Little, HCA Tim Spear and Martin Smith on Harvest Ward in Cornwall Partnership Foundation Trust (Feb 2012) and subsequent legal ruling at an employment tribunal that led to judge Nicholas Roper stating that all of these staff were unfairly dismissed, I would like to know the following-

1. How much did the public tax payer have to pay out whilst these staff were under suspension?

We responded:

"Under the Section 40(2) of the Freedom of Information Act 2000, this information is exempt of disclosure as this request relates to personal information".

This information relates to payment information for identifiable individuals and constitutes personal information. I am content that the Trust has responded to your request appropriately.

2. What formal training and expertise did the original investigation panel within Cornwall Partnership possess in relation to having the required competencies to manage such a complex case?

We responded:

"Under the Section 40(2) of the Freedom of Information Act 2000, this information is exempt of disclosure as this request relates to personal information"

We are a research active trust, to get involved in a research project, please email cpn-tr.CFTresearch@nhs.net
For information on mental health medication visit choiceandmedication.org/Cornwall

Chair: Barbara Vann Chief Executive: Phillip Confue
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www.cornwallft.nhs.uk

This information relates to personal information about the panel. There are no requirements that this type of information is recorded, collated or considered before a panel is formed. I feel that the Trust have responded to your request appropriately in accordance with the FOIA but I am able to add that the formation of the panel mirrors the Trust's Disciplinary policy.

3. Following the Tribunal ruling what form of apology did the 3 nurses receive from the Trust and how much compensation (if any) was afforded for their unfair dismissal?

We responded:

"Under section 40(2) of the Freedom of Information Act 2000, this information is exempt of disclosure as this request relates to personal information".

This is personal information relating to identifiable individuals. The information you are entitled to is contained within the Tribunal decision which you have referred to. I am satisfied the Trust responded to your question appropriately in accordance with the FOIA.

4. Why did the senior executive Sharon Linter continue to believe that the dismissal of these staff members was fair and appropriate even despite the legal ruling?

We responded:

"This request is for opinion related information and is not appropriate for a Freedom of Information request".

This request is relating to opinion related information and is not a request for factual information in accordance with the FOIA. I am content the Trust has responded to your request appropriately.

If you are still unsatisfied you can contact the Information Commissioners Office at the following address:

Information Commissioners Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Yours sincerely



Victoria Slavin
Trust Solicitor on behalf of Cornwall Partnership Foundation Trust