



**Freedom of Information request ref: FOI/2017/006/2/review**

Wednesday, 03 May 2017

Dear Dr Alexander

Thank you for your email dated 1<sup>st</sup> February requesting an Internal Review of our initial response to your original FOI request dated 4<sup>th</sup> January 2017.

Here is our response to your questions:

- 1) Here is the data we hold on Public Interest Disclosure cases under the category "Health and Social Care":

<b>Volumes of PID Cases since 01/04/2014 where the sector category is recorded as "Health and Social Care"</b>					
<b>Notifications /Claims Received</b>	<b>EC Notifications</b>		<b>ET1 Claims</b>		<b>Grand Total</b>
<b>Operational Year</b>	<b>Singles</b>	<b>Multiples</b>	<b>Singles</b>	<b>Multiples</b>	<b>All Claims</b>
01/04/2014 - 31/03/2015	282	3	167	4	456
01/04/2015 - 31/03/2016	353	2	128	6	489
01/04/2016 - 31/03/2017	345	1	71	0	417
<b>Total</b>	<b>980</b>	<b>6</b>	<b>366</b>	<b>10</b>	<b>1,362</b>

Multiples<sup>1</sup> consist of fewer than 0.1% of all EC notifications in the above range and fewer than 3% of all ET1 claims received.

The mean claimants in each such multiple is three.

As well as the PID jurisdiction which appears alone in 357 cases, PID appears alongside one or more other jurisdictions in the other 1,005 cases. Examples of these are Unfair Dismissal (appears in 640 cases); Redundancy (336 cases); Breach of Contract (255 cases);

---

<sup>1</sup> **Multiples** - At Acas we group together notifications from several claimants (or potential claimants) if they are about the same matter/dispute; arrive on the same date; *and* have a nominated representative in common. Some claims (which we call "multiples") can therefore involve several claimants although the majority involve only one. "Multiples" are common in some jurisdictions (such as those relating to redundancy) but rare for Public Interest Disclosure which usually appear as single-person claims as seen above.

Working Time (228 cases); Wages (178 cases); Age Discrimination (102 cases) and a variety of others.

The mean jurisdictions per claim is 2.43 with a maximum of 9 different jurisdictions. This number is unusual and occurs only once in the data.

<b>Resolution Rates of PID Cases since 01/04/2014 where the sector category is recorded as "Health and Social Care"</b>		
	<b>Resolved - COT3</b>	<b>Unresolved</b>
<b>EC Notifications</b>	10%	90%
<b>ET1 Claims</b>	53%	47%

- 2) Your point about NHS not being a single employer is well made and we reviewed this subject. However on taking legal advice we were told that if an employee identifies the NHS as his or her employer then Acas should treat that as the employment relationship, meaning that Acas is still prohibited from releasing that information<sup>2</sup>. This applies whether or not the legal identity of the employer is one specific body within the NHS.

In addition, we do not normally record the identity of overarching bodies such as "NHS" in our database which means many of our records do not have any indication in our records whether the employer is NHS or private sector. This also means we cannot produce summary data on that basis, hence the suggestion of using the "Health and Social Work" category which is the closest proxy we have been able to identify.

- 3) We've looked through all the sector categories we have and "Health and Social Work" seems like the best fit. For completeness the full range is:

1. Agriculture, Mining and Fishing
2. Manufacture Food, Beverages and Tobacco
3. Manufacture Motor Vehicles and other Transport
4. All other Manufacturing (includes publishing)
5. Electricity, Water and Gas Supply
6. Construction
7. Wholesale and Retail

---

<sup>2</sup> Under Freedom Of Information Act Part II Section 44(1)(a) the information is exempt if Acas is prohibited by or under any enactment. Acas is prohibited from disclosing information relating to a worker, trade union or employer in the provision of its services under the Enterprise and Regulatory Reform Act 2013 section 10. As we have been advised to treat NHS as an employer where they have been identified as such we are still prohibited from releasing that information.

8. Hotels and Restaurants
9. Transport, Storage and Communication
10. Financial and other Administration
11. Public Administration
12. Education
13. Health and Social Work
14. Other Community, Social and Personal Services
15. Other Industries

It originally seemed possible some NHS cases might fall within "14" but we have checked and the cases under that heading are all along the lines of Beauty, Security, Social Clubs, Churches etc.

If you are not content with the outcome of the internal review, you have the right to apply directly to the Information Commissioner for a decision. The Information Commissioner can be contacted at: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF

Yours sincerely

Jackie King

Senior Information Manager  
Acas, 23<sup>rd</sup> Floor, Euston Tower  
280 Euston Road  
London NW1 3JJ  
[foi@acas.org.uk](mailto:foi@acas.org.uk)