



University Hospitals Sussex

NHS Foundation Trust

Freedom of Information Office

C/O Company Secretary

Worthing Hospital

Lyndhurst Rd

Worthing BN11 2DH

28 November 2022

Re: Freedom of Information Request FOI220603

Thank you for your recent request for information under the Freedom of Information (FOI) Act 2000.

We are now in a position to respond to your request.

Your request:

I have amended my request (please see below), so that data is only requested where the trust holds central data that can be easily interrogated.

With respect to question 4, I have revised the time period of interest from three years to one year.

Staff churn, dismissals and resignations and ET claims against University Hospitals Sussex NHS Foundation Trust

Please disclose:

1. What data is centrally held by the trust to track churn/ turnover in staffing?

Does the trust hold central data on:

- a. turnover data by occupation/professional group?
- b. turnover data by department and or medical specialty?

2. What data is centrally held by the trust to track dismissals and resignations?

Does the trust hold central data on:

- a. dismissal and resignation data by occupation/professional group?
- b. dismissal and resignation data by department and or medical specialty?

3. If the trust holds central, digital data that can be easily interrogated, please disclose how many staff have been dismissed in the last three years.

If the trust holds central, digital data that can be easily interrogated, how many of these dismissed staff had previously made qualifying public interest disclosures under the Public Interest Disclosure Act?

4. How many ET1 claims including claims under the Public Interest Disclosure jurisdiction have been lodged against the trust in the last year?

How many of these ET claims under the Public Interest Disclosure jurisdiction are ongoing?

Our response:

Under Section 1(1)(a) of the Freedom of Information Act (FOIA), the Trust can confirm that it holds information relevant to your request and this has been provided where possible below.

Please note University Hospitals Sussex NHS Foundation Trust has been in operation since 1 April 2021, following the merger of Brighton and Sussex University Hospitals NHS Trust (BSUH) and Western Sussex Hospitals NHS Foundation Trust (WSHT).

1-2. Yes, to some extent. The Trust can pull data from the NHS Electronic Staff Record (ESR) system which can report by staff group (medical, registered nursing, etc.) or by department. Reporting by “medical specialty” is not as straightforward, but departmental reporting will follow medical specialties to some degree.

3. Please refer to the table below for the number of staff that were dismissed over the last three financial years. On the basis that you have requested information for periods of time both before and after the merger (see note above), we have provided our information broken down by legacy Trust and University Hospitals Sussex NHS Foundation Trust where applicable.

Number of Leavers for Reasons of Dismissal			
Financial Year	Legacy WSHT	Legacy BSUH	UHSx
2019/20	30	13	
2020/21	20	37	
2021/22			45
Total	50	50	45

3-4. The specific information you are seeking relevant to qualifying public interest disclosures and employment tribunal claims is not held on a central administration system. Information related to this activity is recorded in a number of spreadsheet registers, but not to the level of detail that is required to answer these questions. Any effort to compile this information would require the manual audit of all individual claim files relevant to the periods outlined in your request.

Though we appreciate that you reduced the scope of your request, the provision of information in the format requested will still require an unreasonable level of staff resources to process. The numbers provided in the table above should give you some indication of the work involved in providing this information. We have therefore concluded that we are unable to provide the information you are seeking within the ‘appropriate limit’ as outlined in the Fees Regulations and section 12 provision [*cost limit*] under the Act is applicable at this time. While we fully appreciate the public interest in the information you are requesting, we simply do not have the spare capacity to carry out the work involved in responding to requests that will exceed the cost limit.

University Hospitals Sussex NHS Foundation Trust has studied the work involved in processing this part of your request and has estimated that the cost of complying with this would exceed the appropriate limit as set out in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004. The limit set down by the regulations for public authorities is £450, which amounts to a maximum of 18 hours of search and retrieval time charged at £25.00 per

hour, the hourly rate also specified in the regulations. The Trust considers that it would take in excess of 18 hours to retrieve and extract the information in the format that you have requested. Subsequently, it would cost the Trust more than £450, the limit specified in the regulations. Under section 12 of the Freedom of Information Act, the Trust is therefore not obliged to provide the information that you have requested. We regret any inconvenience this decision may cause.

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If you require clarification or if we can be of any further assistance, please do not hesitate to contact us at: UHSussex.foi@nhs.net

If after contacting us with any questions or concerns you remain dissatisfied with the outcome of your enquiry, you have the right to appeal. Complaints should be made within 40 working days of the Trust response. We are not obliged to carry out an internal review into the processing of your request after this period. If you wish to submit a complaint, please provide the basis for your appeal by emailing us or write to:

Freedom of Information Office
C/O Company Secretary
University Hospitals Sussex NHS Foundation Trust
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Lyndhurst Rd,
Worthing BN11 2DH

After we have reviewed your complaint, if you are still not satisfied with the outcome of your appeal you can contact the Information Commissioner's Office. This can be done via their website - <https://ico.org.uk/make-a-complaint/official-information-concerns-report/official-information-concern/> or via telephone - 0303 123 1113.

We hope you are happy with the processing of your request and find the information provided helpful.

Yours sincerely,

Freedom of Information Office
University Hospitals Sussex NHS Foundation Trust