

Ref: FOIA Reference 2019/20-145

Royal Stoke University Hospital
Quality, Safety and Compliance Department
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Date: 17th June 2019

Email foi@uhnm.nhs.uk

Dear

I am writing in response to your email dated 13th June 2019 requesting information under the Freedom of Information Act (2000) regarding sickness formal hearing.

I can neither confirm nor deny whether the information you have requested is held by the Trust in its entirety. This is because the information requested in question 1 is not held centrally, but may be recorded in individual personal records. In order to confirm whether this information is held we would therefore have to individually access all individual personal records within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: *cost of compliance is excessive*. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all individual personal records and then extracting relevant information would take longer than the 18 hours allowed for.

In addition to the section 12 exemption the Trust is also applying section 14 (1) exemption: *oppressive burden on the authority*.

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 Please let me know the number of employees who would trigger a Stage 3 Sickness Hearing split by division and directorate for each month since 01/01/2018.

A1 Sections 12 and 14 exemptions as detailed above, however please note; Each case is managed locally across the Trust on an individual basis and escalation to Stage 3 is the Manager's decision and is based on factors including medical advice; reasonable adjustments; potential for redeployment; ill-health retirement; medical condition.

Q2 Of those who reached the Stage 3 trigger point each month how many actually had a formal hearing undertaken.

A2 We are unable to provide some of the information you require in the requested format as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under Data Protection Act 2018. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the FOI Act. *Personal information*. However as the Trust is committed to openness and transparency we can band the numbers, please see below:

January 2018	13
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February	Less than 5
March	5
April	Less than 5
May	Less than 5
June	6
July	5
August	10
September	Less than 5
October	5
November	15
December	Less than 5

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

Where the Trust owns the copyright in information provided, you may re-use the information in line with the conditions set out in the Open Government Licence v3 which is available at <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>. Where information was created by third parties, you should contact them directly for permission to re-use the information.

An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

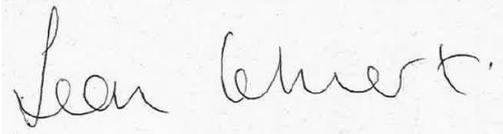
Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 676474.

Yours,

A handwritten signature in black ink on a light grey background. The signature reads "Jean Lehnert" in a cursive script.

Jean Lehnert
Information Governance Manager