

# Freedom of Information Request

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Reference Number: EPUT.FOI.19.1117  
Date Received: 14th June 2019

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## Information Requested:

- 1) What is the total number of staff currently employed by the trust?  
The Trust believes that this information is publicly available on the Essex Partnership NHS Trust website (<https://eput.nhs.uk/about-us/>) and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means). \*
- 2) How many members of staff were suspended on full pay in the last three years? Rather than giving a total for the years combined, please specify the number of those suspended on full pay in each 2016, 2017, 2018 and 2019 to-date.
  - 2016 – 23 suspensions
  - 2017 – 29 suspensions
  - 2018 – 22 Suspensions
  - 2019 – 4 Suspensions
- 3) The total cost for each year 2016, 2017, 2018 and 2019 to-date spent on paying staff while suspended. Please break this down into each year rather than a whole total.
  - 2016 – £185,594.64
  - 2017 – £202,173.79
  - 2018 – £215,890.15
  - 2019 – £14,115.56
- 4) For each incident of suspension, please break down the following:
  - The role of the person suspended (Mental health worker, doctor etc).  
The Trust considers that this information alongside the other data is personally identifiable and is therefore exempt under Section 40 (Personal Information) of the Act.
  - Their years in service.  
The Trust does not record this information in a way that can be retrieved without a manual trawl of each individual's personnel files which would exceed the time and cost limits, as set out in the Act. The Trust is therefore applying Section 12 of the Act (where cost of compliance exceeds appropriate limit).
  - Where they were working when suspended (Royal Blackburn Hospital, Ballenden House).  
The Trust considers that this information alongside the other data is personally identifiable and is therefore exempt under Section 40 (Personal Information) of the Act.

- Circumstances behind the suspension. (Misconduct, inappropriate sexual relationship etc).  
This information is included in the attached spreadsheet.
  - Date (where appropriate) of the incident which led to suspension.  
The Trust considers that this information alongside the other data is personally identifiable and is therefore exempt under Section 40 (Personal Information) of the Act.
  - The date the individual was suspended from and to.  
The Trust considers that this information alongside the other data is personally identifiable and is therefore exempt under Section 40 (Personal Information) of the Act. However we have included details of the length of suspension.
  - How much was paid to the suspended person.  
The Trust does not record this information in a way that can be retrieved without a manual trawl of each individual's payslips for the period of suspension which would exceed the time and cost limits, as set out in the Act. The Trust is therefore applying Section 12 of the Act (where cost of compliance exceeds appropriate limit).  
However, please note that the Trust is able to provide an approximation based on the annual salary at the time of suspension. This includes on costs, but excludes any enhancements.
  - The outcome of any suspension – both internal and external.  
This information is included in the attached spreadsheet.
  - Did the staff member return to a role following the suspension?  
This information is included in the attached spreadsheet.
- 5) What was the longest suspension over the three-year period?  
This information is contained within the attached spreadsheet.
- 6) How much was paid to that employee during that suspension?  
This information is contained within the attached spreadsheet.
- 7) Please include the employee's role, reason for suspension and outcome of suspension.  
This information is contained within the attached spreadsheet, with the exception of the employee's role which the Trust considers to be identifiable and is therefore exempt under Section 40 (Personal Information) of the Act.
- 8) Finally, please include the total number of staff currently suspended on full pay from the trust.

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**Applied Exemption:**

**\*Section 21: Information accessible to applicant by other means.**

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
  - (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
  - (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

**Applied Exemption:**

**Exemption: Section 40: Personal information**

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
  - (a) it constitutes personal data which do not fall within subsection (1), and
  - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
  - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of "data" in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
    - (i) any of the data protection principles, or
    - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
  - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.

- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject's right of access to personal data).
- (5) The duty to confirm or deny—
  - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
  - (b) does not arise in relation to other information if or to the extent that either—
    - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
    - (ii) by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject's right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.
- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;
  - “data subject” has the same meaning as in section 1(1) of that Act;
  - “personal data” has the same meaning as in section 1(1) of that Act.

**Exemption: Section 12 (Exemption where cost of compliance exceeds appropriate limit):**

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.

(3) In subsections (1) and (2) “the appropriate limit” means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

(4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—

(a) by one person, or

(b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.

(5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated

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**Publication Scheme:**

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A publication scheme is a guide to the information that is held by the organisation. EPUT’s Publication Scheme is located on its Website at the following link <https://eput.nhs.uk/>

Staff Group	Gross misconduct/Misconduct	Allegation Type	Suspended (Yes / No)	Suspension days lapsed	length (weeks) of suspension	Outcome	Cost of Suspension	Return to substantive role (Y/N)
Nursing and Midwifery Registered	Gross misconduct	Professional misconduct	Yes	258	36	NFA	£20,342.36	Y
Nursing and Midwifery Registered	Gross Misconduct	Breach of Trust Policy	Yes	134	19	NFA	£12,030.79	Y
Estates & Ancillary	Gross Misconduct	Professional misconduct	Yes	127	18	1st Written Warning	£4,727.20	Y
Allied Health Professionals	Gross Misconduct	Professional misconduct	Yes	81	11	NFA	£6,140.48	Y
Additional Clinical Services	Gross Misconduct	Professional misconduct	Yes	158	22	Final Written Warning	£9,219.18	Y
Estates & Ancillary	Gross Misconduct	Professional misconduct	Yes	77	11	Resignation	£916.19	N
Additional Clinical Services	Gross Misconduct	Conduct and Capability	Yes	95	13	1st Written Warning	£5,029.71	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	yes	86	12	NFA	£4,922.50	Y
Additional Clinical Services	Gross Misconduct	Professional misconduct	Yes	106	15	NFA	£7,380.15	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	54	7	Dismissal	£3,573.66	N
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	22	3	Resignation	£1,133.50	N
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	278	39	1st Written Warning	£8,147.30	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	346	49	NFA	£10,029.35	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	293	41	1st Written Warning	£6,259.04	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	279	39	NFA	£13,503.20	Y

Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	310	44	NFA	£11,650.04	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	328	46	1st Written Warning	£9,236.58	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	289	41	1st Written Warning	£11,607.96	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	98	14	Dismissal	£6,565.52	N
Additional Clinical Services	Gross misconduct	Professional misconduct	yes	181	25	Final Written Warning	£3,501.19	Y
Additional Clinical Services	Gross Misconduct	Bullying & Harassment	Yes	213	30	NFA	£1,001.00	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct, Bullying and Harassment	Yes	230	32	NFA	£1,253.79	Y
Allied Health Professional	Gross Misconduct	Professional misconduct	Yes	305	43	NFA	£27,423.95	Y
						<b>TOTAL</b>	<b>£185,594.64</b>	

Staff Group	Gross Misconduct/ Misconduct	Allegation Type	Suspended Yes/No	Suspension days lapsed	Length (weeks) of suspension)	Outcome	Cost of Suspension	Return to substantive role (Y/N)
Nursing and Midwifery Registered	Gross misconduct	Professional misconduct	Yes	258	36	NFA	£2,718.77	Y
Additional Clinical Services	Gross Misconduct	Professional misconduct	Yes	106	15	NFA	£2,969.96	Y
Nursing and Midwifery Registered	Gross Misconduct	Breach of Trust Policy	Yes	54	7	Dismissal	£2,771.11	N
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	278	39	1st Written Warning	£1,919.08	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	346	49	NFA	£5,393.56	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	293	41	1st Written Warning	£1,891.62	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	279	39	NFA	£3,315.52	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	310	44	NFA	£4,472.78	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	328	46	1st Written Warning	£4,228.30	Y
Estates & Ancillary	Gross Misconduct	Bullying & Harassment	Yes	289	41	1st Written Warning	£3,368.38	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	98	14	Dismissal	£2,954.89	N
Additional Clinical Services	Gross misconduct	Professional misconduct	yes	181	25	Final Written Warning	£8,445.70	Y
Additional Clinical Services	Gross Misconduct	Bullying & Harassment	Yes	213	30	NFA	£2,619.05	Y
Nursing and Midwifery Registered	Gross Misconduct	Theft and Bullying and Harassment	Yes	230	32	NFA	£17,707.64	Y
Nursing and Midwifery Registered	Gross misconduct	Professional misconduct	Yes	138	19	Final Written Warning	£16,671.25	Y



Allied Health Professional	Gross misconduct	Professional misconduct	yes	140	20	1st Written Warning	£16,329.05	Y
Additional Clinical Services	Gross Misconduct	Verbal abuse and neglect of patient care	yes	71	10	NFA	£3,701.09	Y
Nursing and Midwifery Registered	Other substantive	External proceedings	Yes	103	14	Dismissal	£13,171.93	N
Administrative and Clerical	Gross misconduct	Professional misconduct	Yes - Lifted	23	3	NFA	£6,655.27	Y
Nursing and Midwifery Registered	Gross misconduct	Bullying & Harassment, Professional misconduct	yes	160	22	1st Written Warning	£16,979.16	Y
Allied Health Professionals	Gross Misconduct	Professional misconduct	Yes	376	53	Dismissal	£17,040.00	N
Allied Health Professional	Gross Misconduct	Professional misconduct	Yes	305	43	NFA	£5,249.12	Y
Administrative and Clerical	Gross Misconduct	Other	Yes	173	24	Final Written Warning	£6,459.03	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	136	19	Dismissal	£9,545.75	N
Nursing and Midwifery Registered	Gross misconduct	Professional misconduct	Yes	215	30	NFA	£12,819.00	Y
Nursing and Midwifery Registered	Statute	Statute	yes	80	11	Resignation	£3,849.87	N
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	54	7	NFA	£3,834.57	Y
Medical and Dental	Gross Misconduct	Professional misconduct	Yes	157	22	Verbal Warning	£3,549.01	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	69	9	NFA	£8,002.36	Y
						<b>TOTAL</b>	<b>£202,173.79</b>	

Staff Group	Gross Misconduct/ Misconduct	Allegation Type	Suspended Yes/No	Suspension days lapsed	Length (weeks) of suspension)	Outcome	Cost of Suspension	Return to substantive role (Y/N)
Allied Health Professionals	Gross Misconduct	Professional misconduct	Yes	376	53	Dismissal	£3,408.00	N
Administrative and Clerical	Gross Misconduct	Other	Yes	173	24	Final Written Warning	£6,459.04	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	136	19	Dismissal	£357.23	N
Nursing and Midwifery Registered	Gross misconduct	Professional misconduct	Yes	215	30	NFA	£17,384.67	Y
Nursing and Midwifery Registered	Statute	Statute	yes	80	11	Resignation	£418.84	N
Allied Health Professionals	Gross misconduct	Bullying & Harassment	Yes	181	25	Dismissal	£25,149.21	N
Nursing and Midwifery Registered	Gross Misconduct	Professional misconduct	Yes	54	7	NFA	£2,753.03	Y
Medical & Dental	Gross Misconduct	Professional misconduct	Yes	157	22	Verbal Warning	£10,301.75	Y
Nursing and Midwifery Registered	Gross misconduct	Breach of Trust Policy	Yes	72	10	TUPE Transfer	£5,087.37	Not known
Allied Health Professionals	Gross Misconduct	Professional misconduct	Yes	11	1	NFA	£660.40	Y
Nursing and Midwifery Registered	Gross Misconduct	Patient Safety	Yes	18	2	NFA	£1,817.10	Y
Additional Clinical Services	Gross Misconduct	Patient Safety	Yes	37	5	NFA	£1,531.50	Y
Nursing and Midwifery Registered	Gross Misconduct	Patient Safety	Yes	8	1	NFA	£1,094.66	Y
Allied Health Professionals	Gross Misconduct	Professional misconduct	Yes	28	4	Dismissal	£2,172.50	N
Allied Health Professionals	Gross Misconduct	Professional misconduct	Yes	202	28	NFA	£15,197.88	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional Misconduct	Yes	147	21	Dismiss & Re- engage	£25,383.86	N

Nursing and Midwifery Registered	Gross Misconduct	Patient Safety	Yes	238	34	NFA	£19,782.87	Y
Additional Clinical Services	Gross misconduct	Professional misconduct	Yes	47	6	Resignation	£3,190.85	N
Medical and Dental	Gross misconduct	Professional misconduct	Yes	111	15	NFA	£28,599.68	Y
Administrative and Clerical	Gross Misconduct	Professional misconduct	Yes	15	2	Dismissal	£1,008.07	N
Nursing and Midwifery Registered	Gross Misconduct	Health & Safety	Yes	35	5	NFA	£939.13	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional Misconduct	Yes	356	50	NFA	£43,192.51	Y
						<b>TOTAL</b>	<b>£215,890.15</b>	

Staff Group	Gross Misconduct/ Misconduct	Allegation Type	Suspended Yes/No	Suspension days lapsed	Length (weeks) of suspension)	Outcome	Cost of Suspension	Return to substantive role (Y/N)
Nursing and Midwifery Registered	Gross Misconduct	Patient safety	Yes	238	34	NFA	£4,284.13	Y
Nursing and Midwifery Registered	Gross Misconduct	Health & Safety	Yes	35	5	NFA	£939.13	Y
Nursing and Midwifery Registered	Gross Misconduct	Professional Misconduct	Yes	356	50	NFA	£2,299.66	Y
Additional Professional Scientific & Technical	Gross Misconduct	Professional misconduct	Yes	65	9	Ongoing	£6,592.64	N/A
<b>TOTAL</b>							<b>£14,115.56</b>	