

## Freedom of Information Request

---

**Reference Number:** EPUT.FOI.21.2094

**Date Received:** 9<sup>th</sup> July 2021

---

### Information Requested:

I would like to request under FOI the following data. Please provide the data in Excel:

1. As at the 31st March 2021\* total workforce in each AFC pay band, Medical and Exec/Non exec categories broken down by each of the following:
    - a. Gay or lesbian
    - b. Bisexual
    - c. Heterosexual or straight
    - d. Other not listed
    - e. Undecided
    - f. Did not disclose
    - g. Not known
    - h. Total
  
  2. For the Financial year 20/21 the number of applicants, the number shortlisted and the number appointed separately by:
    - a. Gay or lesbian
    - b. Bisexual
    - c. Heterosexual or straight
    - d. Other not listed
    - e. Undecided
    - f. Did not disclose
    - g. Not known
    - h. Total
  
  3. For the financial year 20/21 the number of leavers by:
    - a. Gay or lesbian
    - b. Bisexual
    - c. Heterosexual or straight
    - d. Other not listed
    - e. Undecided
    - f. Did not disclose
    - g. Not known
    - h. Total
- 

### Response:

Please see attached. However please note that numbers less than five have been withheld as The Trust believes this could be personally identifiable put together with other

information. The Trust considers that this is exempt under Section 40 (Personal Information) of the Act

---

**Applied 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

---

**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>

| Q1                          |                |            |                          |                  |            |                  |            |
|-----------------------------|----------------|------------|--------------------------|------------------|------------|------------------|------------|
| AfC Band_Staff Group        | Gay or Lesbian | Bisexual   | Heterosexual or Straight | Other not listed | Undecided  | Did not disclose | Not known  |
| Band 1                      | 0              | 0          | 0                        | 0                | 0          | 0                | Section 40 |
| Band 2                      | 8              | Section 40 | 403                      | 0                | Section 40 | 137              | 73         |
| Band 3                      | 18             | 9          | 785                      | 0                | 0          | 115              | 92         |
| Band 4                      | 12             | Section 40 | 454                      | Section 40       | 0          | 103              | 59         |
| Band 5                      | 13             | 8          | 536                      | 0                | Section 40 | 95               | 38         |
| Band 6                      | 16             | 8          | 828                      | 0                | 0          | 169              | 77         |
| Band 7                      | 9              | 5          | 377                      | Section 40       | 0          | 135              | 39         |
| Band 8a                     | 9              | 0          | 177                      | 0                | 0          | 46               | 13         |
| Band 8b                     | 0              | Section 40 | 69                       | 0                | 0          | 21               | 14         |
| Band 8c                     | Section 40     | Section 40 | 24                       | 0                | 0          | 8                | Section 40 |
| Band 8d                     | 0              | 0          | 13                       | 0                | 0          | 15               | 0          |
| Band 9                      | 0              | 0          | 5                        | 0                | 0          | Section 40       | 0          |
| VSM                         | Section 40     | 0          | 10                       | 0                | 0          | 5                | 0          |
| Executive Board Members     | Section 40     | 0          | 6                        | 0                | 0          | 0                | 0          |
| Non Executive Board Members | 0              | 0          | 6                        | 0                | 0          | Section 40       | 0          |
| Medical/Dental              | Section 40     | Section 40 | 145                      | 0                | 0          | 76               | Section 40 |
| Other                       | 0              | 0          | 9                        | 0                | 0          | Section 40       | Section 40 |

| Q2                                  |            |             |            |
|-------------------------------------|------------|-------------|------------|
| Sexual Orientation                  | Applicants | Shortlisted | Appointed  |
| Gay or Lesbian                      | 93         | 52          | 29         |
| Bisexual                            | 123        | 88          | 17         |
| Heterosexual or Straight            | 4558       | 2921        | 975        |
| Other sexual orientation not listed | 19         | 11          | 7          |
| Undecided                           | 10         | 7           | Section 40 |
| Did not disclose                    | 169        | 107         | 37         |
| Not stated                          | 489        | 0           | Section 40 |

| Q3                       |            |
|--------------------------|------------|
| Sexual Orientation       | TOTAL      |
| Gay or Lesbian           | 6          |
| Bisexual                 | Section 40 |
| Heterosexual or Straight | 376        |
| Undecided                | Section 40 |
| Did not disclose         | 78         |
| Not known                | 48         |