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| Ministry of Justice | May 2017 |

**Freedom of Information Act (FOIA) Request – 111649**

You asked for the following information from the Ministry of Justice (MoJ):

**Please provide figures for the number of staff who left employment at HMP Leeds on the grounds of Medical Inefficiency in the years 2014, 2015, 2016 and the level (Eg 50%, 100% etc) of compensation awarded.**

Your request has been handled under the FOIA.

I can confirm the MoJ holds the information you have requested.

The table below contains information on the number of medical inefficiency dismissals from HMP Leeds and the number receiving compensation payments in 2014, 2015 and 2016.

**Medical Inefficiency Dismissals From HMP Leeds and Compensation Payments Received 2014, 2015 and 2016**

|  |  |  |
| --- | --- | --- |
| **Year** | **Medical Inefficiency Dismissals** | **Compensation Payments** |
| 2014 | 10 | ~ |
| 2015 | 17 | 14 |
| 2016 | 19 | 15 |

~ Denotes where figures are two or fewer or where a figure of two or fewer of cases without a compensation payment could be derived from the total.

**Notes**: 1. Medical inefficiency occurs in situations when it becomes clear that a member of staff is absent and will not return to work in an acceptable timescale or is unable to give regular and effective service in the duties of their grade under Civil Service guidelines. 2. Compensation payments to staff may be reversed if a successful appeal takes place. Consequently the figures on compensation awarded may not be final. 3. Medical inefficiency dismissal may also not have a compensation payment made if the departure is reassigned as a medical retirement after the inefficiency dismissal is first recorded as the leaving reason on the HR system.

In relation to the second part and by way of clarification, we have interpreted ‘level of compensation awarded’ to mean the proportion of leavers on grounds of Medical Inefficiency who were awarded a severance payment.

Some of the information on compensation payments is exempt from disclosure because the number of cases is two or fewer and risks identification of individuals.

We are not obliged, under section 40(2) of the FOIA, to provide personal information, such as for severance payment, if releasing such information would contravene any of the provisions in the Data Protection Act 1998 (DPA). If a request is made for information and the total figure amounts to two people or fewer, the MoJ must consider whether this could lead to the identification of individuals and whether disclosure of this information would be in breach of our statutory obligations under the DPA. The figures if disclosed will indicate leavers with no severance payment which is too low. As such we believe that a release in this format would through a jig-saw approach, risk identification of the individuals concerned and that would potentially result in harm to the individual/s concerned or their family.

Personal data can only be released if to do so would not contravene any of the data protection principles of the DPA. The first principle states:

*Personal data shall be processed fairly and lawfully and, in particular, shall not be processed unless—*

*(a) at least one of the conditions in Schedule 2 is met, and*

*(b) in the case of sensitive personal data, at least one of the conditions in Schedule 3 is also met.*

We believe releasing the requested information would be unlawful. Individuals have a clear and strong expectation that their personal data will be held in confidence and not disclosed to the public under the FOIA.

Disclosure would therefore breach the first data protection principle as it would be unlawful.

Further information on the data protection principles is available as follows:

http://www.legislation.gov.uk/ukpga/1998/29/schedule/1

http://www.legislation.gov.uk/ukpga/1998/29/schedule/2

http://www.legislation.gov.uk/ukpga/1998/29/schedule/3

This is an absolute exemption and does not require a public interest test.