

XXXX  
XXXX

data.access@justice.gsi.gov.uk

November 2018

Dear XXXX

**Freedom of Information Act (FOIA) Request – 181022030**

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

- 1. How many employment tribunal cases included a tick in the whistleblowing box on the ET1 form in 2017/18, 2016/17, 2015/16, 2014/15 and 2013/14?**
- 2. How many of these were in cases raised in Scotland in each year?**
- 3. How many of these forms were passed on to a statutory body or regulator in each year?**
- 4. How many of the Scottish forms were passed on in each year?**
- 5. How many times was the tribunal service contacted by a statutory body or regulator in relation to these cases in each year?**
- 6. How many time was the tribunal service in Scotland contacted in each year?**

Your request has been handled under the FOIA.

For ease of reference I have numbered your questions.

I can confirm that the MoJ holds some of the information that you have requested and I have provided it below.

Regarding Questions five and six, the MoJ does not hold the information requested. This is because there is no legal or business requirement for MoJ to do so. The FOIA does not oblige a public authority to create information to answer a request if the requested information is not held. The duty is to only provide the recorded information held.

Regarding Questions one – four, I can confirm that the MoJ holds the information that you have requested. However, it is derived from records maintained manually and is not subject the same level of quality assurance as electronically-derived data.

Financial Year	Number of claims received with tick in whistleblowing box		Claims forwarded to statutory or regulatory body	
	National	Scotland	National	Scotland
April 13 - March 14	535	15	60	5
April 14 - March 15	560	5	80	0
April 15 - March 16	315	10	45	0
April 16 - March 17	325	10	40	0
April 17 - March 18	730	60	60	0

Notes regarding the above data.

1. Data is rounded to the nearest multiple of 5 to reflect the inherent inaccuracies of the manual collection of this data. (Values of 0,1 and 2 are rounded to 0).
2. The data were collated from manual returns submitted to the Employment Tribunal central office.
3. The data are the number of claims that were forwarded to the statutory or regulatory body recorded on the ET1 form UNLESS the claimant states in the body of the claim that they have already contacted the regulator, in which case the department would not refer again even if they tick the box.
4. If the department is unable to identify the regulator the claimant is issued with a list of regulators who they can contact if they wish to raise a disclosure directly, or resubmit with the regulator details to the department to submit on their behalf.
5. The regulator is not always identified by the department or the claimant after being issued with the list of possible regulators.
6. Although care is taken when processing and analysing the data, the details are subject to inaccuracies inherent in any large-scale manual recording system, and rounding up and down of the data has been applied, as described above.
7. These data will differ from MoJ published statistics for Public Interest Disclosure because the tick box is optional on the part of the claimant.

## Appeal Rights

If you are not satisfied with this response you have the right to request an internal review by responding in writing to one of the addresses below within two months of the date of this response.

data.access@justice.gov.uk

Disclosure Team, Ministry of Justice, 10.38, 102 Petty France, London, SW1H 9AJ

You do have the right to ask the Information Commissioner's Office (ICO) to investigate any aspect of your complaint. However, please note that the ICO is likely to expect internal complaints procedures to have been exhausted before beginning their investigation.

Yours sincerely,

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