

Trust Board Report

Meeting Date:	29 th October 2012
Title:	Equal Pay Claims
Executive Summary:	To provide an update on the progression of Equal Pay Claims lodged against the Trust
Action Requested:	To Note the update.
Report of:	Director of HR
Author: Contact Details:	Diane Wilding, Deputy Director of HR Tel 01902 695430 Email: Diane.Wilding@nhs.net
Resource Implications:	
Public or Private: (with reasons if private)	Public Session
References: (eg from/to other committees)	
Appendices/ References/ Background Reading	
NHS Constitution: (How it impacts on any decision-making)	<p>In determining this matter, the Board should have regard to the Core principles contained in the Constitution of:</p> <ul style="list-style-type: none"> ✦ Equality of treatment and access to services ✦ High standards of excellence and professionalism ✦ Service user preferences ✦ Cross community working ✦ Best Value ✦ Accountability through local influence and scrutiny

BACKGROUND DETAILS

1. Background

This report provides an update to the Trust Board in terms of the ongoing Equal Pay Claims lodged against the Trust back in 2006. 340 claims were submitted with an estimated risk to the Trust of between £8.5 million.

In November 2006, the number of claims rose to 370 with an estimated value of £10.175 million.

On close scrutiny of all claims by the HR Department, the number of potentially valid claims reduced to 288 with an estimated value of £7.9 million.

A significant piece of work prevailed to work in conjunction with a number of other Trust's at risk on a National level, NHSLA and Browne Jacobson (solicitors representing the Trusts). At the same time a detailed project was carried out within the HR team to match data and produce historical information to mitigate the claims with positive results; reducing the claims in December 2009 to 40 active claims with an estimated value of £1.5 million. The bulk being either withdrawn or struck off in Tribunal on evidence submissions.

2. Process

Of the 40 active claims, an Independent Expert was instructed to produce a report which involved interviewing lead claimants; male comparators and further scrutiny of appropriate information i.e. job descriptions etc... During this process a further 11 claims were withdrawn; leaving a total of 29 claims outstanding with an estimated value of £800,000.

In September 2011 the Independent Expert submitted his first draft report, followed by his final report in February 2012 in which he concluded that that only 15 of the remaining claims represented a risk to the Trust of equal value for equal pay; these are instructed for future Tribunal hearing (date to be set) when a final decision will be made on their validity and awarded costs. The current risk to the Trust in financial terms is estimated at £300,000; a significant reduction from the initial challenge.

3. Current position

Of the 15 claims outstanding, 11 are representing themselves and only 4 remain represented by Thompsons Solicitors. We have every confidence that claims can be resolved without the need or cost to the Trust of Tribunal hearings for what is looking like a significantly reduced rate (especially in comparison to the starting point). Full closure is expected before the end of this year.

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