



[REDACTED]

Date
26 September 2024

[REDACTED]

Post Office
100 Wood Street
London EC2V 9ER

Your Ref:

Classification:
Public

Dear [REDACTED],

Freedom of Information Request – FOI2024/00945

We are writing in response to your email received by Post Office Limited (“**Post Office**”) on 24 June, which has been dealt with under the terms of the Freedom of Information Act 2000 (“**FOIA**”). We apologise for the delay in responding to this request.

In your email you have requested the information shown verbatim in bold below:

“I hereby request the following information relating to the whistleblowing claims against the Post Office or any of its subsidiaries for the period between 1 January 2013 and 29 May 2024.

- 1. Please provide the total number of whistleblowing claims filed against the Post Office or any of its subsidiaries for each of the respective years (2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024)**
- 2. Please provide the total number of whistleblowing claims against the Post Office or any of its subsidiaries for each of the respective years (2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024) which were rejected during the sift stage by the Employment Tribunal.**
- 3. Please provide the total number of strikeout applications under case management powers of the Employment Tribunal considered in relation to whistleblowing claims against the Post Office or any of its subsidiaries for each of the respective years (2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024)**

4. Please provide the total number of strikeout applications that were successful (cases struck out or dismissed under case management powers of the Employment Tribunal) relating to whistleblowing claims against the Post Office or any of its subsidiaries for each of the respective years (2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024)
5. Please provide the names of the claimant, names of all the respective respondents including employees of the Post Office, names of the legal representatives involved in the respective applications for strikeouts and the relevant proceedings.
6. Please provide the names of the Employment Tribunal Judges who considered the applications for strikeout or dismissal and the relevant dates and case numbers.
7. Please provide the names of the Employment Tribunal Judges who struck out or dismissed claims against the Post Office or any of its subsidiaries or employees under case management powers of the Employment Tribunal.
8. Please provide the total number of whistleblowing claims against the Post Office or any of its subsidiaries for each of the respective years (2013, 2014, 2015, 2016, 2017, 2018, 2019, 2020, 2021, 2022, 2023 and 2024) which were determined by the Employment Tribunal at a full hearing and the decisions for the respective claims.
9. Please provide the names of the law firms, solicitors and barristers who represented the Post Office and the other respondents during the respective proceedings

[Following our request for clarification on 8 July 2024, you clarified the same day, saying:]

I do not see the relevance of the query which you have made to the information I have requested and it is difficult to understand why it has taken so long for you to ask this question if it was truly an issue that required clarification.

The request for clarification could only possibly apply to the first numbered item of information requested and cannot apply to the other information requested.

Consequently, it is absurd to suggest that the statutory period will only commence when you receive a response. It is disturbing that the request

for clarification of my request has been delayed and made in a manner that does not specify which request it relates to. This approach and the attempt to delay the statutory obligation to respond to unrelated requests indicates that the request for clarification is a sham.

For the avoidance of doubt, I hereby confirm that the term “whistleblowing claims in the request numbered 1 in my FIO request relates to all complaints, notifications, claims and cases relating or connected to whistleblowing allegations including those involving detriments, victimisation, dismissal or blacklisting etc. Claims includes Employment Tribunal claims and High Court claims. Complaints includes informal, formal, verbal and written complaints. Please note that given that a whistleblowing claim would in most cases relate to instances where a whistleblower report was made I do not understand why it was considered necessary to seek clarification on this point. For the avoidance of doubt I would expect to receive the required information regardless of whether or not the Post Office considers or disputes that a whistleblowing report was made.”

We can confirm that Post Office does hold some information in scope of your request. Please note, Post Office does not hold any relevant pre-March 2018 records.

Regarding part 1 of your request, for the period of March 2018 to 24 June 2024 (the date of your FOIA request), Post Office has had 1 relevant Employment Tribunal claim made against it (i.e. one that pleaded whistleblowing detriment), and 3 individuals who expressly reported making protected disclosures as part of internal complaints or grievances (including the individual who went on to make the employment tribunal claim).

Further and in line with your clarification, the table below sets out the yearly number of reports that Post Office has received through its “Speak Up” function, the channel through which it invites employees, postmasters, and members of the public to report any concern that they may want Post Office to consider for investigation.

2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024
2	0	3	6	19	39	44	46	98	137	41	41

Regarding part 2 of your request, Post Office is not aware of any relevant claim that has been rejected by the Employment Tribunal during the sift stage.

Regarding parts 3 to 8 of your request, relating to Employment Tribunal claims where there have been strikeout applications and those that have been determined after full hearings, for the period of March 2018 to 24 June 2024, Post Office has not been involved in any whistleblowing claim involving a strikeout application nor any case that has been determined after a full hearing by the Employment Tribunal. The claim referred to above (in response to part 1 of this request) is still pending and has not been subject to a strikeout application.

Regarding part 9 of your request relating to the names of the law firms, solicitors and barristers who represented or represent Post Office and other respondents during any Employment Tribunal proceedings, we can confirm that Pinsent Masons is the firm of solicitors that has been representing Post Office and that the barrister representing Post Office is from Devereaux Chambers.

We have withheld the names of individual solicitors and barristers under sections 40(2) and 40(3A) of the FOIA as the information constitutes personal data relating to other persons. These sections exempt personal information from disclosure if that information relates to someone other than the applicant, and if disclosure of that information would breach any of the data-protection principles in Article 5(1) of the UK General Data Protection Regulation (GDPR).

We consider that disclosure of this information is likely to breach the first data-protection principle, which provides that personal data must be processed lawfully, fairly, and in a transparent manner. Disclosure would not constitute 'fair' processing of the personal data because the individual involved would not reasonably expect their names to be disclosed in relation to this request for information.

Finally, under our duty to advise and assist under section 16 of the FOIA and in the spirit of transparency, we advise that since February 2017, the Employment Tribunal has been publishing its decisions and judgments on a searchable online register available at the following website:

<https://www.gov.uk/employment-tribunal-decisions>.

The public can search for claims brought against Post Office (or any other company), although care should be taken to distinguish such claims from those brought against independent postmasters with the name "Post Office" in their company or trading name.

For enquiries about Employment Tribunal judgments in England and Wales prior to February 2017, please contact Bury St Edmunds County Court at:

Civil and family enquiries:
Norwich Combined Court
The Law Courts
Bishop Gate
Norwich
NR3 1UR

If you are dissatisfied with the handling of this response, you do have a right to request an internal review. You can do this by writing to the address above within 40 working days of receipt of this response stating your reasons for your internal review request or alternatively, by emailing information.rights@postoffice.co.uk.

If, having requested an internal review by Post Office, you are still not satisfied with our response you also have a right of appeal to the Information Commissioner at:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 0303 123 1113
www.ico.org.uk/foicomplaints

Yours sincerely,

Information Rights Team
information.rights@postoffice.co.uk
<https://corporate.postoffice.co.uk/en/governance/access-to-information/access-to-information/>

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