



Resolution

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December 2025
FOI_7560

The following information was requested on 14 November 2025 and clarified on 20 November 2025:

[On 14 November 2025 you requested]:

Comparative PIP data (anonymised where necessary)

A record of the number of Performance Improvement Plans issued to Black employees, broken down by band for the period January 2023 – November 2025, compared with non-Black employees within the procurement and contracts team.

Any internal reviews, monitoring data, or equality impact assessments regarding the application of performance-management procedures by ethnicity or band.

[We sought clarification on 20 November 2025]:

We are processing your question below as a FOI and need to ask for clarification.

In regards of:

*o Any internal reviews, monitoring data, or equality impact assessments regarding the application of performance-management procedures by ethnicity or band.
Please, can you confirm what time frame this information should cover?*

We look forward to hearing from you.

[You replied on 20 November 2025 with]:

The timeframe I would like to cover is from May 2023 to November 2025.

Our Response

In response to: *A record of the number of Performance Improvement Plans issued to Black employees, broken down by band for the period January 2023 – November 2025, compared with non-Black employees within the procurement and contracts team.*

Due to the small numbers involved (fewer than 5) we are unable to provide you with further information due to data protection grounds.

Section 40 (2) Refusal Notice

Disclosure of information with this level of granularity is exempt under section 40(2) and when section 40(3A) (a) of the Freedom of Information Act is satisfied, where disclosure

to a member of the public would contravene one or more of the data protection principles. The first data protection principle concerns fairness and lawfulness, and we take the view that it would be neither fair nor lawful to disclose more granular information. This is in part because data subjects who the information relates to would not expect us to process their personal information in this way, and we do not believe there is a legal requirement for us to do so.

The granular data is information from which we believe the likelihood exists that individuals who are the subject of this information may be identified either from this information alone, or in combination with other available information. In addition to this, as this information is considered to be confidential in nature (relating to an individual's performance at work) NHS Resolution believes it has a greater responsibility to protect those individuals' identities, as disclosure could potentially cause damage and/or distress to those involved.

It is also noted that disclosure under FOI is essentially a disclosure to the wider public and we do not believe it is appropriate for this information to be disclosed for the reasons stated above.

In response to: Any internal reviews, monitoring data, or equality impact assessments regarding the application of performance-management procedures by ethnicity or band. The timeframe I would like to cover is from May 2023 to November 2025.

We can confirm that in total there were 31 cases dealt with under the Capability process in the timeframe requested.

The White/White British category - 16 employees in total.

For the remaining 15 cases, we are unable to provide you with the breakdown of the ethnicity category due to data protection grounds and the low numbers the remaining categories represents. Please refer to our section 40 refusal notice above for an explanation why we cannot provide any further breakdown.

This concludes our response to your request.

If you are not satisfied with the service that you have received in response to your information request, it is open to you to make a complaint and request a formal review of our decisions. If you choose to do this, you should write to [Joanne Appleby](#), Deputy Data Protection Officer for NHS Resolution, within 28 days of your receipt of this reply. Reviews of decisions made in relation to information requests are carried out by a person who was not involved in the original decision-making about the request.

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a review of the decision. Generally, the Information Commissioner will not make a decision unless you have exhausted the local complaints procedure. The address of the Information Commissioner's Office is:

Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

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