

Date: 24/06/2016

FREEDOM OF INFORMATION REQUEST FOI/012851 – Judicial mediation

I would like to make a request under the Freedom of Information Act. I am outlining my query as specifically as possible, if however this request is too wide or too unclear, I would be grateful if you could contact me, as I understand that under the Act, you are required to advise and assist those submitting requests.

1. For each of the past five financial years, what was the total number of employees that left your trust through judicial mediation? 0

2. For each of the last five financial years how much was paid to departing employees through judicial mediation? Again, I am looking for annual breakdowns of the data. NA

The annual breakdown should include the following three elements;

A – The statutory amount the employee received (ie the sum to which they were legally entitled for redundancy). NA

B – The amount paid in special severance payments. NA

C - The overall total of statutory and special severance payments. NA

3. For each of the past five financial years, how many of the employees who left through judicial mediation signed a settlement agreement (formerly known as a compromise agreement)? NA

4. For each of the past five financial years, how many employees who left through judicial mediation agreed a confidentiality clause? NA

I have referred to the guidance issued to NHS employers for my definition of a confidentiality clause which states:

1. Clauses which cover the terms of that agreement ? for example, prohibiting any parties concerned from reporting the detail about the terms of the agreement.

2. Clauses which protect confidential information gained by the employee as part of their employment, such as business-sensitive data or patient records. It is important to outline to all staff, their responsibilities to comply with the Data Protection Act 1998 and confidentiality within their terms and conditions of employment.

3. Clauses against derogatory comments being made which prevents the employee from making vexatious, disparaging or derogatory comments about the organisation and its staff. In such cases, there is usually a mutual clause which also prevents the organisation from making disparaging or derogatory comments about the employee.

(Ref page 5 <http://www.nhsemployers.org/~media/Employers/Publications/settlement-agreements.pdf>)

5. Taking the definition of confidentiality clauses used in Question 4, for each of the past five financial years, how many fell under the definition 1? 2? 3? Other? NA

6. For each of the past five financial years, how many staff who left via judicial mediation received an agreed reference? NA

7. For each of the past five financial years, how many of the judicial mediation cases were referred to the Department for Health/Treasury for sign off? NA