

Date: 28/06/2016

FREEDOM OF INFORMATION REQUEST FOI/012842 – Settlement agreements

1. For each of the last five financial years (11/12 – 15/16) what was the total number of employees who signed settlement agreements when they left your Trust? Please note I would like an annual breakdown for each year as opposed to one figure covering the five-year period.

2. For each of the last five financial years how much was paid to departing employees as part of the settlement agreements? Again, I am looking for annual breakdowns of the data.

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).

B – The amount paid in special severance payments. For clarity, I have taken the definition of special severance payment from guidance issued to NHS employers in December 2013, which states: HM Treasury defines a special severance payment as a payment made to employees, contractors and others above normal statutory or contractual requirements when leaving employment in public service whether they resign, are dismissed, or reach an agreed termination of contract.

Ref Page 4 - <http://www.nhsemployers.org/~media/Employers/Publications/settlement-agreements.pdf>

C The overall total of statutory and special severance payments for each of the last five financial years.

3 (A). For each of the past five financial years, how many of the settlement agreements signed with departing employees contained confidentiality clauses? Again, 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.

(B) Of the total number of confidentiality clauses issued during each financial year, how many came from Category 1 as defined above? Category 2? Category 3? Other?

4. For each of the last five financial years, how many departing NHS staff who signed a settlement agreement received an agreed reference as part of the agreement?

5. For each of the past five financial years, how many of the settlement agreements signed with departing employees were referred to the Treasury/Department for Health to be signed off?

The information requested is not held centrally in an electronic database. This type of information is held in staff personnel files and is exempt under the Freedom of Information Act Exemption Section 40 Personal Information.