

Information Governance

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Our reference: FOI DA3091

Thank you for your request for information received 23rd April 2019. I am sorry for the delay in responding to you. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Ayomide Adediran
Information Governance Coordinator

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision. If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

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

Tel: 0303 123 1113
Web: www.ico.org.uk

Request:

Question 1. The number of exit agreements (resignations, dismissals, retirement etc.) containing a Non-Disclosure Agreement

Answer: 26.

The standard form Settlement Agreement used by the Trust has a confidentiality clause, which prevents the parties disclosing the existence and terms of the Settlement Agreement but there are exemptions to the confidentiality obligation, namely the employee can make disclosure of this information:-

- To their professional advisers to obtain professional advice;
- To their immediate family on condition the family member agrees to keep the information confidential;
- To their GP or similar health practitioner or an employment support scheme for the purposes of seeking support/treatment and provided the medical professionals agree to keep the information confidential;
- As directed by any competent authority or court of law or HMRC or as required by law.

The confidentiality wording also expressly states that the Settlement Agreement does not prevent the employee blowing the whistle (i.e. making protected disclosures) and further does not prevent the Settlement Agreement from being subject to scrutiny by any statutory body such as the NAO or PAC.

The drafting of the confidentiality provisions has been developed to take specific account of both the NHS Employers Guidance (on the Use of Settlement Agreements and confidentiality clauses – updated Feb 2019) and the Settlement Agreement Factsheet issued in conjunction by NHSE and the National Guardian (Freedom to Speak Up) Office also dated Feb 2019.

Question 2. The total amount of money paid as lump sums (excluding any regular payments) as part of these agreements

Answer: £274,978.

Question 3. The largest sum paid for a single exit agreement by your Trust

Answer: £60,000.

These figures cover the period from 2017 to the current date.